



NUCLEAR WASTE  
MANAGEMENT  
ORGANIZATION

SOCIÉTÉ DE GESTION  
DES DÉCHETS  
NUCLÉAIRES

# ***Building Relationship***

***The NWMO Aboriginal Dialogue***

***2003 - 2005***

***18 October 2005***

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Toward the end of this project, Richard Long, WITA's Nuclear Dialogue Coordinator passed away. Richard was deeply involved in the evolution of Canada's Aboriginal Community over many years. His part in this work was significant and his presence will be deeply missed.

# ***Building Relationship***

## ***The NWMO Aboriginal Dialogue 2003 - 2005***

### **1. Introduction**

Canada is home to approximately one-million Aboriginal people. They include Status First Nations, Non-status First Nations, Métis, and Inuit People. Their cultures are rich, diverse, and steeped in a history that extends thousands of years before contact with Europeans.

The approach taken by the NWMO is dependent on working together with and being guided by the values of those who stand to be affected by whatever management strategy that is chosen. Thus, since its inception, the NWMO has sought dialogue with the Aboriginal community: to share information on the issue of managing used nuclear fuel over the long term, to understand how this information is processed by the Aboriginal community and in turn, to learn from the reactions, insights and concerns that are expressed as a result.

Motivation stems partly from what Aboriginal people said to the Seaborn Panel<sup>1</sup> and partly from the *Nuclear Fuel Waste Act 2002*, which requires such interaction. Importantly, it also arises from a realization that regardless of where any long-term waste management facility is located – at reactor site or far distant – the effects of that facility will ripple out not only to any conventionally organized town or city but also to adjacent Aboriginal traditional territory and the people who live there.

For ultimate success, the work of the NWMO must contribute positively to both human and ecosystem well-being – this is the test of sustainability. The chance of achieving that success will be significantly increased if the spirit of cooperation is positive and if the NWMO can demonstrate over time that its actions can contribute to the achievement of the goals and aspirations that any affected community (Aboriginal and non-aboriginal) has defined for itself. In contrast, the NWMO's chance of success will be undermined without such a spirit of cooperation.

In Canada and abroad this realization has led to a significant evolution in the way that plans are conceived and decisions are made for many large public projects<sup>2</sup>. Rather than decision-making

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<sup>1</sup> Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel (the Seaborn Panel). Ottawa: Canadian Environmental Assessment Office. A summary of Aboriginal comments to the Seaborn panel is included in Stevenson, Mark, 2003. Social Issues Associated with the Atomic Energy of Canada Limited Nuclear Fuel Waste Management and Disposal Concept, 2003. NWMO Background Paper 2-2 (Sections 3.19 – 3.21 and Appendix A pp. 95 – 108). Available on line at <http://www.nwmo.ca>

<sup>2</sup> For example, see the World Bank's July 2005 Operational Policies and Bank Procedures for Indigenous Peoples. Available on line at <http://www.worldbank.org/indigenouspeoples>. A useful discussion of related issues is contained in Render, Jo M., 2005. *Mining and Indigenous Peoples Issues Review*. London: International Council of Mining and Metals. Available at <http://www.icmm.com/publications/763IPReport.pdf>

by a small group in a climate of secrecy, the change has been towards inclusion of the broad range of those affected and a commitment to transparency in decision-making processes.

To affect these kind of changes in practice, new kinds of processes have emerged that facilitate a bridging of disciplines and cultures. In all cases, the first step is to create a kind of open communication that can serve to educate participating parties (all – including proponent, government, community) about the various values, concerns, technical insights and protocols of decision-making that are at play.

The above context underlies the NWMO Aboriginal Dialogue summarized in this report. It is a reporting out with three audiences in mind. First, it is written for the Aboriginal people themselves – to offer a full description of all dialogue elements and to provide a means to reflect back what the NWMO heard. Second, it is directed at Canadians in general as a means of sharing what we have learned. Lastly, this report is written for government who must ultimately decide the direction that is taken.

In August, 2005 – at the end of this phase of the Aboriginal Dialogue – the NWMO convened an “Elders’ Forum.” In total, 48 individuals participated including 23 Elders, 19 “young” people named by the Elders in a support role, a special translator (Inuktitut) and five individuals from the Nuclear Waste Management Organization. In one of its recommendations, the Elders’ Forum urged the NWMO to generate a stand-alone report that summarized the NWMO Aboriginal Dialogue. This report is a response to their recommendation.

## **2. Goal and Objectives**

In the early stages of its work, the NWMO initiated a number of activities to explore how best to engage with Aboriginal People. Letters announcing the creation of the organization were distributed to key Aboriginal national and provincial organizations that participated in the Seaborn process. An Aboriginal Sub-committee of the NWMO Advisory Council was created.

During Phase 1 of the NWMO Study, Conversations about Expectations, the NWMO contacted and/or met with Aboriginal representatives of organizations and communities that resided near existing nuclear power plants or waste storage sites, and other Aboriginal leaders whom had a significant role in public policy matters, to introduce the NWMO and invite initial comment on the work before us.

NWMO also met with representatives of various federal government agencies including Natural Resources Canada (had initiated contribution agreements with the national Aboriginal organizations to consult on long-term nuclear fuel waste management); Environment Canada, Aboriginal Policy & Intergovernmental Coordination Unit (which was developing guidelines for consultation with First Nations); Canadian Environmental Assessment Agency Staff responsible

for the Aboriginal Consultations on the five year review of the Canadian Environmental Assessment Act.

Early in 2003, Ron Doering, a consultant with extensive experience in Aboriginal affairs, was commissioned to develop a preliminary strategic direction for the NWMO. Eleven Aboriginal leaders were interviewed about the approach the NWMO might adopt in developing an Aboriginal engagement program. These were individuals with significant backgrounds in law, communications, research, academia, etc. who were engaged in work with Aboriginal political organizations, the private sector (consulting, mining), government, and universities. Based on their advice, and building on insights provided to the Seaborn Panel, a preliminary strategy was developed. As a result, the NWMO:

1. Committed to inviting Aboriginal participants in all possible aspects of its study and dialogue activities. Aboriginal peoples and representatives were subsequently invited to and/or participated in the work of the NWMO Scenarios Team; Ethics Roundtable; National Citizen's Dialogue on Long-Term Management of Used Nuclear Fuel; Nature of the Hazards Workshop, National Stakeholders and Regional Dialogues and the Community Dialogue Planning Workshop prior to completion of the Draft Study Report and Regional Dialogues after publication of the Draft Study Report.
2. Committed to exploring the issue of Aboriginal Traditional Knowledge with the Aboriginal community and how it can be respectfully and legitimately applied to the issue of managing used nuclear fuel over the long term.
3. Sought the advice and guidance of the National Aboriginal Organizations on how best to proceed to incorporate Aboriginal perspectives into the NWMO study process. This initiated the Aboriginal Dialogues with the national organizations, further discussed in the next section.
4. Contacted First Nations, and other Aboriginal participants in the Federal Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel hearings (Seaborn Panel), to determine their interest in meetings and as a way of broadening the contact with Aboriginal people from the different regions of Canada.
5. Sought to engage local Aboriginal groups when nuclear site visits occurred – this element was further elaborated when NWMO held the Reactor Community Dialogue Planning Workshops and the facilitator specifically sought Aboriginal neighbours to participate in the development of a nuclear reactor site community dialogue forum.
6. Put resources to developing a preliminary Aboriginal communications strategy. This initiative was dropped as the Aboriginal-driven programs of the national and regional organizations gained momentum.

In July 2003, NWMO wrote to five national Aboriginal organizations (Assembly of First Nations (AFN), Métis National Council (MNC), Inuit Tapiriit Kanatami (ITK), Congress of Aboriginal Peoples (CAP), and the Native Women's Association of Canada (NWAC)) seeking early (before substantive work was undertaken) advice on how best to proceed and in particular how the insights and wisdom offered by traditional knowledge could be brought to bear. As a result, though the timing of responses varied, collaborative arrangements were struck to facilitate discussion with each organization's constituents regarding the nuclear waste study. Process design and

implementation would be determined and managed by the national Aboriginal organizations (as recommended by the Seaborn Panel); key NWMO study milestones would be respected.

Four of the organizations (AFN, MNC, ITK, and CAP) had signed contribution agreements with Natural Resources Canada aimed at capacity building related to the nuclear waste issue. Thus, effort was put to ensuring that: (1) funding from NWMO was used in a way that was synchronous and not overlapping with the resources provided by NRCan, and (2) the unnecessary complexity of running parallel consultation and dialogue programs with the same constituents was avoided.

As the NWMO Aboriginal Dialogue evolved, it became apparent that direct interaction between the NWMO and regional/local organizations was also important for two reasons. First, some regional organizations and local communities asked for such direct interaction, wishing to lead discussion in their own communities themselves. Secondly, the NWMO itself recognized the importance of direct local interaction as well as the need to build a foundation of experience for the future that extended across the full range of the Aboriginal community in Canada.

In September 2004, and building on the experience attained to that time, the NWMO developed a formal statement of goal and objectives to guide the Aboriginal Dialogue. This statement, confirmed by the NWMO Advisory Council and Board, serves to clearly signal that the NWMO is committed to taking a long-term perspective and to building and maintaining relationships accordingly. As the NWMO now moves into the next phase of its work, this statement will be revised as necessary. For example, a progressively more local focus is inevitable as government chooses the management strategy. With that choice and through dialogue, who stands to be affected will be clarified.

### **Goal of the NWMO Aboriginal Dialogue, 2003 - 2005**

#### **To build the needed foundation for a long-term, positive relationship between NWMO and the Aboriginal peoples of Canada.**

##### **2003 – 2005 Objectives**

1. To build effective working relationships with the national Aboriginal organizations by supporting and working with them as they conduct their dialogue processes on the long-term management of used nuclear fuel and integrating the results of their work into NWMO deliberations;
2. To build effective working relationships at the local or regional scale by supporting and facilitating local dialogue processes should they be desired and in a way that is coordinated with activities being led by the national organizations;
3. To generate specific commentary from an Aboriginal perspective on NWMO deliberations as summarized in the three NWMO milestone discussion documents within a time frame that ensures Aboriginal ideas, insights, wisdom and values are factored into the final NWMO recommendations to government;
4. To document the input of Aboriginal peoples to NWMO deliberations as a means of ensuring: that Aboriginal ideas, insights, wisdom and values have contributed to the development of the NWMO's final recommendation to government; and that they are available over the long term as part of the foundation needed for continuous learning;
5. To undertake special activities which are appropriate to complement the actions undertaken to meet the above objectives.

### 3. Dialogue Components

#### Collaborative Agreements with Organizations

The NWMO Aboriginal Dialogue has evolved to encompass collaborative agreements with:

1. six national Aboriginal organizations including the four with whom NRCan has signed contribution agreements:
  - The Assembly of First Nations (AFN)
  - The Métis National Council (MNC)
  - The Inuit Tapiriit Kanatami (ITK)
  - Congress of Aboriginal Peoples (CAP)
  - Pauktuutit Inuit Women's Association
  - Native Women's Association of Canada (NWAC)
  
2. eight regional/local organizations including:
  - Ontario Métis Aboriginal Association (OMAA)
  - Northern Saskatchewan Local Dialogue (Sakitawak Metis Society and Askiv Consultants Inc., Ile-a-la-Crosse, Saskatchewan)
  - Eabametoong First Nation, Fort Hope, Ontario
  - East Coast First People's Alliance, New Brunswick
  - The Western Indian Treaty Alliance (WITA – Alberta, Manitoba, and Saskatchewan)
  - The Atlantic Policy Congress of First Nation Chiefs (APCFNC)
  - Union of New Brunswick Indians (UNBI); and
  - The Federation of Saskatchewan Indian Nations (FSIN)

In addition, an outreach program has been initiated to develop relationships with an expanded group of First Nations of Ontario, Québec, New Brunswick, and Saskatchewan. This part of the program is just now beginning and will extend into 2006 activities. (In Québec, contact was made with the James Bay Cree in the spring of 2004 and a signal received that they could not engage in a discussion about the long-term management of used nuclear fuel at that time.)

A summary of the programs supported by NWMO and run by local, national, or regional organizations is provided below, further details are found in Appendix 2.

## National Organizations

<i>Activity Description</i>
<p><b><u>Assembly of First Nations (AFN)</u></b></p> <p>Program Coordinator plus four regional coordinators hired; National Working Group established to guide process; Regional Chiefs Environmental Council convened twice, once to initiate dialogue, once after Draft Final Report; four regional dialogues plus local interaction, educational video generated; youth art contest, review of environmental issues; related reporting of issues to NWMO. Estimate interaction with 200 people.</p>
<p><b><u>Métis National Council (MNC)</u></b></p> <p>Program Coordinator hired, subcontracts let to five regional affiliates in British Columbia, Alberta, Saskatchewan, Manitoba, and Ontario; National Environmental Committee convened to guide process; 15 regional meetings in five constituent organizations (Ontario (6), Manitoba (6), Saskatchewan (0), Alberta (1), BC (2)); related reporting of issues to NWMO. Estimate interaction with 500 people.</p>
<p><b><u>Inuit Tapiriit Kanatami (ITK)</u></b></p> <p>Program coordinator hired, Regional meetings in four constituent land claims organizations (Labrador, Nunavik, Nunavut, Inuvialuit); related reporting of issues to NWMO. Estimate interaction with 100 people.</p>
<p><b><u>Congress of Aboriginal Peoples (CAP)</u></b></p> <p>Program coordinator hired. Regional meetings in eight constituent regions (Newfoundland, Labrador, Québec, Nova Scotia, PEI, New Brunswick, Manitoba, BC) (Ontario handled by OMAA, see R/L-6 below); related reporting to NWMO. Estimate interaction with 200 people.</p>
<p><b><u>Pauktuutit Inuit Women's Association</u></b></p> <p>Single workshop convened in Ottawa and facilitated by NWMO with reps from across the Arctic; report to NWMO. Participants - 20</p>
<p><b><u>Native Women's Association of Canada (NWAC)</u></b></p> <p>Single workshop convened in Ottawa reps from across Canada; report to NWMO. Participants - 20</p>

## Regional/Local Organizations

<i>Activity Description</i>
<p><b><u>Ontario Métis Aboriginal Association (OMAA)</u></b></p> <p>Two Program Coordinators commissioned. Initial and final Board workshops, community meetings throughout Ontario, information sessions in malls, questionnaire distributed, compiled, and analyzed, related reporting to NWMO. Estimate interaction with 1,300 people in 65 community meetings, additional contacts at mall-based information sessions.</p>
<p><b><u>Northern Saskatchewan Local Dialogue</u></b></p> <p>Métis-led initiative bringing together Métis, First Nation and non-Aboriginal people in northern Saskatchewan in the vicinity of the uranium mines. Initial 2.5 day community retreat near Beauval involving reps from 19 communities, 5 First Nations and non-aboriginal people; 2.5 community day retreat; report to NWMO; short video completed;</p>

proposal received for development of native language. Second event held in La Ronge in response to the Draft Study Report. Third event held in Isle a la Crosse involving youth. Estimate interaction with 300 people.

**The Eabametoong First Nation, Fort Hope Ontario**

Elder-led initiative in the community; many meetings and discussions; reporting to NWMO; proposal for development of native language capacity and for ongoing dialogue involving their communities and others. Elders' group includes about 20 but estimate interaction with 100 people.

**East Coast First People's Alliance (ECFPA), New Brunswick**

Single 2-day meeting convened in Bathurst, NB; report to NWMO. 20 participants. Survey compiled involving 262 people.

**The Western Indian Treaty Alliance (WITA)**

Working Group established involving representatives from all three constituent organizations (Congress of Aboriginal Peoples of Saskatchewan Inc., Indian Council of First Nations of Manitoba Inc., and Native Council of Canada – Alberta). Initial workshop followed by meetings in Edmonton, Regina, and The Pas. Report to NWMO. Estimate interaction with 60 people.

**Atlantic Policy Congress of First Nation Chiefs (APCFNC)**

Pre-DSR activity involved Meetings held in Fredericton, NB and Truro, NS; report to NWMO. 25 participants. Post DSR activity included 2 focus groups (Big Cove and Fredericton) and a regional meeting in Halifax. Estimate interaction with 60 people.

**Union of New Brunswick Indians (UNBI)**

Half-day meetings in each of the 15 First Nation communities in New Brunswick all held in July 2005. Related reporting to NWMO. Estimate interaction with 200 people.

**Federation of Saskatchewan Indian Nations (FSIN).**

Eleven information/education sessions held in First Nations across Saskatchewan in July and August 2005. Related reporting to NWMO. Estimate interaction with 150 people.

The total level of resources provided by NWMO to support these activities to date is in the order of \$2 million. In addition to the direct financial resources, the NWMO sought to support the Aboriginal-led dialogues in other ways, through information sharing, briefings, and training. When required, information (print and video) was transferred electronically to facilitate its integration in the education materials being prepared specifically for use in the Aboriginal Dialogues. By invitation, NWMO representatives participated in many of the dozens of meetings convened through the above programs as resource people.

## **Involving Aboriginal People in NWMO Activities**

An ongoing effort has been made to involve Aboriginal peoples in all NWMO activities. With few exceptions Aboriginal people have been invited and/or have participated including: the NWMO Scenarios Team, Ethics Roundtable, National Citizen's Dialogue on Long-Term Management of Used Nuclear Fuel, National Stakeholders and Regional Dialogues, Nature of the Hazards Workshop, Community Dialogue Planning Workshop, and Post Draft Study Report Regional Dialogues.

### **Aboriginal Language Capacity**

An issue that is of significant concern is the current limited capacity to express the technical and social issues of nuclear waste management in Aboriginal languages. In the Eabametoong First Nation Dialogue led by an Elders' Working Group, all meetings have taken place in Ojibway including those in which NWMO has participated. In its work, Pauktuutit Inuit Women's Association translated all of the NWMO presentation into Inuktitut.

Proposals were received from two organizations (Eabametoong First Nation, Fort Hope Ontario; Askiv Consultants Inc., Isle a la Crosse, Saskatchewan) to work on developing Aboriginal language capacity. As an early exercise, translation of the Executive Summary of the Draft Study Report into Ojibway, Cree, and Oji-Cree was undertaken. In completing these translations, significant difficulty was encountered because words in the Aboriginal languages do not exist for many of the needed concepts, materials, and processes. As a result, while other translations were considered, they were not undertaken at this time pending development of a longer term Aboriginal language capacity. The NWMO envisions working collaboratively on such an initiative with the Aboriginal community and others.

### **Traditional Knowledge Workshop.**

Joanne Barnaby of Hay River, Northwest Territories, was commissioned to develop a background paper on Traditional Knowledge, and then design, implement and report on a workshop on Traditional Knowledge and Aboriginal Wisdom. The workshop took place in Wanuskewin Heritage Park outside of Saskatoon in the fall of 2003, and participants included elders and holders of traditional knowledge, practitioners and academics. The Workshop discussed how Traditional Knowledge could help inform or guide the NWMO and its study on the long-term management of used nuclear fuel.<sup>3</sup> The insights that emerged from the workshop were fed into development of an Ethical and Social Framework for testing any proposed long-term approach to managing used nuclear fuel over the long term.<sup>4</sup> For her part, Ms. Barnaby also subsequently served as rapporteur to the Elders' Forum held in late August, 2005 and described below.

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<sup>3</sup> Results of The Traditional Knowledge Workshop are summarized in Barnaby, 2003. *Drawing on Aboriginal Wisdom – A Report on the Traditional Knowledge Workshop*. NWMO Background Paper 8-3. Available on-line at [http://www.nwmo.ca/adx/asp/adxGetMedia.asp?DocID=285,282,199,20,1,Documents&MediaID=1001&Filename=83\\_NWMO\\_workshop\\_report.pdf](http://www.nwmo.ca/adx/asp/adxGetMedia.asp?DocID=285,282,199,20,1,Documents&MediaID=1001&Filename=83_NWMO_workshop_report.pdf)

<sup>4</sup> See Appendix 7 of the NWMO Final Study Report, *Choosing a Way Forward*, available at <http://www.nwmo.ca>.

## **Elders' Forum**

Throughout the Aboriginal Dialogue and consistent with what was voiced at the Traditional Knowledge Workshop, there has been a consistent call to bring Aboriginal Traditional Knowledge to bear as an equal partner to “western science.” The process of bringing Aboriginal Elders and their knowledge into deliberations is a long-term and continuous one. How best to achieve an effective working partnership between Aboriginal Traditional Knowledge and western science is not well understood and all concerned, including and in particular the NWMO, have much to learn on this front.

As one important step in this continuing process, and strongly supported by the Advisory Council, the NWMO convened an Elders' Forum in Ottawa, August 25 – 27, 2005. Participants were drawn from across the country and included the complete spectrum of Canada's Aboriginal community. In total, there were 48 participants including 23 Elders (originally suggested by the local, regional, and national organizations who had received support from the NWMO), 19 “young” people named by the Elders in a support role, a special translator (Inuktitut) and five individuals from the Nuclear Waste Management Organization. Results of the Forum have been fed into the process of designing NWMO's ongoing Aboriginal Dialogue.<sup>5</sup>

## **Reactor Tour, Pre-Report-Release Briefings**

In September 2004, NWMO facilitated a tour of Pickering Nuclear Generating Station, for staff at the various national and regional Aboriginal organizations who were managing and implementing the National Aboriginal Dialogues at that time. The tour was designed not only so participants could tour the station and used nuclear fuel management facilities but also to make direct contact with the station personnel, should they wish to pursue additional information about station operations or used fuel handling. More such tours were subsequently requested and inevitably will be repeated in the future.

For both the Draft Study Report and Final Study Report, participating organizations were offered the possibility of receiving a briefing prior to report release.

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<sup>5</sup> Results of the Elders' Forum are summarized in Barnaby, 2005. *Report of the Elders' Forum*. Available on-line at <http://www.nwmo.ca/Default.aspx?DN=1428,1002,988,20,1,Documents>

## 4. What the NWMO Heard

Each organization filed reports that describe their own unique perspectives and comments. In the NWMO Final Study Report, these insights are integrated throughout the text as well as being the subject of Aboriginal-specific sections. In addition to the detailed program descriptions summarized above, Appendix 2 provides a listing of the major perspectives and insights that emerged from each of the processes supported through the NWMO Aboriginal Dialogue.

Below, a further summary of perspectives arising in the Aboriginal Dialogue is offered. Readers are cautioned that in developing this kind of summary, judgements were required in the writing process that may have subtly altered meanings in un-intended ways. Some 55 reports consisting of hundreds of pages of text have been reduced in the summary below to a few pages. Therefore to ensure a full understanding of the perspectives of each organization, readers are urged to consult the primary documents produced by the Aboriginal organizations themselves, all of which are available on-line at <http://www.nwmo.ca>.

### **Overarching Perspectives and Concerns**

**Safety.** The highest priority concern expressed is for safety and security for people and the environment.

**Fairness in the Distribution of Costs, Benefits, and Risks.** The Aboriginal community is gravely concerned that the costs, benefits and risks related to this issue be fairly distributed. Many suggested that urban dwellers will argue that a more northern and rural location, where most Aboriginal communities are found, would be a preferable site for waste management facilities because it would be considered “remote” from concentrations of population and therefore safer. However, in their view this kind of attitude unfairly characterizes the north as “empty” of people when in fact it is the home of Aboriginal peoples and other northerners. Many Aboriginal peoples feel that few if any benefits realized by nuclear energy have accrued to them. In fact, some feel they have been negatively impacted by components of the nuclear fuel cycle, such as uranium mining. For them, the idea that traditional Aboriginal territory would be targeted for hosting a waste management facility is both unfair and unacceptable. However, others see the potential for gain from a waste management facility in terms of long-term economic and social stability and have expressed an interest in perhaps further exploring the idea. But, they need to be assured the safety and security for people and the environment can be maintained; this is a non-negotiable requirement. In addition to the above perspectives, concern was expressed that financial leverage may be used to persuade an economically depressed Aboriginal community to accept the used nuclear fuel. This would be unfair and inappropriate.

**The Issue of “Consultation.”** This is a complex legal issue concerning how Aboriginal peoples see “consultation” under the Canadian Constitution. Almost every organization participating in the Aboriginal Dialogue argued that our Aboriginal dialogue is not “consultation” as required by their interpretation of the law.

**Trust and Integrity.** A deep suspicion towards government, the nuclear industry, the power utilities, the Nuclear Waste Management Organization, and this Dialogue was commonly expressed. Many voiced a specific discomfort with the make-up of the NWMO Board, arguing that its composition by appointees from the waste owners diminishes the credibility of the organization and is inconsistent with the “arms-length” status recommended by the Seaborn Panel. Many Aboriginal peoples commented more generally on their experiences with various industries and government, saying they had lost trust in these institutions and in some cases even feared harm would come to their communities and traditional territory from a nuclear waste management system. However, others argued that it was now time to re-engage – on the right foot – to contribute to finding the needed strategy for managing used nuclear fuel over the long term, and working collaboratively based on mutual respect and integrity. As part of this concern, the need to include all components of the Aboriginal community was voiced.

**Recognition of Aboriginal Rights, Treaties and Land Claims.** Many participants in the Aboriginal dialogues expressed concern that the *Nuclear Fuel Waste Act* does not mention, and that the NWMO has not made explicit, reference to respecting Aboriginal rights, treaties and land claims. For these individuals, a first step in establishing the needed trust would be a formal commitment on the part of the NWMO to respect Aboriginal rights, treaties and land claims.

**Aboriginal Traditional Knowledge.** In September 2003, NWMO convened the Traditional Knowledge workshop described previously. In subsequent discussions initiated through the Aboriginal dialogues, more was contributed regarding Aboriginal Traditional Knowledge as various Aboriginal participants added insight.

We have learned that Aboriginal Traditional Knowledge includes both an understanding of nature and of human relationships. It sees humans as part of the environment and spirituality a component of all relationships. It honours the wisdom of elders, whether they be from Aboriginal or non-Aboriginal communities. It looks to collective benefits for both the short and long term, and uses the concept of considering implications of today’s actions for at least seven generations.

Traditional Knowledge provides rules for protecting the land while using it; clarifying and enhancing relationships amongst users; assisting in the development of technologies to meet the subsistence, health, trade and ritual needs of local people; and helping to create a world view that incorporates and makes sense of all of these in the context of a long-term, holistic perspective in decision-making.

Table 1 below offers two perspectives on the nature and breadth of Aboriginal Traditional Knowledge that came to us through the Dialogues.

### Table 1. Perspectives on the Nature and Breadth of Aboriginal Traditional Knowledge

The Centre for Indigenous Environmental Resources in Winnipeg identifies four aspects of Traditional Wisdom and Knowledge:

**Process related insight.** This is about who talks, when to talk, how to talk, and the appropriate protocols for relationship building and decision-making;

**Special knowledge related to the land.** This is site specific, and can be held by not only indigenous people but also by anyone who has long lived on the land;

**Values.** These reflect the special importance of the environment, recognition that humans are part of that environment and a commitment to a holistic perspective that sees the encompassing system as much as the component parts; and

**Spirituality.** This serves as a weave across everything, but there is no single expression.

In work commissioned by the Métis National Council, Métis Traditional Knowledge is described as “a complexity of inherent and intrinsic wisdom” held and expressed in four realms, or four “wisdoms” that include:

**Wisdom of Life** – encapsulates the wisdom of Métis women, as nurturers of life;

**Wisdom of Earth** – encapsulates the wisdom of Traditional Resource Users, offering the complementary wisdom to Western scientific knowledge; touching on the ecological, geological and biological sciences from a Métis, applied perspective;

**Wisdom of Community** – Métis community collective wisdom, gathered through dialogue, social interaction, relationships among family and friends, relationships in business; and

**Wisdom of the Spirit** – encapsulates the Traditions and Culture of the Métis Nation, including adornment (sash), music (fiddle), dance, visual and performing arts.

Participants in our Aboriginal Traditional Knowledge Workshop identified five values or principles associated with Traditional Management Practice:

**Honour** the wisdom that can be garnered from speaking to the elders in both the Aboriginal and non-Aboriginal community.

**Respect** the opinions and suggestions of all who take the time to provide insight into the process.

**Conservation**, particularly as it applies to consumption of electricity.

**Transparency**, particularly when NWMO (the producer of the problem) has to suggest the solution.

**Accountability** so those responsible (whether for the concept or delivery) are held to high account by the public for actions, given the nature of the problem.

These principles served as significant influence on development of the NWMO assessment framework, particularly the ethical principles. Applying these principles (for example in any NWMO process) would involve the elders and wisest speaking first, praying for assistance to make good decisions, constantly growing and evolving with new insights, involving the whole community, and considering the consequences of decisions we make today on seven generations into the future. It would recognize that people are part of and guardians of the land, understand and apply the consequences of breaking traditional law, and ensure strong accountability is integrated into the management strategy. This would involve consideration of the biophysical, economic,

social, cultural and spiritual aspects of the environment while maintaining an emphasis on interrelationships.

Many Aboriginal peoples expressed a frustration that they did not see in the work of the NWMO, a concrete reflection of Aboriginal Traditional Knowledge. They pointed out that an intellectual understanding of another culture is not the same as respecting that other culture, accepting differences and applying the insights from it. From another perspective, a number of Aboriginal peoples argued that the treatment of Aboriginal Traditional Knowledge by the NWMO serves to create a sense of paternalism. From their point of view there seems to be a calculated overemphasis on Traditional Knowledge that masks any sense that Aboriginal peoples have insight and knowledge simply as people in their own right. However yet others suggested that because nuclear waste is so “new,” Traditional Knowledge has little to offer the design and implementation of a management strategy.

For the NWMO, with its roots in western culture, there is still much to learn about Aboriginal Traditional Knowledge and how it can be respectfully and effectively integrated into decision-making processes as an equal partner with western-based “scientific” insight.

**Responsibility.** There were two distinct aspects of “responsibility” expressed in the Aboriginal dialogues. First, there is an absolute consensus that Aboriginal peoples have a special relationship with the “land” and a strong commitment to honour and protect the environment is attached. Quite distinct from that sense of responsibility is the attitude of Aboriginal peoples towards the issue of managing used nuclear fuel. On this topic, the Aboriginal community is split. On the one hand, some pointed out that Aboriginal peoples were not involved in the decision of whether or not to proceed with the creation of used nuclear fuel in the first place, and thus the responsibility for addressing the used fuel issue is not theirs. However, others spoke of the responsibility of Aboriginal peoples and all Canadians to manage these wastes because of the overarching implications for people, regardless of origins, and the environment. They signaled a desire to play a part in designing the management strategy. Even though nuclear fuel waste was not created by Aboriginal peoples, they see the need for action sooner rather than later to address the issue.

**Continuity of Engagement.** Regardless of positions taken on the work of the NWMO, there was a consistent call for an ongoing effective engagement program to help design and implement the way forward. There was some call for creating an independent oversight capacity for Aboriginal peoples covering any plan that is put into effect. All emphasized the need for information that is culturally and linguistically appropriate to ensure effective engagement and a dominant theme was an emphasis on the need to engage directly with the local communities that might be affected by any management strategy. Many said that there is a need to involve Elders because of their wisdom and experience, and young people since they will be the ones addressing this matter in the future. There was a call for “building bridges for young people to develop their views, to carry traditional ways in new and different ways.” A majority of the participating Aboriginal groups, either formally or informally, expressed concerns that representation of Aboriginal peoples within NWMO teams and as staff people is inadequate. They would like to see this addressed as we proceed to implementation.

**Energy Policy.** Many Aboriginal participants spoke in favour of reducing the use of energy in general and nuclear energy in particular. They argued that the waste management issue cannot be fully resolved without a broad discussion of energy policy and the long-term role of nuclear energy. Further, they suggested there is a need to address the full cycle of nuclear materials from mining through long-term management of waste, including low and intermediate level radioactive wastes. An underlying issue here was a concern that resolution of the used-fuel management issue would open the door for expansion of nuclear energy.

**Transportation.** Significant concern was expressed about the risks associated with transportation.

**Waste Importation.** Waste importation is not acceptable to most Aboriginal peoples and there is concern that this is not explicitly rejected in the *Nuclear Fuel Waste Act*. Some concern was expressed that the North American Free Trade Agreement might force Canada to import nuclear waste from the United States, and this could be extended to bring in waste from other countries. Some called for a specific law prohibiting importation.

**Reprocessing.** Discussion about reprocessing produced mixed messages. On the one hand, many aboriginal participants signaled support for ongoing research related to reprocessing (and partitioning and transmutation) in the hopes that scientific breakthroughs would lead to new ways of reducing the hazard of used nuclear fuel. On the other hand, because the current approach to reprocessing generates plutonium – a material used for weapons – some called for an absolute ban on reprocessing in any form.

**Retrievability and Maintenance of Choice for Future Generations.** Many were supportive of maintaining a capacity for retrievability in the hopes that ways of reducing the risk or further using the used fuel would be discovered in the future. They also confirmed the need to leave options open so future generations could re-visit today's decision and make decisions that were right for them.

**Education and Knowledge.** The need for education and more transfer of knowledge about the issue of long term management of used nuclear fuel was a strong theme. Many called for a more effective balance of perspective from within and outside the nuclear industry than had been noted to date. The Elders' Forum called for creation of a scholarship to support long-term Aboriginal knowledge and skill enhancement on this issue. They also emphasized the need to focus learning and exchange activities at the grass roots level.

**Research.** There is a belief that more research is needed on such topics as the nature and extent of associated risks, the nature of potential costs and benefits (social, cultural, environmental, economic), methods for eliminating the hazardous nature of nuclear fuel waste, development of alternative energy sources, and improving and demonstrating the performance of storage containers. As well, there are calls for conducting research and monitoring of international research efforts concerning advanced technologies for the reprocessing, partitioning and transmutation of wastes as well as Traditional Knowledge and its application.

## Perspectives on the Various Alternatives Initially Considered by the NWMO

### 1. Perspectives on the Initial Screening of Methods

In NWMO's second discussion document (Understanding the Choices, Chapter 4)<sup>6</sup> the initial screening of methods shown below in Table 2 was offered by NWMO's Assessment Team. During the Aboriginal Dialogue many questions were posed about some of the alternative methods, particularly disposal in space. However, for those that reviewed and commented on this initial screening of methods, general support was signalled. As noted above, comment on reprocessing was mixed with some agreeing with the "watching brief" approach in the hopes that scientific effort would bring a breakthrough that would reduce the potential hazard from used nuclear fuel with others arguing for an immediate ban on reprocessing to be entrenched in law because of the production of plutonium that could be used for weapons.

<b>Table 2. NWMO Assessment Team's Initial Screening of Methods</b>
<b>Methods Receiving International Attention</b> – Those that were eliminated from detailed review for a variety of reasons but on which a "watching-brief" should be maintained. <ul style="list-style-type: none"><li>• Reprocessing, partitioning and transmutation</li><li>• Emplacement in deep boreholes</li><li>• International repository</li></ul>
<b>Methods of Limited Interest</b> – Those that were dropped from further review. <ul style="list-style-type: none"><li>• Dilution and dispersion</li><li>• Disposal at sea</li><li>• Disposal in ice sheets</li><li>• Disposal in space</li><li>• Rock melting</li><li>• Disposal in subduction zones</li><li>• Direct Injection</li><li>• Sub-Seabed disposal</li></ul>
<b>Methods Selected for Review</b> <ul style="list-style-type: none"><li>• Storage at Reactor Sites</li><li>• Centralized storage</li><li>• Deep Geological disposal</li></ul>

### 2. Perspectives on the Three Options Subject to Detailed Review.

Of all the comments received through the Aboriginal Dialogue, leaving the used fuel at reactor site was the most favoured. Those arguing this position found it the fairest, felt that not having to transport it was a significant advantage, and pointed out the ease of retrieval (maintenance of choice for the future), the existence of technical capacity already in place at the reactors and the

<sup>6</sup> *Understanding the Choices*, NWMO's second discussion document is available on-line at [www.nwmo.ca](http://www.nwmo.ca).

knowledge and understanding already in place in the local community. They also argued that keeping the used fuel in the public eye would serve to encourage effective management.

Deep Geological Disposal was the least favoured with arguments against its use centering on issues of spirituality related to the land, environmental and safety concerns, transportation, reduction of capacity to retrieve, and a concern that putting the waste out of public view would undermine effective management.

However, the above perspectives were not universally held. When the very long term was considered, leaving the used fuel adjacent to the existing reactors was seen by some as seriously problematic for the safety of people and the environment. Some argued that a single simple course of action should be taken that involved developing a deep repository as quickly as possible.

### **Perspectives on the Proposed “Adaptive Phased Management” Approach**

Reaction voiced in the Aboriginal dialogues to the NWMO’s Adaptive Phased Management approach varied from a kind of cautious support (with caveats) by some, hesitation to make comment by others, and opposition from yet others.

#### **1. Cautious Support with Caveats**

The Inuit Tapiriit Kanatami (ITK), Métis National Council (MNC), the Ontario Métis Aboriginal Association, La Ronge Community Workshop, Northern Saskatchewan, and the Western Indian Treaty Alliance all signaled qualified support for an Adaptive Phased Approach.

For the ITK, while they are not committed to eventual deep isolation and containment, the appeal of the proposed approach comes from the long-term phasing, the time provided for further discussion while the waste is held at reactor site locations, and an overall focus that is away from Inuit lands..

The MNC found that the Adaptive Phased approach “best reflects the Métis world view” and concern for human health, environmental security, security at the site, responsibility for the site, transportation, and cost efficiency of concept. However, they strongly emphasized that implementation should be results driven, not timeline driven.

Through the early OMAA dialogue prior to publication of the Phased Adaptive Management approach in the Draft Study Report, a majority indicated support for continued reactor site storage followed by centralized storage with deep burial last. With review of Adaptive Phased Management, OMAA was supportive. They noted that it “allows for scientific progress, easy retrieval, and highlights environmental issues.” Further, they found that it “seems to take the process along a path that Traditional Knowledge would approve.”

In the La Ronge Community Workshop which included Métis, First Nations, municipal, and mining company participants, general support was reported. The Western Indian Treaty Alliance argued strongly for a simple approach that would move to deep isolation and containment as soon as possible.

Within this envelope of cautious support, the majority argue for a limit to the production of nuclear waste and a shift to other forms of energy.

## **2. No Comment**

A number of Aboriginal organizations did not feel they were in a position to make a proper evaluation of the recommended approach. These included the Assembly of First Nations, Atlantic Policy Conference of First Nation Chiefs, Union of New Brunswick Indians, and Federation of Saskatchewan Indian Nations. Some of these also argued that full “consultation” had not yet taken place and therefore they were unwilling to offer an assessment of Adaptive Phased Management.

## **3. Opposition**

Two organizations voiced opposition to Adaptive Phased Management, the Native Women’s Association of Canada (NWAC) and the Congress of Aboriginal Peoples (CAP).

NWAC’s opposition is based on:

- lack of awareness on behalf of Aboriginal peoples in the communities that may be directly impacted,
- the risks outweigh benefits for a remote community,
- transportation poses unknown risks,
- incorporation of Traditional Knowledge is as yet unknown,
- waste importation may occur,
- there is no assurance that the amount of waste will ever be limited,
- there is no discussion of pursuing alternative energy options, and NWMO is “suspect” because it is driven by the waste producers themselves.

In the case of CAP, they see the recommendation as a simple reworking of the AECL deep disposal concept which they find not proven from a safety perspective and unacceptable.

## Resolutions by Aboriginal Organizations

While outside the NWMO Aboriginal Dialogue, reaction to the work of the NWMO was also reflected in a number of resolutions passed by Aboriginal organizations.

- The Inuit Tapiriit Kanatami Board of Directors passed a resolution, June 9, 2005, in opposition “to the storage/disposal and transport of nuclear fuel waste in areas adjacent to Inuit owned lands, on Inuit co-managed lands and land governed by Inuit Land Claim Agreements”(including land, marine areas and aerospace). They also call for (1) federal support for research on alternative energy sources; (2) restrictions on the transportation of nuclear fuel waste across international boundaries; and (3) the continued storage of nuclear waste “at existing reactor sites until a way is found to safely dispose of this waste without endangering the environment, human health and safety of all Canadians.”
- The Nishnawbe Aski Nation, in July 2005, passed a resolution “that the Nishnawbe Aski Nation Chiefs in Assembly declare the lands and communities of the Nishnawbe Aski Nation (northern Ontario) a ‘Nuclear Waste Free Zone’ ”.
- The Assembly of First Nations passed resolution 39/2005 at its Annual Assembly held in Yellowknife in July 7, 2005 and subsequently affirmed by the Grand Chief and forwarded to the NWMO in early October. Their resolution urged that the *Nuclear Fuel Waste Act* be amended to extend the deadline for submitting a recommendation from November 15, 2005 to November 15, 2006 and *that NRCan and NWMO carry out “full and effective consultations with First Nations, provide adequate funds for capacity building, and ensure reasonable timeframes for discussion and adequate involvement in decision-making both.* The resolution also calls for (1) further research by NRCan and NWMO and for support for First Nations’ driven research; (2) details of monitoring plans particularly related to issues of concern for First Nations such as groundwater; (3) details of plans to address health impacts; (4) details of emergency response capacity including resources for First Nations capacity in this regard; and (5) a federal focus on development of alternative energy sources to nuclear reactors.

## 5. Looking Forward

By completion of the 2003 – 2005 Aboriginal Dialogue, some 3,000 Aboriginal people from all parts of Canada had participated in NWMO-supported discussions to some degree. Much was learned, though much more remains to be learned.

With publication of the Final Study Report in November 2005, the first step in NWMO's long task of managing used nuclear fuel in Canada will be complete.

However, as large as it may seem today, this first step is in fact small compared to what lies ahead. From the beginning, the NWMO has recognized the special, long term nature of the used nuclear fuel issue. Based on present knowledge, centuries lie ahead during which the used fuel will remain a hazard to people and the environment.

Because of this time horizon and the resulting unprecedented nature of the challenge facing NWMO as an organization and Canada as a country, the NWMO has recommended an approach that will take advantage of learning over time and that can be altered if new knowledge emerges that suggest better alternatives to what we judge today to be the safest and fairest. Making such a judgment is not simply a technical issue – it depends on understanding and bringing to bear the concerns and values of Canadians. This simple fact lies at the foundation of all that NWMO has done. And as we now move into the future, its importance remains.

Because of that, an effective, inclusive, and ongoing engagement process with all of those affected – including Canada's Aboriginal community – remains a fundamental priority.

# **Appendix 1**

## **Glossary of Terms**

The following definitions are chosen because they are the result of extensive discussion between the Aboriginal community, industry and government. They are reproduced with permission from Dan Jepsen, Bob Joseph, Bill McIntosh, and Bruce McKnight, 2005. *Mineral Exploration, Mining and Aboriginal Community Engagement: A Guidebook*. Vancouver: BC & Yukon Chamber of Mines (copyright holders).

**Aboriginal Consultation.** The Crown has a legal duty to engage in meaningful consultation whenever it has reason to believe that its policies or actions, directly or indirectly, might infringe upon actual or claimed Aboriginal interests, rights or title. As the Supreme Court of Canada said recently, “The nature and scope of the duty of consultation will vary with the circumstances ... At all stages good faith on both sides is required. The common thread on the Crown’s part must be the “the intention of substantially addressing [Aboriginal] concerns” as they are raised through a meaningful process of consultation ... Meaningful consultation may oblige the Crown to make changes to its proposed action based on information obtained through consultations ... The fact that third parties [industry] are under no duty to consult or accommodate Aboriginal concerns does not mean that they can never be liable to Aboriginal peoples. If they act negligently in circumstances where they owe Aboriginal peoples a duty of care, or if they breach contracts with Aboriginal peoples or deal with them dishonestly, they may be held legally liable. But they cannot be held liable for failing to discharge the Crown’s duty to consult.”<sup>7</sup>

**Aboriginal Interest.** This is a broad term referring to the range of rights and entitlements that may arise from long use and occupation of traditional territories by Aboriginal people. Application of common law, statute law, treaty provisions, and the constitutional protection provided to “... the existing Aboriginal and treaty rights of the Aboriginal people of Canada” by section 35 of the *Constitution Act, 1982*, to the facts of the particular case determines the scope of “Aboriginal interest”.

**Aboriginal People.** These include Status Indians, Non-Status Indians, Métis and Inuit People

**Aboriginal Rights.** These are rights held by some Aboriginal peoples as a result of their ancestors' use and occupancy of Traditional Territories before contact with Europeans or before British sovereignty in Canada. Aboriginal Rights vary from group to group depending on what customs, practices and traditions were integral to the distinctive culture of the groups.

**Aboriginal Title.** In general, “Aboriginal title” refers to the rights of Aboriginal peoples to the occupation, use and enjoyment of their land and its resources. The classic legal definition was provided by the Supreme Court of Canada in **Delgamuukw v. British Columbia**<sup>8</sup>:

“... aboriginal title encompasses the right to exclusive use and occupation of land; second, aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of aboriginal peoples; and third, that lands held pursuant to aboriginal title have an inescapable economic component.” (at para. 166, emphasis in original)

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<sup>7</sup> Haida Nation v. British Columbia (Minister of Forests) 2004 SCC 73, Paragraphs 40-56

<sup>8</sup> [1997] 3 S.C.R. 1010

**Band.** The *Indian Act* defines “band”, in part, as a body of Indians for whose use and benefit in common, lands have been set apart. Each band has its own governing Band Council, usually consisting of a Chief and several councillors. The members of the band usually share common values, traditions and practices rooted in their language and ancestral heritage. Today, many bands prefer to be known as First Nations.

**Band Chief.** A person elected by band members to govern for a specified term.

**Band Council or First Nation Council.** The band’s governing body. Community members choose the Chief and councillors by election under section 74 of the *Indian Act*, or through traditional custom. The Band Council’s powers vary with each band.

**Elder.** A man or woman whose wisdom about spirituality, culture and life is recognized and affirmed by the community. Not all Elders are “old”; sometimes the spirit of the Creator chooses to imbue a young Aboriginal person. The Aboriginal community and individuals will normally seek the advice and assistance of Elders in various areas of traditional as well as contemporary issues.

**First Nation.** A term that came into common usage in the 1970s to replace the word “Indian”, which many found offensive. The term “First Nation” has been adopted to replace the word “band” in the name of many communities.

**Hereditary Chief.** A Hereditary Chief is a leader who has power passed down from one generation to the next along blood lines or other cultural protocols, similar to European royalty.

**Impacts and Benefits Agreements (IBA).** A broad term used to describe various contractual commitments related to development of land or resources subject to Aboriginal rights. IBAs usually impose negotiated limits on a project’s impacts on the environment, on fish and wildlife, on the land and First Nations’ traditional use and enjoyment of same; and IBA’s usually define a range of negotiated economic and preferential benefits to flow to the First Nation(s) whose lands are to be impacted by the development.

**Indian.** The term “Indian” may have different meanings, depending on context. Under the *Indian Act*, Indian means “a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian”. There are a number of terms employing the term “Indian” including Status Indian, Non-status Indian and Treaty Indian. Status Indians are those who are registered as Indians under the *Indian Act*, although some would include those who, although not registered, are entitled to be registered. Non-status Indians are those who lost their status or whose ancestors were never registered or lost their status under former or current provisions of the *Indian Act*. Treaty Indians are those members of a community whose ancestors signed a treaty with the Crown and as a result are entitled to treaty benefits. The term “Indian” was first used by Christopher Columbus in 1492 as he landed in the West Indies, believing he had reached India.

**Indian Act.** Federal legislation that regulates Indians and reserves and sets out certain federal government powers and responsibilities toward First Nations and their reserved lands. The first *Indian Act* was passed in 1876, although there were a number of pre-Confederation and post-Confederation enactments with respect to Indians and reserves prior to 1876. Since then, it has undergone numerous amendments, revisions and re-enactments. The Department of Indian Affairs and Northern Development administers the *Indian Act*.<sup>9</sup>

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<sup>9</sup> See <http://www.ainc-inac.gc.ca/> for further discussion.

**Indigenous Peoples.** (a) “Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;” (b) “Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.”<sup>10</sup>

**Inuit.** Aboriginal people in northern Canada, living mainly in Nunavut, Northwest Territories, northern Québec and Labrador. Ontario has a very small Inuit population. The Inuit are not covered by the *Indian Act*. The federal government has entered into four major land claim settlements with the Inuit.<sup>11</sup>

**Métis.** People of mixed First Nation and European ancestry. The Métis history and culture draws on diverse ancestral origins such as Scottish, Irish, French, Ojibway and Cree although the main Métis people trace their European heritage to French roots. The Métis Nation of Canada defines “Métis” as *a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation*<sup>12</sup>.

**Reserves.** Lands set aside by the federal government for the use and benefit of a specific band or First Nation. The *Indian Act* provides that this land cannot be owned by individual band or First Nation members.

**Socio-Economic Participation Agreements (SEPA).** A synonym for Impacts and Benefits Agreement.

**Traditional Ecological Knowledge (TEK).** “TEK” broadly describes systems of understanding one’s environment, based on detailed personal observation and experience, and informed by generations of elders. TEK is recognized and used around the world as an important environmental assessment tool

**Traditional Territory.** Lands used and occupied by First Nations before European contact or the assertion of British sovereignty.

**Treaty.** A formal agreement between the Crown and Aboriginal peoples.

**Treaty Rights.** Rights specified in a treaty. Rights to hunt and fish in traditional territory and to use and occupy reserves are typical treaty rights. This concept can have different meanings depending upon the context and perspective of the user.

**Tribal Council.** A Tribal Council usually represents a group of bands to facilitate the administration and delivery of local services to their members.

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<sup>10</sup> A number of definitions are in use. This widely recognized definition comes from International Labour Organization Convention 169 Concerning Indigenous and Tribal People in Independent Countries which came into force 5 September 1991. The full text can be found on-line at <http://www.unhcr.ch/html/menu3/b/62.htm>

<sup>11</sup> For further discussion see <http://www.itk.ca>

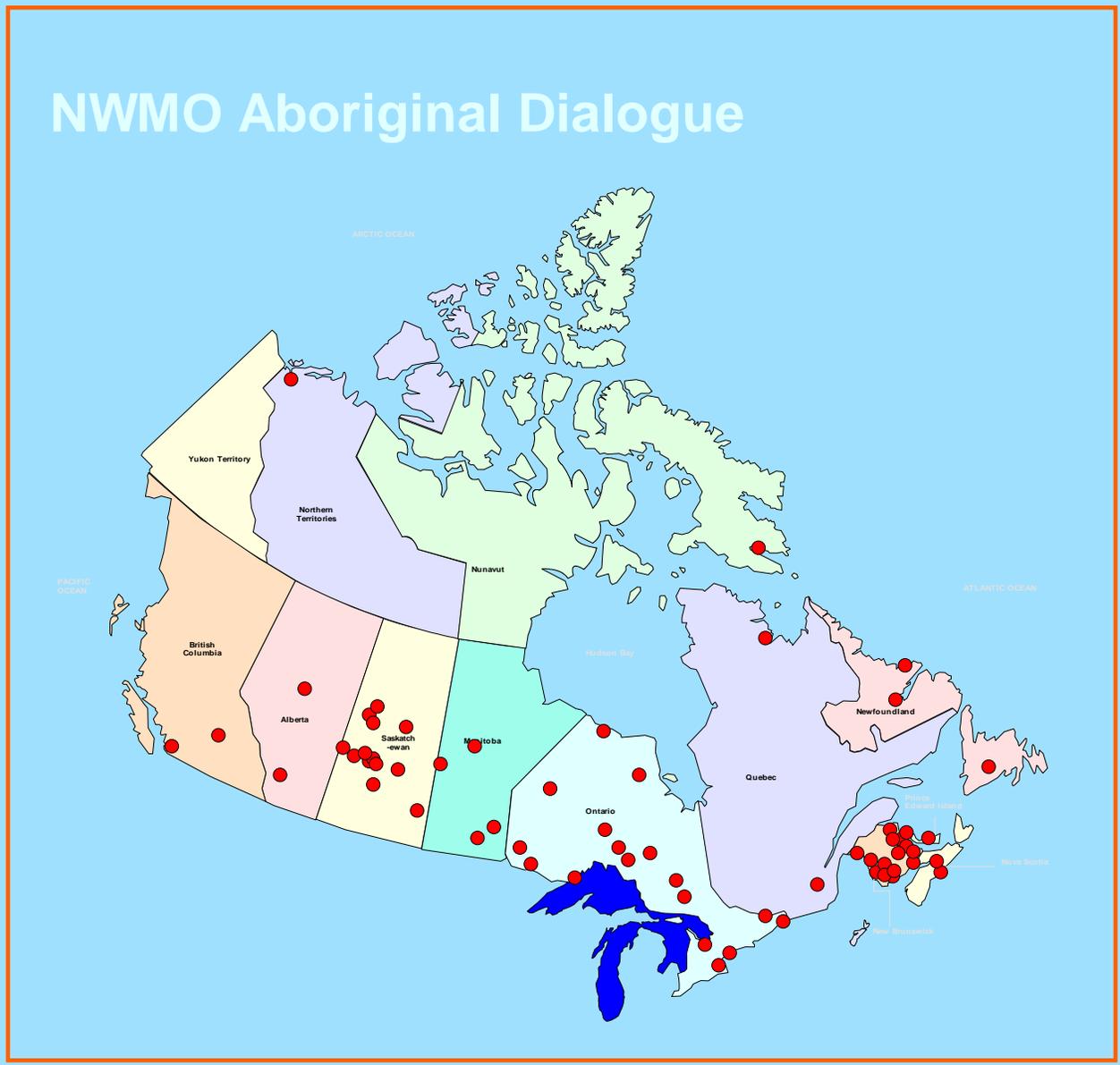
<sup>12</sup> The Métis Nation of Canada definition can be found on-line at <http://www.metisnation.ca/who/definition.html>

## **Appendix 2**

### **Details and Results by Program Component**

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**NOTE:** This Appendix offers a summary of the various elements of the NWMO Aboriginal Dialogue 2003-2005. For each element, a context is first offered. A description of activities undertaken follows, the resulting reports are then listed, and the key messages are summarized. Readers are cautioned that in developing this kind of summary, judgements were required in the writing process that may have subtly altered meanings in un-intended ways. Some 55 reports consisting of hundreds of pages of text have been reduced in this summary to a few tens of pages. Therefore readers are urged to consult the primary documents produced by the Aboriginal organizations themselves, all of which are available on-line at <http://www.nwmo.ca>.



**Figure 1. Location of Aboriginal Dialogue Meetings, Workshops, Retreats**  
(Map does not include the 64 communities in Ontario visited by OMAA)

# National Organizations

## N-1. Assembly of First Nations (AFN)

The Assembly of First Nations (AFN) is the national representative of the First Nations of Canada on behalf of the over 630 First Nation communities in Canada, reflecting a population of approximately 670,000. The Assembly of First Nations is a national lobby organization whose relationship with the Crown is one that promotes the existence of peaceful coexistence based on equitable sharing of lands and resources. The function of the Assembly of First Nations is to facilitate the exchange of information and to ensure a unified stance on political issues and government policy affecting First Nations. These policies include: Aboriginal and treaty rights, economic development, education, languages and literacy, health, housing, social development, justice, taxation, land claims, and the environment.

NWMO approached the AFN in July of 2003 seeking to meet and discuss how best to proceed to incorporate Aboriginal perspectives into the NWMO study. At the same time, the AFN Manager of the Environment Secretariat contacted the NWMO and met with staff to better understand the NWMO's intent with respect to Aboriginal consultation. Through the fall of 2003, AFN staff participated in a number of NWMO study and dialogue activities including: the Workshops on Future Scenarios for Testing Approaches to Managing Used Nuclear Fuel in Canada, and the Workshop on Traditional Knowledge and Aboriginal Wisdom.

In November of 2003 the AFN inquired as to whether the NWMO would be willing to consider a proposal and following informal meetings a preliminary proposal was tabled in February 2004. The AFN proposal to the NWMO built on and enhanced the three-year contribution agreement that the AFN had entered into with Natural Resources Canada in September of 2003. A Letter of Agreement between the AFN and the NWMO was signed in May 2004. Formal contracted arrangements were completed in September 2004 covering the period to December 31<sup>st</sup> and a subsequent agreement extended the arrangement to November 2005.

### **AFN's Regional Forums**

The First Nations' Dialogue involved the four Regional Dialogue Coordinators who had two primary responsibilities. While in Ottawa the Regional Coordinators met regularly to discuss strategy and problems, gather further information to facilitate First Nations' understanding of the issues, prepare reports on meetings held, organizing future meetings and assist in the analysis of the issues. In the regions, the Regional Coordinators were to meet with as many First Nations organizations and individuals as possible to facilitate capacity building and discussion on the issues. It was expected that the Regional Coordinators would make every effort to contact:

- Band Councils and Governments of self-governing First Nations;
- Tribal Councils or Corporations;
- Regional organizations;
- Elders and Veterans groups;
- First Nations' community organizations both on and off reserve, including for example local First Nations Friendship Centres;
- First Nations' education institutions including schools, colleges and universities;

- Provincial and territorial organizations (PTO's);
- First Nations health and environment organizations; and
- First Nations' women and youth organizations, among others.

Three Regional Dialogues took place prior to release of the Draft Study Report: Southern Ontario Regional Dialogue Forum, Toronto, Ontario, November 18, 2004; Northern Ontario Regional Dialogue Forum, Wauzhushk Onigum First Nation, Ontario November 23, 2004; Western Regional Dialogue Forum, Prince Albert, Saskatchewan, November 30, 2004. The Québec regional forum took place in Ottawa, July 26, 2005.

In the fall of 2004, activities in maritime Canada were terminated by mutual agreement with the Atlantic Policy Congress of First Nation Chiefs (APCFNC) who then assumed responsibility for the First Nations dialogue in Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick. See further discussion under the Atlantic Policy Congress of First Nation Chiefs (Section R/L - 6).

### **AFN's Regional Chiefs Advisory Panel on the Environment**

The NWMO supported the establishment of an AFN Regional Chiefs Panel on the Environment, and the funding of two meetings, to enable the AFN to bring together First Nations representatives who could provide direction and regional perspectives on the nuclear fuel waste dialogue. The first meeting was held in Winnipeg, MB, September 8 – 9, 2005, the second October 24/25, 2005 in Moncton, New Brunswick.

### **AFN's Working Group Meetings**

The Nuclear Fuel Waste Dialogue Working Group brought together a number of First Nation's representatives to review and critique and report back to the NWMO, on the NWMO discussion documents. The Working Group participants included the AFN Nuclear Fuel Waste Dialogue Co-ordinator, the AFN Regional Dialogue Co-ordinators, representatives from First Nations Provincial Territorial Organizations (e.g. Union of New Brunswick Indians, Nishnawbe-Aski Nation, Federation of Saskatchewan Indians); and advisory and administrative staff. Meetings were held in August 2004, November 2004, and July 2005.

### **AFN's Environmental Issues Background Paper<sup>13</sup>**

The NWMO supported the development of a background report on environmental issues facing First Nations, understood to be an environmental scan or baseline of existing conditions. This background report included a discussion of First Nation perspectives regarding the environment, and a variety of environmental challenges facing First Nations today. It includes a discussion of mechanisms First Nations may employ to establish a stronger foundation of environmental stewardship.

### **AFN's Communications Program**

AFN's Dialogue team developed a communications strategy that included:

- a video package dealing with the nuclear waste issue from a First Nations' perspective. The video was completed December 31, 2005.
- a web page on the AFN website with links to NRCAN as necessary/advisable;

<sup>13</sup> NWMO Document 11-AFN-10. Available on-line at [www.nwmo.ca](http://www.nwmo.ca) under "Aboriginal Dialogues"

- background materials in plain language for distribution at events and in general mailouts;
- displays for use at large First Nations' gatherings such as Annual General Assembly and Confederacy meetings of the AFN;
- press kits; and
- powerpoint presentations.

The NWMO provided support as requested for all of the above.

### **AFN's Youth Art Contest**

The AFN dialogue also included an art contest. Youth were invited to create a graphic representation of what the nuclear waste issue meant to them. Winners were announced in the early Spring 2005.

### **Reports Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-AFN-1. Nuclear Fuel Waste Dialogue: Phase II Annual Report, April 26, 2005
- 11-AFN-2. First Nations Nuclear Fuel Waste Dialogue, Working Group Meeting #1 Report, August 19 2004
- 11-AFN-3. First Nations Nuclear Fuel Waste Dialogue, Working Group Meeting #2 Report, November 30 2004
- 11-AFN-4. Nuclear Waste Management Regional Forum: Toronto, Ontario (Ontario South), December 17, 2004
- 11-AFN-5. Nuclear Waste Management Regional Forum: Wauzhushk Onigum First Nation (Ontario North), December 17 2004
- 11-AFN-6. Nuclear Waste Management Regional Forum: Prince Albert, Saskatchewan (Canada West), December 17 2004
- 11-AFN-7. Nuclear Fuel Waste Dialogue: Phase II Regional Forum - Summary Report, January 31 2005
- 11-AFN-8. Nuclear Fuel Waste Dialogue: Phase II Progress Report, January 31 2005
- 11-AFN-9. Nuclear Fuel Waste Dialogue: Interim Report # 1, July 5 2004
- 11-AFN-10. Background Paper: Overview of Environmental issues Facing First Nations: Context for Participation in Nuclear Fuel Waste Management Issues, March 31, 2005
- 11-AFN-11. First Nations Nuclear Fuel Waste Dialogue Working Group Meeting #3 Report, July 2005
- 11-AFN-12. Nuclear Waste Management Regional Forum: Québec, July 2005, English and French
- 11-AFN-13. Recommendations to the Nuclear Waste Management Organization, September 30, 2005

## Main Messages from the Assembly of First Nations

1. **Aboriginal and treaty rights.** The AFN remains concerned that these be explicitly recognized by the NWMO and respected throughout the nuclear waste disposal process.
2. **NWMO Dialogue is Not Consultation.** The NWMO dialogue process is not “consultation.” The NWMO is not an agent of the Crown and therefore cannot fulfill the Crown’s fiduciary obligations to First Nations to consult.
3. **Traditional Knowledge.** The recognition of Traditional Knowledge by the NWMO is a positive step but the AFN remains concerned that Traditional Knowledge is not being properly incorporated and is in danger of being trivialized in the process.
4. **Capacity.** First Nations have expressed concern that they currently do not have the capacity to make an informed decision on the issue of the long-term management of used nuclear fuel in Canada.
5. **Trust.** A significant degree of mistrust exists regarding the NWMO dialogue, the information that the NWMO presented, and the NWMO itself.
6. **Energy Policy.** The AFN argues for a broader discussion of energy policy asking that emphasis be put on more renewable energy and energy conservation.
7. **Full Life Cycle Review.** The AFN feels that the issue of waste should not have been confined to high-level waste but should have included a full review of all aspects of the nuclear energy chain from including low, intermediate, and high level waste and the complete material life cycle from mining through energy production and eventually waste management.
8. **Importation of Waste.** The AFN feels that waste importation should be explicitly banned.
9. **Emergency Response.** Concerns about transportation and the capacity for First Nations to respond in case of an emergency led to a call for adequate emergency response capacity building for First Nations.
10. **Timeline.** The timelines for study as laid on in the Nuclear Fuel Waste Act are insufficient for First Nations to properly engage on this issue.

In a July 5, 2005 letter to the NWMO from Ms. Lillian Trapper, AFN Nuclear Waste Dialogue Coordinator, the AFN declined to comment on the Draft Study Report and the draft recommendation to government arguing that (1) time for feedback was too short; (2) AFN capacity is inadequate; (3) the AFN is seeking full and effective consultation on the issue; and (4) the NWMO dialogue is inadequate.

## **N-2. Métis National Council (MNC)**

The Métis National Council is the representative body of the Métis people within Canada. Their primary goal is to advance the implementation of the Métis Nation's inherent right to self-government at a community, regional, national and international level. The Métis National Council (MNC) is mandated by its five provincial Governing Members who represent the historic Métis Nation from Ontario westward. They are the Métis Nation of Ontario, Manitoba Métis Federation, Métis Nation – Saskatchewan, Métis Nation of Alberta and Métis Provincial Council of British Columbia. The Métis National Council is governed by a six-person Board of Governors which consists of a National President and the respective President of each Governing member.

NWMO first approached the MNC in July of 2003 to discuss how best to proceed to incorporate Aboriginal perspectives into the NWMO study. In November and following the election of a new MNC President, the discussions continued. A preliminary proposal from the MNC was submitted in April 2004 and a Letter of Agreement was signed between the MNC and the NWMO in August 2004.

The MNC dialogue included:

- Development of a Métis National Council Governing Members' Frameworks for Engagement on Nuclear Fuel Waste Management in Canada;
- Implementation of the Frameworks for Engagement, each Governing member/regional affiliate was required to hold a minimum number of workshops;
- Regional participation in MNC Environment Committee meetings;
- Quarterly and final reporting on progress; and
- Financial reporting

MNC convened three national level meetings as part of their dialogue: (1) an Information Exchange and Planning Retreat, Belcourt, North Dakota, August 9 – 10, 2004 and involving the Métis National Council, the Métis Nation of Ontario, and the Manitoba Métis Federation; (2) a "Nuclear Fuel Waste Capacity Building & Training Workshop," Ottawa, ON, December 18 – 19, 2004; and (3) a National Environment Committee Review, Vancouver, June 14, 2005

The MNC Framework for Engagement provided an overarching structure under which each Governing Member could design and implement a dialogue process specific to their needs, interests and regional requirements. The MNC Framework outlines the roles and responsibilities of the national organization, the MNC Minister of Environment and the MNC Environment Network. It also describes an approval process for national-scope activities, and outlines the roles and responsibilities of the Governing members. It provides the preliminary scope of work of each Governing member, and an overview of key deliverables each is expected to meet. Following agreement and acceptance of the Framework each Governing member implemented the regional dialogue processes between January and April of 2005. The range of dialogue activities involved approximately 500 people and included the following:

Métis Provincial Council of British Columbia

April 2 – 3, 2005 Natural Resources Captains Meeting, Kelowna, BC (9 attendees)  
April 2005 Northern BC Traditional Knowledge Tour

Métis Nation of Alberta

March 23 – 24, 2005 Workshop, Edmonton, Alberta (60 delegates)

Métis Nation of Saskatchewan

No meetings convened.

Manitoba Métis Federation (115 participants)

April 16, 2005 Flin Flon Workshop (19 participants)  
April 17, 2005 Thompson Workshop (15 participants)  
April 21, 2005 Lac du Bonnet Workshop (18 participants)  
April 22, 2005 Winnipeg Elders Focus Group (21 participants)  
April 22, 2005 Winnipeg Women's Focus Group (21 participants)  
April 22, 2005 Winnipeg Youth Focus Group (21 participants)

Métis Nation of Ontario (311 participants)

January 15 - 16, 2005 Midland Community Discussion (77 participants)  
January 22 - 23, 2005 Hamilton Community Discussion (43 participants)  
January 29 - 30, 2005 Fort Frances Community Discussion (38 participants)  
February 5 - 6, 2005 Timmins Community Discussion (67 participants)  
February 12 - 13, 2005 Sudbury Community Discussion (86 participants)  
February 18 - 19, 2005 Thunder Bay Community Dialogue Session (30 participants)

**Reports Received.**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-MNC-1. Nuclear Fuel Waste Initiative: Annual Progress Report, for the period 2004 – 2005, May 2005
- 11-MNC-2. Métis Nation of Ontario Community Dialogue Roundtables, January – February, 2005.  
Nuclear Waste Management Dialogue Process: Final Activity Report 2004/2005, May 2005
- 11-MNC.3. Nuclear Fuel Waste Initiative: Final Technical Report, for the period 2003-2005, July 2005
- 11-MNC-4. Response to the Nuclear Waste Management Organization's Report "*Choosing a Way Forward: The Future Management of Canada's Used Nuclear Fuel*", August 2005

**Main Messages from the Métis National Council**

1. **Dialogue is not consultation.** The dialogue does not amount to a full consultation process with Métis people.

2. **NWMO mandate too limited.** The mandate of the NWMO should have been broader to include consideration of the use of nuclear fuel; alternatives to nuclear energy; the role NWMO could play in supporting alternatives; the full nuclear life cycle from mining through to post-closure of the reactors; disposal of nuclear waste other than from power plants.
3. **Ongoing Engagement and Involvement in Decision-making.** The Draft Study Report does not clearly identify specific ongoing mechanisms for engagement and participation in decision-making. Métis and other Aboriginal people should be on decision-making Boards and have a say in decisions that shape the future
4. **Métis Traditional Knowledge** has a significant contribution to make and should play a key role.
5. **Overall Energy Policy:** Nuclear energy should be phased out; the production of used fuel should be ended; Conservation and alternative energy forms should be encouraged, researched
6. **Balance of Benefits and Costs.** There is concern that economic and employment benefits would be minimal and would be outweighed by environmental and security problems. Provinces/regions who do not benefit from nuclear should not be asked to carry the burden of the waste unless acceptable consultation, mitigation, and accommodation occurs.
7. **Social Justice Issues.** Three issues of social justice arose: (1) Why should marginalized communities be asked to store used nuclear fuel when they are not benefiting from its use?; (2) Why should Northern communities allow use of sites when they have already faced the consequences of development for the profit of the South?; and (3) Why should rural Canadians be given the responsibility for disposing used nuclear fuel created by urban dwellers?  
  
There was concern that: there would be negotiations with “guns to their heads;” that money hungry municipal officials would volunteer communities without community support; that depressed areas would accept facility without consideration of consequences; that transportation route communities might be left out of the decision-making process.
8. **Time for Research.** The time to undertake adequate research has not been enough; 30 years is too short.
9. **Origins of Nuclear Energy.** Why was nuclear energy initiated in the first place absent a plan to address the waste?
10. **Who to be Involved.** Decision to site should not be left to a single willing host community but all those who will be affected by operation and maintenance – at the site and along the transportation corridor.
11. **Loose ends** include: the intent of the consultation process; importation of waste; state of affairs in countries where CANDU reactors have been sold (export of nuclear fuel to countries where security is inadequate – might Canada be requested to take back waste from such countries?); will approval of a management strategy justify expansion of nuclear?; Transportation – how will it be transported, what safeguards will be put in place to prevent accidents?
12. **Uranium mining.** Damage was done in the early days; a legacy remains to overcome

In a comment offered on the draft recommendation, the MNC agreed with the approach as long as the strategy was results driven not timeline driven. Timelines given should be used as estimated targets – they may not fit, could be more, perhaps less.

Regarding the conditions required to successfully implement the approach, the MNC argued for:

- **Research** – independent research body needed; Métis and Aboriginal people should be on research committees that determine research needs and monitor progress; topics – social, cultural, health,

technology, climate etc. Extra effort should go to studying alternatives to nuclear and methods to reuse, detoxify waste

- **Aboriginal involvement from the beginning** is critical; their culture and traditions are different – they do not want to lose them; Land and treaty rights should be respected and the capacity for respecting these rights must be incorporated in the overall management plan
- **Need ongoing systems for monitoring Aboriginal concerns**
- **Culturally specific education about nuclear energy** is needed; training and job opportunities should be developed with and for Aboriginal people – not only for the host community but for all Aboriginal people.
- **Transportation issues** should be subject to the same kind of dialogue as we have undertaken so far – methods, routes, emergency response – all need to be considered with the public
- **Before site is selected, all surrounding communities and those along the route should be consulted.** Métis people and other Aboriginal people should be on the decision-making boards.

Lastly, the following specific Aboriginal insights and/or concerns that should be kept in mind by NWMO as implementation proceeds, the MNC suggested that: (1) The concept of “**community**” needs to be defined; (2) **Aboriginal traditional knowledge** needs to be recognized as unique and important; and (3) **transparency** is key – not just in answering questions honestly but in presenting all sides of an argument as well as good and worst-case scenarios; there should be no surprises.

### **N-3. Inuit Tapiriit Kanatami (ITK)**

Inuit Tapiriit Kanatami (ITK) is a non-profit organization dedicated to the needs and aspirations of Canada's Inuit. Incorporated in 1972, ITK represents approximately 50,000 Inuit living in 55 communities within the four Inuit Settlement Regions: (1) Nunavut, (2) Inuvialuit Settlement Region; (3) Nunavik (northern Québec) and (4) Nunatsiavut Region (Labrador).

ITK is the national voice of the Inuit in Canada and addresses issues important to the preservation of Inuit identity, culture and way of life. ITK's aims and objectives now address a broad range of social, economic, environmental and political challenges facing Inuit. Over the years, the ITK has met its mandate in a manner that reflects the emerging relationship between Inuit and the rest of Canada and between ITK and the four Inuit regional organizations. The four Canadian Inuit regions have now all signed final comprehensive land claim agreements.

NWMO approached the ITK in July of 2003 with a letter of introduction, and a request to meet and initiate discussions on how best to proceed to incorporate Aboriginal perspectives into the NWMO study. The President of the ITK, Jose Kusugak, responded immediately and proposed a meeting date in September at which time a preliminary consultation outline and budget for an Inuit specific dialogue on nuclear fuel waste management was tabled. Following refinement, the ITK tabled a proposal for an Inuit Specific Consultation on the Long-Term Management of Nuclear Fuel Waste in December 2003. A Letter of Agreement was signed in March 2004 and a formal contract followed shortly thereafter.

The ITK program included the following components:

- a Regional/ITK/NWMO meeting to develop the national consultation process;
- four workshops where representatives of Inuit Land Claim Regions were brought together to share issues and concerns;
- compilation of Inuit perspectives on the NWMO Draft Study Report; and
- quarterly reports on all activities to be disseminated to stakeholders including the NWMO up to October/05.

The development of the Inuit Specific Consultation on the Long-Term Management of Nuclear Fuel Waste was initiated at the National Inuit Conference of the Environment (NICE) which was held in Ottawa, Ontario - February 23 – 27, 2004. At that conference presentations were made on the history of the Nuclear Fuel Waste Act, as well as on the possible future methods regarding the Long-Term Management of Nuclear Fuel Waste in Canada. A workshop was then held on the Inuit Specific Consultation on the Long-Term Management of Nuclear Fuel Waste. A National Inuit Task Force on the Long-Term Management of Nuclear Fuel Waste was struck, a two year strategy developed and the responsibilities of the ITK National Co-ordinator on the Long-Term Management of Nuclear Fuel Waste were confirmed.

#### **Inuit Regional Dialogues**

ITK convened four, two-day regional dialogues, one for each of their land claim regions:

- Iqaluit, Nunavut - November 9-10, 2004
- Inuvik, Inuvialuit Settlement Region - November 17-18, 2004
- Kuujuaq, Nunavik/Northern Québec - January 27-28, 2005
- Makkovik, Nunatsiavut/Labrador - February 9-10, 2005

The regional dialogue sessions involved 15 – 25 invited attendees, generally delegates of the Hunters, Fishers and Trappers Committees or elected officials of the member communities in the land claims regions; representatives of appropriate regional corporations and/or governments; and ITK Environment Department staff members. The ITK hosted and opened the sessions, providing background information and set the context. This was generally followed by a series of invited speakers and presentations, including the NWMO after which a question and discussion session would be held. After these information sharing activities, the participants would convene to further discuss the matter, and develop their report and recommendations. Where possible, the NWMO would sponsor a community feast/participants dinner during the two day dialogue. NWMO resources were also used to commission experts advice from the Canadian Council for Nuclear Responsibility.

### **Inuit Youth**

The ITK also held a special session with National Inuit Youth at the National Inuit Youth Summit (organized by the National Inuit Youth Council) which took place in Nain, Nunatsiavut – March 28 – 30, 2005. The Summit brought together Inuit youth representatives from each of the communities within Nunavut, the Inuvialuit Settlement Region, Nunavik, and Nunatsiavut.

### **Other Inuit – NWMO Interaction**

Two NWMO information sessions and an NWMO discussion session were held in the fall of 2004, there were eight participants at these sessions. At the same time, the NWMO met with officials from the Offices of Nunavut Tunngavik, Inc. (NTI) which is the permanent legal arm of the Eastern Arctic Inuit Land Claim Beneficiaries, and has the responsibility for managing Inuit lands and resources in Nunavut. The information and discussion sessions and meeting with NTI were held in Iqaluit, Nunavut – December 7 – 8, 2004

### **Reports Received as of September 30, 2005.**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-ITK-1. 2005 Board of Directors Resolution, June 2005
- 11-ITK-2. Final Report on the National Inuit-Specific Dialogues on the Long-Term Management of Nuclear Fuel Waste in Canada – Determining the National Inuit-Specific Perspective, June 2005
- 11-ITK-3. Quarterly Report on the National Inuit Specific Dialogues on the Long-Term Management of Nuclear Fuel Waste (January -March 2005), March 31, 2005
- 11-ITK-4. Year-End Report on the National Inuit Specific Consultation on the Long-Term Management of Nuclear Fuel Waste (March 31, 2003-March 31, 2004), March 2004
- 11-ITL-5. Quarterly Report on the National Inuit Specific Consultation on the Long-Term Management of Nuclear Fuel Waste (April 1, 2004-June 15, 2004), July 2004
- 11-ITK-6. Quarterly Report on the National Inuit Specific Dialogues on the Long-term Management of Nuclear Fuel Waste (July 15, 2004-October 15, 2004), October 2004
- 11-ITK-7. Quarterly Report on the National Inuit Specific Dialogues on the Long-Term Management of Nuclear Fuel Waste (October 16, 2004 – December 15, 2004)
- 11-ITK-8. Discussion Document #1: *Asking the Right Questions?* – Comments Prepared by ITK, March 2005
- 11-ITK-9. Discussion Document #2: *Understanding the Choices* – Comments Prepared by ITK, March 2005

- 11-ITK-10. ITK Review of the NWMO Discussion Document #3: *Choosing a Way Forward*, August 2005.
- 11-ITK-11 Quarterly Report National Inuit Specific Dialogues on the Long-Term Management of Nuclear Fuel Waste (April – June 2005) June 2005

### **Main Messages from the Inuit Tapiriit Kanatami**

1. **Inadequate Time and Funding.** Time and funding allocated for this dialogue have not been adequate; there should be ongoing dialogue and direct community involvement in the decision-making processes.
2. **Dialogues not Consultation.** The dialogues are not consultation as required by the Nuclear Fuel Waste Act.
3. **Nuclear Fuel Waste Should be Kept out of the Canadian Arctic.** ITK is strongly opposed to the storage/disposal or transportation of used nuclear fuel in Inuit lands or oceans.
4. **Leave at Reactor Sites until Safe Approach Found.** Nuclear fuel waste should be stored at the existing reactor sites until a way is found to safely dispose of this waste without endangering the environment, human health and safety of all Canadians
5. **All Wastes should be Considered.** All radioactive wastes should be considered, not only used nuclear fuel.
6. **Education.** Culturally appropriate education materials are needed; an Inuit-specific dictionary should be developed
7. **Energy Policy:** The ITK advocates a non-nuclear society in Canada where nuclear materials are neither mined, produced, or transformed. While the future of nuclear energy is outside the NWMO mandate, the waste issue is simply a component of this larger question of energy policy and cannot be addressed in isolation. Looking at the issue holistically requires consideration of broader considerations including the role of hydrocarbons, nuclear fuel and renewables in the overall energy production picture. The government should put resources to research on alternative energy and energy conservation that could eliminate the need to continue reliance on nuclear fuel while providing the foundation for a truly sustainable “way forward.”
8. **Transboundary Movement of Nuclear Fuel Waste.** The ITK supports the Government of Canada in encouraging other nations to restrict the transportation of nuclear fuel waste across international boundaries

The ITK, while not supportive of deep storage of the used nuclear fuel, found that the NWMO’s proposed Adaptive Phased Management was generally consistent with the positions articulated above. They see that with the (1) proposed four-province focus, (2) the criteria of working with a willing host community, and (3) the transportation issue which effectively excludes Inuit regions, the NWMO has signalled that the North would not be a desirable host location. They are comfortable with the premise underlying the Adaptive Phased Management approach that used fuel would be stored at reactor sites until results from Phase 1 and 2 research, analysis and consultation were obtained and technical feasibility and social acceptability demonstrated. Further, they are supportive of:

- the NWMO’s commitment to developing an Engagement Process which will lead to a final site selection and technical design encompassing all surface and underground facilities, access and infrastructure requirements and a long-term monitoring program;

- a regulatory review process that includes all social, economic, and environmental considerations and includes the option of not proceeding or significantly changing the timeframe of development
- exploration of innovative ways to address socio-economic effects – building on the experience of Aboriginal organizations including the treaty-based arrangements now in place in Canada’s north;
- ensuring that the views of Canada’s Aboriginal people – most often a minority voice in the large debate – are included throughout.

## **N-4. Congress of Aboriginal Peoples (CAP)**

The Congress of Aboriginal Peoples (CAP) was founded in 1971 as the Native Council of Canada. It was established to represent the interests nationally of Métis and non-status Indians. CAP is the sole national representative organization whose affiliates are open to over 800,000 off-reserve Indian, Inuit, and Métis people. CAP's constituency not only stretches across Canada from sea to sea to sea, but consists of a wide variety of Aboriginal peoples with very different historical backgrounds, and current environments. Most of these peoples share common problems in terms of exclusion from policies and programs for other Aboriginal peoples. CAP runs programs (justice, governance, labour market development, etc) and maintains a watching/working brief on a number of Métis related issues (such as urban native housing, land rights, languages, etc.). Nine organizations are affiliated with CAP including:

- Labrador Métis Nation
- Federation of Newfoundland Indians
- Native Council of Prince Edward Island
- Native Council of Nova Scotia
- New Brunswick Aboriginal Peoples Council
- Native Alliance of Québec
- Ontario Métis Aboriginal Association
- Aboriginal Council of Manitoba
- United Native Nations (British Columbia)

NWMO first approached the National Chief of CAP in July of 2003 with request to meet and initiate discussions on how best to proceed to incorporate Aboriginal perspectives into the NWMO study. A meeting was set for the President of the NWMO and the CAP National Chief for October 31, 2003. Following almost a year of deliberations and discussions, CAP submitted an initial proposal to the NWMO on July 15, 2004 to undertake a consultation process on the long-term management of used nuclear fuel. Negotiations then ensued over several months and agreement was reached in November 2004.

The agreement between CAP and NWMO includes a commitment to strike sub-agreements with all of the above affiliates except the Ontario Métis Aboriginal Association (OMAA) and the CAP Youth Committee. OMAA was excluded because of its independent arrangement with NWMO and involvement of the CAP Youth Committee was folded into the other organizations for this project.

### **The CAP Dialogue**

A Steering Committee was struck and an initial planning meeting was held on December 7, 2004 to discuss the national and regional programs and the initiation of the regional dialogues, including

- On-going liaison with NWMO and briefings of affiliate leadership and CAP Executive;
- Distribution of communications products, including the NMWO video and background information and a news release to Aboriginal community papers;
- Establishing web-site information on the issue, including an interactive questionnaire;
- Development of a questionnaire, and compilation of key observations

On a regional basis, the program included the designation of regional co-ordinators in each CAP affiliate, briefings, liaison and regional dialogue meetings. In addition to the Steering Committee meetings, the following dialogue sessions were held:

- CAP – Western Office Calgary Dialogue Session, January 14, 2005
- Native Council of Prince Edward Island Dialogue Session, University of Prince Edward Island, February 5, 2005
- New Brunswick Aboriginal Peoples Council Dialogue Session, Fredericton, NB, February 26, 2005
- Labrador Métis Nation Dialogue Session, Goose Bay, Labrador, February 27, 2005
- Native Council of Nova Scotia Direct Mail/Key Informant Interviews, February – March 2005
- Federation of Newfoundland Indians, Dialogue with 9 Band Councils, March 2005
- United Native Nations of British Columbia Dialogue Session – March 29, 2005
- Aboriginal Council of Manitoba – Comments compiled and provided to the Dialogue Coordinator, Spring, 2005
- Special Session of the CAP National Youth Council, April 14, 2005
- National Workshop, June 17, 2005

#### **Reports Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-CAP-1. Summary of Key Observations Regarding NWMO Discussion Document 2, *Understanding the Choices*, January 2005
- 11-CAP-2. First Interim Report to Nuclear Waste Management Organization – Dialogue Sessions on NWMO’s Recommendation for the Long-term Management of Nuclear Fuel Waste, December 14 2004
- 11-CAP-3. Preliminary Commentary on: *Choosing a Way Forward – The Future Management of Canada’s Used Nuclear Fuel*, July 2005
- 11-CAP-4. Third Interim Report to the Nuclear Waste Management Organization – July 2005
- 11-CAP-5. Final Report to the Nuclear Waste Management Organization – September 2005

#### **Main Messages from the Congress of Aboriginal Peoples**

1. **Current dialogue is not consultation.** The dialogue process should not be considered consultation; Meaningful consultation requires serious understandings of the potential for infringement of Aboriginal title, treaty and other rights of all Aboriginal people – Status, non-status, off-reserve, Métis, and Inuit people; the entitlement of various classes of Aboriginal people may differ and these differences have to be clearly laid out for review; the overall effect of the NWMO Draft Study Report is a minimization of Aboriginal rights and interests in the nuclear fuel waste issue. The federal government should immediately initiate an adequately funded consultation process with Aboriginal people, who should design and execute the process, and undertake consultation regarding the complete nuclear cycle.
2. **The NWMO is not at arm’s length from industry** and although CAP acknowledges the efforts of NWMO officials to distance themselves from the nuclear energy industry, the credibility of NWMO messaging is compromised as a result. It should be re-structured to achieve an arms length relationship with the producers and owners of nuclear waste.

3. **The NWMO Advisory Council lacks expertise on Aboriginal Traditional Knowledge** as required by the Nuclear Fuel Waste Act. It should be re-structured to include representatives from CAP.
4. **Adaptive Phased Management is not new.** The proposed Adaptive Phased Management approach is a retread of the AECL 1978 concept.
5. **Aboriginal Traditional Knowledge (ATK).** CAP is unconvinced that there has been a valid engagement with ATK holders and feel that a wide gulf remains between ATK holders and the NWMO process. A valid process needs to be established and implemented where Aboriginal Traditional Knowledge holders are fully respected and engaged.
6. **Safety.** Proof of safety of any proposed approach has not been demonstrated and used fuel should not be produced until it can be safely disposed of.
7. **Economic Feasibility.** CAP is highly sceptical of NWMO's undertakings concerning the economic feasibility of the fourth option. Financial projections on the intensive cost of nuclear energy should be based on a realistic time schedule and encompass the entire nuclear cycle. This work must be completed by entities that are arm's length from the nuclear industry.
8. **History of the Nuclear Industry.** The full history of the nuclear industry has not been described and should be including the full life cycle of uranium (from mining through conversion, fuel fabrication, reactor use to waste storage). Research and plain language information on the history of the nuclear industry in Canada, as well as its relationship to Aboriginal peoples, needs to be developed and distributed.
9. **Radiation and the Nature of the Hazard.** CAP is not confident of the estimates of risks that are associated with the various radioactive materials in nuclear waste – particularly those related to low doses of radiation. Independent and credible research needs to be undertaken on radiation hazards and this information needs to be communicated in plain language to all Canadians.
10. **Transportation of Nuclear Waste.** CAP is concerned about the lack of information on potential routes; the nuclear industry's minimization of risks; and the security of transported used fuel (related to potential theft by terrorists). Research and information needs to be developed and disseminated on the transportation of nuclear fuel waste, focussing on potential routes and communities to be affected including an analysis of radioactive releases that will take place during transportation.
11. **Importation of Nuclear Fuel Waste.** The lack of an official prohibition on waste importation has contributed to has added to the general uncertainty and distrust of the process. The *Nuclear Fuel Waste Act* should be amended to specifically ban the importation of nuclear fuel waste.
12. **Reprocessing of Nuclear Fuel Waste.** The lack of an official prohibition (as is the case in the US) on reprocessing (because of the resulting plutonium) is seen as a major policy failure on the part of the federal government. It leads to a questioning of the true intentions of the federal government and the nuclear energy industry. The *Nuclear Fuel Waste Act* should be amended to specifically ban the reprocessing of irradiated nuclear fuel.
13. **National Debate and Referendum.** A national debate on nuclear energy and nuclear fuel waste should be undertaken by the federal government, followed by a referendum on the issues.
14. **Overall Energy Policy.** The phase out of nuclear energy should be the first priority in dealing with nuclear fuel waste. Research effort should be put to reduction at source via phasing out nuclear energy
15. **Comprehensive Nuclear Waste Strategy.** The Canadian nuclear waste strategy should be comprehensive and include radioactive waste generated by uranium mining and milling, fuel enrichment, decontamination and decommissioning of nuclear facilities, and other activities using isotopes and spent nuclear fuel.

## **N-5. Pauktuutit Inuit Women's Association of Canada**

Pauktuutit is the national non-profit association representing all Inuit women in Canada. Its mandate is to foster a greater awareness of the needs of Inuit women, and to encourage their participation in community, regional and national concerns in relation to social, cultural and economic development. Since its incorporation in 1984, Pauktuutit has addressed many of the serious social issues that affect Inuit communities and has undertaken comprehensive projects on family violence, child sexual abuse, housing, traditional Inuit midwifery and birthing practices, tobacco cessation, economic development, and clothing and child day care.

In September 2004, NWMO approached Pauktuutit Inuit Women's Association to determine their interest in hosting a workshop to elicit the perspectives of Inuit women with respect to how Canada should manage Canada's nuclear fuel waste. Seventeen Inuit women attended a half-day workshop in Ottawa, ON, during the Annual General Meeting of the Pauktuutit Inuit Women's Association. The workshop took place in Ottawa, November 8, 2004

### **Report Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

11-P-1. Pauktuutit Inuit Women's Association Workshop: Managing Canada's Radioactive Waste: November 2004, December 2004

### **Main Messages from Pauktuutit Inuit Women's Association**

- 1. Used nuclear fuel should be kept out of the Arctic.**
- 2. Commitment to Engage;** Pauktuutit want to help build a solution. Knowledgeable people in the north exist and should be engaged. Ongoing engagement should be at the local level. This initial contact and discussion is not enough.
- 3. Link to Inuit Circumpolar Conference (ICC).** The ICC is seen as a contact to facilitate effective international dialogue on the issue of long-term management of used nuclear fuel particularly because of indigenous experience in other parts of the north (Greenland, Scandinavia, Russia, Alaska).
- 4. Lack of trust in industry and government.** Lack of effective mine closure, the presence of persistent-organic-pollutants in the Arctic transported from vast distances through the air, and experience with abandoned Dew Line sites have all contributed to the current lack of trust.
- 5. Source reduction/elimination.** Seems the sensible thing to do.

## **N-6. Native Women's Association of Canada (NWAC)**

The Native Women's Association of Canada (NWAC) is founded on the collective goal to enhance, promote, and foster the social, economic, cultural and political well-being of First Nations and Métis women within First Nation and Canadian societies. As a non-profit organization incorporated in 1974, the NWAC is an aggregate of Native Women's organizations. The NWAC Board of Directors consists of: one National Speaker, four Regional Executive Leaders, four Regional Youth Representatives, thirteen Regional representatives; and a Council of Elders

NWMO approached the President of the NWAC in July of 2003 with a letter of introduction, and a request to meet and initiate discussions on how best to proceed to incorporate Aboriginal perspectives into the NWMO study. Further contact was made in the fall of 2004 when a verbal agreement was made with the NWAC to convene a national workshop to discuss the issue of nuclear waste.

The agreement was formalized in March of 2005 and the workshop was held June 14, 2005, post-release of the Draft Study Report. NWAC commissioned Mary Jamieson to coordinate their dialogue, a former member of the Seaborn Panel.

### **Report Received by 30 September 05**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

11-NWAC-1. National Consultation on Nuclear Fuel Waste Management, Nuclear Fuel Waste Report: June 2005.

### **Main Messages from the Native Women's Association of Canada**

1. **For the following reasons, the recommended Adaptive Phased Management Approach is NOT appropriate for Canada.**
  - Lack of awareness in Aboriginal communities
  - Risks outweigh benefits for remote Aboriginal people
  - Transportation poses unknown risks
  - Traditional knowledge and its spiritual context may be ignored in favour of "scientific findings"
  - Waste importation may occur
  - No guarantee that there will be a limit to the waste
  - There is no discussion of green alternatives to nuclear power being pursued during the siting process
  - NWMO membership is suspect because it is driven by the waste producers
2. **What are the conditions to successfully implement the approach?**
  - A targeted date to curtail the use of nuclear power in favour of alternative forms of power
  - Greater transparency in development of proposals
  - Legislation to prohibit waste importation of foreign waste
  - Decision-making framework (pace and manner) that is driven by potentially impacted

Aboriginal communities

- Definitions of “willing host community,” “risks,” “benefits,” “traditional/indigenous knowledge” etc as articulated by potentially impacted Aboriginal communities
  - Enhanced public education with special effort in potentially impacted Aboriginal communities, resourced by NWMO, delivered by Aboriginal women at local and regional levels
  - Balanced incorporation of science and traditional/indigenous knowledge
  - Hands-on involvement of young people through sponsored think-tanks, scholarships, international discussion groups
  - Standards for safety and security for humans and the environment defined by Aboriginal people working with scientists of their choosing and resourced by NWMO
3. **What special Aboriginal insights and/or concerns** should be kept in mind by NWMO?
- **Fairness** – “a level playing field” as defined by the Aboriginal people who may be potentially impacted
  - **100% control of the research methodology** utilized in Aboriginal communities and territories that may be impacted
  - **respect** for social structures, vulnerable languages and cultures, indigenous plants and medicines, hunting fishing and trapping grounds, areas of spiritual significance as defined by potentially impacted Aboriginal communities
  - **settlement** of land claims, the use of Crown lands for subsistence pursuits, Aboriginal title etc. before “siting” is initiated
  - **demonstrated willingness of the NWMO to understand the unique spiritual connection of Aboriginal people to the environment and to use the resulting understanding to find a solution that benefits future generations** – *“Understanding now . . . mutual agreement and action that benefits all after the learning process.”*
4. **NWAC voiced concurrence with many issues raised previously by other Aboriginal Organizations:**
- **Respect** – walk together in dignity and respect
  - **Responsibility to future generations** – be proactive in energy conservation; control/minimize/mitigate impacts
  - **Mistrust, Fear, Trust** – industry dominance on Board is conflict of interest, economic depressed communities may be targeted, mistrust of government, northern experience with abandoned mines, POPS – no-one is responding
  - **Traditional knowledge and wisdom** is key
  - **Primary concern for safety and security of humans and environment**
  - **Need for action NOW**
  - **Consultation** is 2-way street
  - **Recognition of Aboriginal Treaties and Rights**
  - **Aboriginal representation on NWMO**
  - **Transportation** is a concern
  - **Definitions** of “willing host community,” “voluntarism,” “remote.”
  - **Waste importation should be banned.**
  - **Ongoing engagement is essential**
  - **Involvement of youth is a priority.**

5. **Education and Awareness.** There is a real need to increase awareness and education – curriculum modules in schools at junior levels should be developed and operated by First Nation’s and off-reserve Aboriginals. It would be helpful is there was greater understanding of what was in power bills.
6. **Energy Policy.** Energy conservation should be supported and tied to the nuclear waste issue; alternative energy should be pursued to reduce the dependency on nuclear energy.
7. **Capacity.** Resources should be provided to enable NWAC provincial/territorial members (particularly in the four “focus” provinces of Ontario, Québec, New Brunswick and Saskatchewan) to educate their communities about nuclear waste issues.

# Regional/Local Organizations

## R/L-1. Ontario Métis Aboriginal Association (OMAA)

OMAA offers representation to the 250,000 Indian and Métis peoples living off reserve in Ontario. The mission of the Ontario Métis Aboriginal Association is to strive toward the political, social and economic well being of Métis, Non-status and off-reserve Status Aboriginal People in Ontario by addressing common concerns through the implementation of vital service initiatives designed to improve quality of life for the many OMAA members.

OMAA is an incorporated (as a non-share capital Ontario corporation) umbrella organization representing community based local associations, known as "Locals", and five regional organizations, known as "Zones". Each Local is affiliated both with a Zone and directly with OMAA. The Zones and Locals are autonomous organizations. Each Zone has an annual assembly at which delegates from its affiliated locals elect a Board of Directors and three-member Executive Committee. OMAA, in turn, has an eighteen member Board of Directors, composed of the three executive officers of each of the five Zones, and the three executive officers of OMAA. OMAA's three executive officers are elected for three year terms by an annual assembly of delegates representing the affiliated locals. The Association is affiliated with the national Congress of Aboriginal Peoples.

OMAA approached the NWMO in the fall of 2003, seeking to learn about the role and function of the NWMO. In March 2004 a proposal was submitted to NWMO, on behalf of the President of OMAA, to critique NWMO's initial discussion document and develop a position paper. OMAA attended the Workshop on Traditional Knowledge and Aboriginal Wisdom in the fall of 2003, and the National Stakeholder and Regional Dialogue Sessions on the first discussion document. Drawing from this as background, OMAA developed a one-day workshop to present and solicit feedback on the contents. The workshop was held in Ottawa, Ontario, April 15, 2004.

In May of 2004, OMAA submitted the Report of the OMAA Workshop and Position Paper on NWMO's Discussion Document #1, and also submitted a proposal for regional consultations on the NWMO's next discussion document. An agreement was reached shortly thereafter.

Throughout its dialogue, OMAA met with over 1300 people in 64 different community meetings:

- December 1, 2004 Elliot Lake 20
- December 27, 2004 Spanish 14
- December 29, 2004 Iron Bridge 9
- January 3, 2005 Echo Bay 3
- January 4, 2005 Thessalon 3
- January 5, 2005 Orillia 7
- January 6, 2005 Port McNicoll 19
- January 6, 2005 Midland 26
- January 7, 2005 Gravenhurst 6
- January 7, 2005 Midland 50
- January 8, 2005 Midland 17
- January 8, 2005 Owen Sound 2
- January 13, 2005 Kenora 7
- January 13, 2005 Kenora 60
- January 14, 2005 Kenora 100
- January 14, 2005 Vermilion Bay -
- January 15, 2005 Wabigoon 16
- January 16, 2005 Dryden 14
- January 18, 2005 Fort Frances 9
- January 19, 2005 Rainy River 3
- January 20, 2005 Sioux Lookout 9
- January 22, 2005 Ignace 7
- January 24, 2005 Thunder Bay 14
- January 25, 2005 Hurkett 11
- January 26, 2005 Terrace Bay 15
- January 27, 2005 Nipigon 13

- January 30, 2004 Sturgeon Falls 77 (minimum)
- January 31, 2005 Chelmsford 75 (minimum)
- February 3, 2005 Pembroke 36
- February 3, 2005 Pembroke 22
- February 4, 2005 Pembroke 11
- February 4, 2005 Pembroke 28
- February 4, 2005 Arnprior 12
- February 5, 2005 Renfrew 39
- February 6, 2005 Renfrew 37
- February 6, 2005 Matawatchan 29
- February 7, 2005 Bancroft 92 (minimum)
- February 8, 2005 Peterborough 25
- February 13, 2005 Iroquois 17
- February 13, 2005 Cornwall 9
- February 14, 2005 Trenton 11
- February 15, 2005 Kingston 6
- February 16, 2005 Belleville 32
- February 17, 2005 Smiths Falls 2
- February 18, 2005 Brockville 17
- February 19, 2005 Napanee 16
- February 22, 2005 Renfrew 20
- February 23, 2005 Haliburton 41
- March 2, 2005 Noelville 24
- March 3, 2005 Britt 16
- March 3, 2005 Spanish 3
- March 18, 2005 Ottawa 9
- March 19, 2005 Windsor 63
- March 20, 2005 Chatham 44
- March 20, 2005 Sarnia 4
- March 21, 2005 Hamilton 3
- March 22, 2005 Welland 6
- March 23, 2005 Wawa 9
- March 25, 2005 Chapleau 8
- March 25, 2005 Iroquois Falls 5
- March 26, 2005 Timmins 12
- March 27, 2005 Cochrane 17
- March 28, 2005 Geraldton 5
- March 29, 2005 Thunder Bay 19

In addition, OMAA secured locations in three malls to present information and solicit commentary through a written survey. Mall locations included:

- January 6, 2005 Midland Mountainview Mall
- January 7, 2005 Midland Mountainview Mall
- January 8, 2005 Midland Mountainview Mall
- January 13, 2005 Kenora Shoppers Mall
- January 14, 2005 Kenora Shoppers Mall
- February 3, 2005 Pembroke Pembroke Mall
- February 4, 2005 Pembroke Pembroke Mall

OMAA distributed and received 800 completed surveys.

In late spring, 2005, a “Phase 4” agreement was reached with OMAA to convene a special Board Workshop to review the Draft Study Report and report the results to NWMO. That workshop took place on July 15/16 in Thunderbay, Ontario.

### **Reports Received to 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-OMAA-1. Ontario Métis Aboriginal Association Nuclear Waste Management Initiative, April 2005
- 11-OMAA-2. Nuclear Waste Management: OMAA Presentation to OMAA Board of Directors, April 2004
- 11-OMAA-3. OMAA Position Paper on Phase II of the Nuclear Waste Management Process, April 2004
- 11-OMAA-4. Ontario Métis Aboriginal Association, Phase 4, Nuclear Waste Management Initiative Phase 4, September 2005

## Main Messages from the Ontario Métis Aboriginal Association

1. **The issue is important for Aboriginal Peoples.** Many Aboriginal people are potentially affected – they live in close proximity to nuclear power plants/research centres or hold traditional territory that could be potential sites. Aboriginal Participation is essential because: (1) Aboriginal lands are implicated; (2) Aboriginal peoples have been here for 10,000 years, recently arrived non-Aboriginals have brought problems that have taxed the ability of Mother Earth to survive; (3) Non-Aboriginals have not grasped the concept of providing for future generations; (4) TEK has not been integrated to date; (5) Key aspects of C-27 relative to Aboriginal peoples have not been adhered to; (6) Even though 10 Questions include enunciation of Aboriginal values, management approaches articulated to date have not taken into consideration Aboriginal concerns
2. **NWMO mandate should be broader** and include all nuclear waste and the full nuclear power Process from exploration and mining through to decommissioning of facilities and long-term waste management
3. **Dialogue is not “consultation.”** Short term dialogue not to be considered “**consultation;**” full consultation with Aboriginal people will be needed
4. **Responsibility:** though Aboriginal people were not the primary engineers nor beneficiaries of the technology that provides us with nuclear power, we recognize our responsibility to our future generations to attempt to find a solution that is realistic, pragmatic, as well as practical . . . we do not know all the long-term effects . . . but . . . it is our responsibility today to attempt to control, mitigate, and minimize the long-term effects that we are cognizant of
5. **Energy Policy:** to fully address the waste management issue, need national and provincial dialogue on energy policy
6. **Maintaining Choice for Future Generations:** whatever strategy is chosen, “must not bind the hands of future generations.”
7. **Communicability:** information must be shared in culturally appropriate manner
8. **Aboriginal Traditional Knowledge is essential to incorporate into the NWMO work including:**
  - **Principles of Traditional Management Practice:** Honour (honour the wisdom that can be garnered from speaking to the elders in both the Aboriginal and non-aboriginal community), Respect, Conservation (particularly as it applies to consumption of electricity), Transparency, and Accountability
  - **Other Principles:** consideration of the prophecies; share with each other and Mother Earth, advice and guidance from the Elders; broad participation, collective not individual benefits for short and long term – matters that affect the whole community; learning from the past
  - **Traditional Decision-making:** elders/wisest speak first, praying for assistance to make good decisions; whole community involved, all factors considered, authority of the people enforced, consequences of breaking traditional law understood
  - **Taking a holistic approach** that includes consideration of impacts on spirits, wildlife, medicines, all life not just humans
  - **Seven Generations Teachings**
  - **Traditional Environmental Knowledge:** drawing on ancient wisdom, constantly growing and

changing with new insights, people are part of an guardians of the land, encompasses biophysical, economic, social, cultural, and spiritual aspects of the environment; emphasis on inter-relationships

9. **Aboriginal Traditional Knowledge:** (1) provides rules for using those landscapes that will protect; (2) clarifies and enhances relationships amongst users; (3) assists in developing technologies to meet subsistence, health, trade and ritual needs of local peoples; (4) Helps to create a world view that incorporates and makes sense of all of the above in the context of a long-term and holistic perspective in decision-making. Uses include: provision of information on particular landscapes; enhancement of relationships amongst users, assisting in the development of technologies for use land use to meet subsistence, health, trade and ritual needs of local people. TK draws all this together in an holistic approach to decision-making for the long term Provides information on the physical, biological and social components of a particular landscape
10. **Applications to the work of NWMO:** find a way to give back to Mother earth, heal physical and spiritual damage; Aboriginal participation key; ensure respect and cultural awareness; emphasize traditional stewardship relationship
11. **Research on the Nature and Application of Traditional Knowledge should be commissioned.**
12. **NWMO Engagement:** need to consult with whole community not just leaders; respect rights; empower communities through the process; consult with elders; make the information understandable to all; respect existing management structures

In terms of the options initially reviewed by the NWMO and prior to the review of the Draft Study Report, OMAA made the following observations:

1. **Limited interest options** – concur with NWMO’s position on these
2. **Reprocessing, Partitioning and Transmutation** – agree with continuing research and watching
3. **Deep Geologic Repository (DGR):** many concerns including: (1) temptation to out-of-sight, out-of-mind; many such examples have failed in the past (ref. Love Canal, Sydney Tar Ponds); (2) most dangerous if considered conclusive with not intent to retrieve or reuse; (3) should consider but not think of it as the pre-emptive solution; (4) issues include: transportation (accidents, acts of terrorism); apparent preference for sites away from population will implicate Aboriginal peoples and their lands – their participation is essential and has not been achieved to date; seem to be outstanding technical issues (integrity of all of the barriers); concerned about a potential “China Syndrome” effect; staged approach allowing retrieval would be best
4. **Centralized Storage:** more favoured than DGR but risks include: Transportation, siting, durability of facilities over the long term and their requirement for re-building; unsure of cost/benefit advantage of one vs. multiple sites.
5. **Reactor site Extended Storage:** most favoured in during the 2004 dialogue because: eliminates transportation, eliminates possibility of single catastrophe by spreading amongst several sites, depends on known and understood processes that have been successfully used, site communities know and understand the issues, and allows for easy retrieval if science advances or a better approach to long-term management emerges
6. **Waste Importation:** strongly opposed
7. **Initial Ten Questions.** These are the right ones but how each is weighed is important: human health, safety, and well-being and environmental integrity should be considered the most important

Following review of the Draft Study Report and subsequent to the above, OMMA reviewed whether or not NWMO followed its own Mission Statement and values and concluded that they had.

Further, OMAA reviewed the proposed Adaptive Phased Management approach and concluded that the approach largely addressed the concerns voiced by OMAA:

1. It includes a commitment for ongoing discussion and engagement with Aboriginal people;
2. It recognizes the broad interest across Canada in having a national debate on energy policy;
3. It allows time for science to come up with a better approach;
4. There is a real feeling of opposition in the “north” and a sense that the “south” will use it as a garbage dump. The time frame proposed is adequate for addressing these concerns in a real way though greater effort will be required to undertake needed discussions in the north;
5. It does not simply reach to the cheapest solution that would be favoured by industry;
6. Safety and security remains a paramount concern;
7. It allows for scientific progress, easy retrieval and highlights environmental issues.
8. The time span involved in the three phases, the ongoing concern with R & D and safety and the emphasis on future generations’ involvement seems to take the process along a path that Traditional Knowledge would approve.

For success, OMAA suggested that there needs to be much more citizen engagement and continued effort at educating the populace. Transparency, continuing to build the partnerships established during this dialogue, increased engagement with youth - are all essential.

Lastly, OMAA reiterated the need for a program of formal consultation with the Aboriginal community as opposed to dialogue. They argued for an Aboriginal voice on the NWMO Board and for continued engagement while the federal government reflects on its decision.

## **R/L-2. Northern Saskatchewan Local Dialogue**

In August, NWMO was approached by Mr. Allan Morin, former Minister of the Environment of the Métis National Council and a member of the Sakitawak Métis Nation, Northwest Saskatchewan with the idea of convening a northern Saskatchewan Local Dialogue involving Métis, First Nations (Dene and Cree), and non-Aboriginal people living in the communities lying within the region of influence of Saskatchewan's uranium mines. Agreement in principle to proceed with a northern Saskatchewan local dialogue was reached on September 29<sup>th</sup>, 2004. The "host" organization would be the Sakitawak Métis Nation of Ile-a-la-Crosse.

Ile-a-la-Crosse (Sakitawak, in the Cree language) is the homeland of the Sakitawak Métis community and is considered by many as the "birthplace" of the Métis. It plays a special role in Canadian history. Long before European contact it's location near the confluence of four rivers made it a natural gathering place for Aboriginal people. Early fur-traders received a friendly reception and in 1776 Ile-a-la-Crosse became the first permanent settlement in Saskatchewan's northwest (over a century before Saskatchewan became a province of Canada) and a stepping-off place for exploration of Athabaskan country. A majority of current residents bear the surnames of the original fur traders and voyageurs. It is here that the Northwest Company originated and it is here where, after years of squabbling, the Northwest Company and the Hudson's Bay Company signed a charter bringing them under the single flag of the Hudson's Bay Company.

For its part, the Sakitawak Métis Nation – incorporated in 1964 – is a local affiliate of the Métis Nation, Saskatchewan. It has a membership of about 600 (adults over 16 years old) although 90 % of the 1600 people living in Ile-a-la-Crosse are Métis. About 80,000 Métis people live in Saskatchewan.

This project saw the Sakitawak Métis Nation convene a two-and-a-half day Community Retreat at Amyot Lake near Beauval, northwest Saskatchewan on October 21 – 23, 2004. Some 40 participants from 19 communities (mainly Métis), five First Nations (Dene and Cree), non-aboriginals from the uranium companies and one NWMO representative came together to review the alternative approaches for managing used nuclear fuel in Canada over the long term.

The cross-cultural nature of this dialogue and the depth of the discussion set a new standard for the overall NWMO Aboriginal Dialogue. It provides a model for future NWMO Dialogue activities. Members of the Sakitawak Métis Society subsequently participated in the NWMO Regional Dialogues, the Nature of the Hazard Workshop, and the NWMO Elders' Forum held in August 2005.

Following release of the Draft Study Report, a second meeting was convened at La Ronge, Saskatchewan, May 26, 2005, to review the report with its draft recommendation to government. In this case, the meeting was organized by Allan Morin, Former Minister of Environment of the Métis National Council. Some 20 individuals participated including 13 representatives gathered from 11 northern communities plus mining industry professionals, an observer from the Assembly of First Nations, and a representative from the NWMO.

Finally, the NWMO was urged by both the Sakitawak Métis Nation and the Congress of Aboriginal Peoples – Saskatchewan, to offer a half-day workshop/discussion on the nuclear waste issue as part of the 12<sup>th</sup> Annual Outdoor Youth Wellness Conference held at South Bay, Saskatchewan, August 3, 2005. Some 200 youth, 14 – 18 years of age gathered at the conference. Some 91 made brief written comments.

## **Reports Received by 30 September 2005.**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

### **Sakitawak Métis Society, Northwestern Saskatchewan**

11-SM-1. Northwest Saskatchewan Site-Specific Dialogue, January 2005

### **La Ronge Workshop**

11-NS-1. *Choosing A Way Forward:* Report - La Ronge, Saskatchewan Dialogue, August 25, 2005

### **Northern Saskatchewan Youth Dialogue**

11-NS-2. 12th Annual Youth Outdoor Wellness Conference, Northwest Saskatchewan – Youth Dialogue Report, August 29, 2005.

## **Main Messages from the Northwest Saskatchewan Site-Specific Dialogue, January 2005-10-07**

1. **Responsibility.** This generation is responsible for addressing the used nuclear fuel issue.
2. **Concern about the Environment.** We have a special relationship with the land and care deeply about it. To lose the land means we lose part of ourselves.
3. **Spirituality.** Touching the land touches our spirituality.
4. **Social Impacts must be addressed.** Real economic development is difficult without social stability. There are other considerations beyond jobs
5. **Family, Youth, Elderly.** Family is key in the north, the youth and Elderly both must be involved. Need to provide culturally appropriate information to raise awareness and knowledge.
6. **Benefits of a Deep Geological Repository in the North.** Could bring many benefits – a joint venture, jobs for the youth, skilled people coming into the community.
7. **Energy Policy.** Would be best to move towards alternative energy sources.
8. **Security.** Need to protect from natural disasters and climate change.
9. **Aboriginal Traditional Knowledge.** Needs to be brought to bear.
10. **Nature of the Hazard – Health Concerns.** High level of concern about the effects of nuclear waste on health although some were overall satisfied with the projected risk to people.
11. **Trust, Fear, Mistrust.** Much mistrust and fear exists. Long history of broken promises.
12. **Transportation.** Transporting back to Saskatchewan makes little sense because of the risks involved.
13. **Safety for people and the environment.** The highest priority.
14. **Ongoing Engagement** is essential.
15. **Retrievability** is important to keep options open.
16. **Misconception held by the south about the north.** *When people come to the north and see the land they think it is not being used. In the south they use food banks to feed the hungry, but in the north, the land is our food bank – we use it and care for it and it sustains us.*
17. **Fairness.** Concerned that those who receive benefits will not pay for the costs. In particular in the past it has been the local communities who have been unfairly treated.
18. **Decision-making.** Should be collaborative, open, and inclusive of northern peoples. *We need more northern participation – there is a regional disparity in the input; in decision-making we have a lot to contribute and believe our input will result in better choices being made at the end of the day*
19. **Independent Monitoring** should be in place.

## Main Messages from the La Ronge Workshop

1. **Overall Support for Adaptive Phased Management Approach.** The majority of participants expressed support – mainly because of the time it offers for reviewing implications prior to any final decisions being taken.
2. **Historic experience has left a climate of mis-trust.** Historic experience, particularly with the uranium mining industry, has left a sense of mistrust amongst many towards industry and government. Promises have been broken the social consequences (substance abuse, family breakdown, suicide) of rapid entry into the wage economy have not been well managed. The only way forward is through honesty and integrity in relationships between communities, industry, and government.
3. **Community Engagement.** Any further discussions of northern Saskatchewan becoming a host would require extensive local engagement and examination of the many issues. Participants clearly stated that community ownership/partnership would be required – an ongoing co-management regime. Involvement in Elders and youth was viewed as essential.
4. **Education and awareness building in the schools** was seen as essential.
5. **Aboriginal Traditional Knowledge** – both from Aboriginal scientists and Traditional knowledge holders was seen as essential.
6. **Culturally appropriate information was required** particularly in Aboriginal languages including Cree, Dene, and Michif.
7. Participants were very concerned about overall **Energy Policy**.

## Main Messages from the Saskatchewan Youth Dialogue

1. **Nature of the Hazard.** Many emphasized their sense of the high nature of the hazard associated with nuclear waste and the potential for the destruction of the environment and danger to wildlife and people if not securely disposed of.
2. **The Land is Sacred.** Traditional lands are held to be sacred, not only by Aboriginal Elders, leaders, and traditional resource users but also by youth. Many clearly placed maintaining the health and safety of the wildlife and land over the creation of jobs, profits, or a more convenient form of energy.
3. **“Outsiders” just want to dump their garbage in the North [our traditional homelands].** Several comments reflect animosity toward the “south”, generally meaning outsiders, industry or non-local people. There is a sense that outsiders don’t care about northerners’ best interests, and would use the north as a dumping ground for nuclear waste, not caring about the potential consequences.
4. **No nuclear waste storage in Northern Saskatchewan, please!** Forty comments indicated specifically that nuclear waste should NOT be stored in Northern Saskatchewan; rather, the waste should be stored at the reactor sites, or somewhere else out East.
5. **Extreme views are balanced.** Those opposed to nuclear energy were equal to those in favour.
6. **Technology will eventually find an answer to the nuclear waste disposal problem.** A significant number believed that technology will eventually come up with a way to address the nuclear waste issue.

7. **Need/want more information.** Many requested more information/education about the full nuclear fuel issue, the pros and the cons of the waste management approaches. It was quite clear that the youth want complete information, not just a briefing. They suggested that the schools be used as the means to distribute information.
8. **Deal with nuclear waste now.** A significant number indicated that the waste issue, as serious as it is, should be settled as soon as possible.
9. **Make it permanent.** Across all responses, the majority recognized the serious danger posed by high level nuclear waste and understood that it must be properly managed. Many indicated that the waste should be permanently disposed of, with no option left open for future generations to reprocess it or otherwise retrieve it. "Terrorists might try to come to the North and steal the spent fuel to make bombs". There seemed no good reason to leave the options open.
10. **Only a few felt that we cannot do anything about it, so, no comment.** Only two of ninety-one young people felt a sense of helplessness or hopelessness. One of these indicated that no matter what we decide, our fate is sealed: the USA is just going to bomb us anyway!

## **R/L-3. Eabametoong First Nation Nuclear Waste Dialogue**

The Eabametoong First Nation is a remote (no permanent road access, winter road only) First Nation Reserve situated on the Albany River, Ontario, north of the 50<sup>th</sup> parallel. Their on-reserve population is approximately 1200 people. The community still relies upon traditional hunting and gathering for 70% of its protein needs. It is in every sense of the word, a self-reliant community. The community is governed by a Chief and Council process with bi-annual elections.

Because of the internal political situation – there was an election pending – the Chief and Council handed responsibility for the nuclear waste dialogue to a Council of Elders. From the outset, Chief and Council have stated their wish to develop an engagement model that speaks to First Nation traditional values at the core, being, the engagement of the Elders as a precursor to community dialogue. This is an old, but rarely used, traditional method of community engagement

During the following months a series of community meetings were held led by the Elders. A project report was filed at the end of January 2005. Subsequently, and following a pre-DSR-release briefing in the Community on 19 May 2005, residual funds were earmarked for a community review of the Draft Study Report.

The unique form of this dialogue with leadership provided by a council of Community Elders is a model that will be shared with others as the NWMO Aboriginal Dialogue evolves.

### **Report Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

11-E-1. Eabametoong First Nation Nuclear Waste Dialogue Report – September 2004 to January 2005, February 2005.

### **Main Messages from the Eabametoong Dialogue.**

#### **1. Main Theme.**

*This is an important issue and clearly it is not going to go away soon. The government has a responsibility to talk seriously and meaningfully with First Nations and First Nations have the same responsibilities in their responses. This is an issue that affects Canadians today and for generations to come. Wisdom and traditional knowledge, as well as science will resolve this.” Chief Charlie O’Keese*

#### **2. Early Concerns voice in Meeting 1 include:**

- **Why now?** Why wait till situation is critical before engaging?
- **Where will it be stored?** Will it go back to Saskatchewan where it came from?
- Once storage area identified, **will production continue or cease?** If it continues, will site fill up? (**Volume issue**) Then, what will happen?
- **Security at site** – will theft or terrorism be issues?
- What is the **overall timing**; when will this happen?

3. **Early comments at Meeting 1 about the option of Deep Storage**

- Will **earthquakes** be a threat?
- Will **heat** be an issue? One Elder stated that while working in deep mines he experienced some very high temperatures.
- **Rock integrity?** Over the long term how is this being addressed?
- **Flooding?** Over the long term, how is this being addressed?
- **Impacts on drinking water** – could Deep Storage have an impact on drinking water?
- **Fuel housing breakage, containment integrity.** Will the underground storage area be contaminated and what about the ventilation to the surface that is seen on the drawings? What about contaminant migration in groundwater or in air because air circulation for cooling,
- Would there be **employment** for nearby communities?

4. **Meeting 2 Concerns**

- **Current strong opposition to siting near by**, but with more information could make informed decision in the future; concern that people might be panicking too soon – this issue won't come to fruition for many years
- **Environmental Concerns:** destruction of natural resources, animals and future generations of Eabametoong members
- **Younger Generation.** Need to be involved, they will be the ones addressing this in the future; concern voice by elders about the work ethic of today's youth and whether they would have the capacity to manage a nuclear waste facility in the future
- **Other First Nations Experience:** want to know what is going on there
- **Concerned that Elders might be used** so that someone is there to "take the blame" if things go wrong
- **Mistrust:** Why is this now being raised? No point in looking at nuclear plant because will only be shown the positive, not the negative; overall mistrust in government and its treaties
- **Local Action:** (1) present to others; (2) Working Group guidelines; (3) keep meetings going; (4) could be in a position to help other First Nations

5. **Meeting 3 Concerns**

- **Fairness** – who would benefit from a waste facility, who would carry the costs?
- **Long range implications** must be understood
- **Transportation** – how? Communities adjacent to route would have to be involved and be satisfied that it was safe
- **Contingency plans:** if the waste caught fire what would happen?
- **Legal Counsel:** seek for any future matters considering waste
- **Origins of Waste:** if they created it, why can't they figure out what to do with it?
- **Responsibility for Pollution** is on all of us – Aboriginals and non-aboriginals; we can keep blaming the non-aboriginals

6. **Meeting 4 Concerns**

- **Education:** local capacity building needed
- **Responsibility to engage:** wherever the site, local people in the territory must be involved to understand how they use the land, and what this would mean to them
- **Need inventory** of native values and traditional use; Inventory of local values underway as part of Land Use Planning Exercise, perhaps NWMO could further support these efforts
- **Dictionary of terminology** in the Ojibway tongue needed
- **Resources** for ongoing engagement needed
- **Many others interested; integrity** of engagement is key
- **Timing:** can't be rushed; traditional wisdom must be taken seriously.

*I support this (process) but we need time. Knowledge is passed down through time. We still talk about the visioning in the old days and we are still passing that knowledge down to our grandchildren. Elder Madeleine.*

- **Respect:** need to walk together in respect and friendship.

*It is important now that we have started this that we finish it. We will walk next to you in friendship. Please show us the same respect. I got my traditional knowledge from my father's visions. He saw there was no end, but now I believe Mother Earth will not last. Elder John*

*I had a dream that we were walking as a group and there were 5 obstacles we had to overcome. The first obstacle was people protesting, but we must keep on going with this because it is for the people. I saw in my dream that once we were past the 5<sup>th</sup> obstacle, it is smooth. Elder Madeline.*

7. **Potential Engagement Model.** The process demonstrated here may be an effective model to use in the future. Need much more dialogue, communications in culturally appropriate language and form.
8. **Commitment.** There is a profound commitment here to understand this issue and provide informed feedback.
9. **Continued Engagement.** Are anxious to continue to a conclusion that satisfies the Elders, the community, the Chief and Council, enabling them to provide informed, thoughtful, and valid information to the NWMO, and most importantly, based on both new knowledge and traditional understanding.

## **R/L-4. East Coast First People's Alliance (ECFPA), New Brunswick**

The East Coast First People Alliance is a non-profit organization incorporated under the Canada Corporations Act (#359 502-1) since March 1999. Originally founded to provide representation to a large number of un-represented off-reserve Aboriginal people in New Brunswick, the association has responded to the political, social and economic aspirations of Métis, Inuit, and off-reserve non-status and status Indians in New Brunswick. ECFPA has a membership approaching 5,900 members. It is governed by a 12-member Board of Directors representing the twelve geographic regions of New Brunswick. Current programs provide student bursaries, firearms support programs, day car and guardian assistance programs and a school lunch program for students in need. The expressed desire of the organization is to secure and deliver programs and services which will enable New Brunswick Métis and off-reserve Indian and Inuit population to reach their full potential and realize economic, cultural, social and spiritual wellness, while becoming more economically independent and self-reliant.

In September 2004, one of the coordinators of the Ontario Métis Aboriginal Association facilitated a discussion between NWMO and the ECFPA. They proposed a modest program that included a workshop and broader community survey to engage with their membership. An agreement with them was formalized mid-October and their 24-person workshop took place in late October. In addition to their own program members of the ECFPA participated in the post Draft Study Report Regional Dialogue held in the Maritimes.

### **Reports Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-EC-1. East Coast First Peoples Alliance Position Paper: Report from Workshop in Bathurst, November 2004
- 11-EC-2. Letter Report Summarizing Survey Results to 262 members; January 2005

### **Main Messages from the East Coast First Peoples' Alliance.**

1. **Alternative Disposal Methods.** Canada should keep watching brief an alternative methods, sometimes taking leadership role; research on Reprocessing, Partitioning and Transmutation is justified and may hold the key to a better solution;
2. **Repatriation of Waste.** Strongly opposed to it. Those who produce waste should take responsibility for it; long transport is a problem.
3. **Deep Geological Repository (DGR).** Opposed to it. Don't like out of sight, out of mind possibility; transportation issues paramount; unresolved technical issues of concern (e.g. integrity of rock host, groundwater movement); but if DGR, used staged approach with retrieval; fear that waste producers just want to bury it and move on.
4. **Centralized Extended Storage.** Slightly less opposed to it than DGR. Still have transport risks, security concerns, siting problems, replacement costs; issue of multiple sites is an unknown in terms of overall pros and cons.
5. **Reactor-site Extended Storage.** Preferred: no transport, minimize potential for single catastrophe by having multiple sites, have experience, communities already know the issues, easy retrieval
6. **Ten Questions.** Cover the appropriate considerations; human health safety and well-being along with environmental integrity are the top priorities

7. **Assessment Framework, Eight Objectives:** are pertinent and inclusive;
8. **Trust:** There is a complete lack of trust in the nuclear industry, and in particular, New Brunswick Power
9. **Aboriginal Engagement.** Important to continue
10. **Traditional Knowledge.** Concur with principles that include: honour, respect, conservation, transparency, and accountability.
  - Traditional knowledge provides information on the physical, biological and social components of a particular landscape;
  - It assists in establishing rules for using them without damaging them irreparably;
  - It clarifies and enhances relationships amongst users;
  - It assists in the development of technologies for using them to meet the subsistence, health, trade, and ritual needs of the local people, and
  - It helps to create a view of the world that incorporates and makes sense of all the above in the context of a long-term and holistic perspective in decision-making.
11. **Traditional Decision-making Process.** Let those who are wisest speak first; involve the whole community; consider all matters in a holistic approach; authority of the people must be enforced, that is, collective prevails over the few; need a strong system of accountability with consequences for breaking accepted laws and practices.
12. **Traditional Ecological Knowledge.** NWMO can and should take advantage of this.
13. **Aboriginal Involvement in NWMO.** Traditional Aboriginal Knowledge holders should be on both Board and Advisory Council;
14. **Consultation.** This dialogue should not be considered a “consultation.” Resources should be provided to allow a full consultation process as is required by law.
15. **All Nuclear Waste should be included in NWMO Mandate; the full materials life cycle should be considered.**
16. **Ongoing Aboriginal Engagement.** Very important to continue. Note suggestions:
  - Consult with the whole community, not just the leaders;
  - Ensure that rights are not being breached in the process;
  - Empower communities through the process;
  - Make the information understandable to all;
  - Respect existing management structures.
17. **Energy Policy.** Need full review in Canadian society as soon as possible.
18. **Seven Generations Principle.** Should guide the NWMO in its work.
19. **Maintaining Choice for Future Generations.** Must not bind the hand of future generations. *We should be mindful that we are merely borrowing the Earth from our children and as careful stewards of the Earth we must exercise due caution when making such monumental decisions.*
20. **Effective Communications.** Need simple and clear communications.
21. **Waste reduction opportunities.** Should be researched
22. **Transportation** is a significant concern.

## R/L-5. The Western Indian Treaty Alliance (WITA)

WITA brings together three unaffiliated prairie organizations of off-reserve, non-status peoples: The Congress of Aboriginal People of Saskatchewan, the Indian Council of First Nations, Manitoba, and the Native Council of Canada, Alberta. They have a combined membership of some 42,000.

NWMO was approached by WITA in September 2004 with a proposal to convene dialogues in Alberta, Saskatchewan and Manitoba using the offices of their three affiliate organizations. Agreement with WITA was formalized in early November and their Dialogue took place in the subsequent three months.

Workshops took place during December 2004 in Edmonton, The Pas, Manitoba and Regina, Saskatchewan. At total of 52 people participated in the workshops and in the case of the Regional meeting and equal number visited the information booth. Provincial reports were subsequently filed by each organization.

In the fall of 2005 and following the sad passing of Mr. Richard Long, the Project Coordinator (NCC, Alberta), CAP Saskatchewan filed an independent report that included comment on the Draft Study Report.

### **Reports Received as of 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-WITA-1. Initial Commentary on the Nuclear Waste Management Organization Discussion Document “Understanding the Choices”. (WITA First Interim Report: Alberta), December 2004
- 11-WITA-2. Analysis of NWMO Discussion Document of August 2004 – “*Understanding the Choices*” (WITA First Interim Report: Manitoba), December 2004
- 11-WITA-3. Initial Commentary on the Nuclear Waste Management Organization Discussion Document (WITA First Interim Report: Saskatchewan), December 2004
- 11-WITA-4. Congress of Aboriginal People Saskatchewan, Dialogue: Nuclear Waste Management Final Report, September 2005.

### **Main Messages from the Western Indian Treaty Alliance**

1. **Enforcement Concerns.** Cite recent discovery that Chalk River AECL has been dumping waste illegally for many years as a signal that “none of the carefully crafted rules . . . are being actually followed.”
2. **Canada’s Choice was to Not build the Bomb.** Was noted, even though Canada could have.
3. **Fairness.** Aboriginal people gain few benefits from nuclear energy (in the east, those connected to the grid get power benefits). *Aboriginal People, beside buying the electricity, make no gain from nuclear reactors – except perhaps in medicine. But Aboriginal People gain nothing from the waste. Why should Aboriginal people see others get rich off their treaty and Aboriginal Rights to a clean environment? (p. 11).*
4. **Primary Concern – Protection of Land and Environment.** Treaty Rights to a clean environment are timeless and constitutionally protected.
5. **Primary Concern – Health and Safety.** Not profit. In Saskatchewan there are health concerns related to low-level waste from the mines.
6. **Transparency and Accountability** – critical

7. **Communication:** need culturally appropriate information
8. **Potential for a Buy-off:** concerned that industry might try to buy off an Aboriginal group to place the waste
9. **Flexibility.** The chosen management strategy must be able to adjust to new techniques, new approaches.
10. **Capacity Building.** Will require a funded long-term process consciously reaching out to Aboriginal people.
11. **Elders' Wisdom.** Need to have some kind of ongoing capacity to ensure the Elders' wisdom can feed into the process.
12. **Ongoing Informed Engagement and Participation.** Is needed
13. **Aboriginal Values.** Need to play a part
14. **Reactor Site Extended Storage.** Favoured by Alberta delegates; eliminates transportation (accidents related to Swan Hill Hazardous Waste Disposal Site noted); is close to where trained people already exist; security is easier.
15. **Polluter Pay.** Maker of the waste must be primarily responsible
16. **Intergenerational Issues.** Future generations should not be put at risk or have their options curtailed
17. **Economic Benefits.** Should be enhanced wherever possible.
18. **Technical Adequacy.** Want best science used.
19. **This Dialogue is not "Consultation."**
20. **Aboriginal Oversight.** Possibility of a cadre of Aboriginal People be created to serve as a "watchdog" and attached to AECL, CNSC, or NWMO
21. **Aboriginal Rights and Treaties.** Should have explicitly been mentioned in the Nuclear Fuel Waste Act

In Correspondence between Doris Ronnenburg, President of NCC (Alberta) and David Crombie, Chair of the NWMO Advisory Committee, dated July 6, 2005, the following four main conclusions were offered.

1. A single, simple recommendation must be made by NWMO.
2. All work on above ground storage should be phased out immediately; one site in the Canadian Shield must be chosen; cost is not relevant; transportation is relevant but not the governing principle.
3. All Indian Treaties as affirmed and recognized by Section 35 of the Constitution of Canada must be strictly adhered to by the Nuclear Power Industry.
4. A permanent, funded Aboriginal "watchdog" Committee must be immediately established to ensure the above happens and the environmental concerns are addressed, not only industry costs.

On September 8, 2005, NWMO received a report from CAP Saskatchewan that served as a final report from their perspective. Within Saskatchewan, CAP Saskatchewan serves the interests of off-reserve and non-status Indians. Their mandate is:

- share, facilitate collaboration and partnership strategies related to the implementation of Aboriginal issues in Saskatchewan;

- facilitate and enhance partnership with First Nations communities by identifying opportunities for collaboration, and developing and supporting joint initiatives to maximize opportunities to jointly strategize and address particular issues of concern; and,
- serve as a reference group for newly emerging/existing issues regarding policy and program development.

CAP Saskatchewan's main observations are as follows.

1. **Information, Time and Resources too Limited.** The information, time and resources available for this dialogue have been inadequate for meaningful community participation.
2. **Need for Effective Communication of Information.** Culturally appropriate information must be available, written in a way that effectively communicates. Without understanding, an informed decision is not possible. Material in Aboriginal languages should be provided.
3. **Concern about Fairness.** There is real concern that decisions will be made that do not take into account Aboriginal interests; that the Aboriginal voice will not be heard; that the contribution of those involved in the process will be looked at as being "bought off" because their concerns never surface while those outside the process suggest that the Aboriginal groups in the process agreed. It is essential that the NWMO work in a mode that is transparent and in which the Aboriginal voice plays an integral role in Board decisions, research, and report preparation.
4. **A National Aboriginal Monitoring Group** should be established and funded to serve in a watchdog role.
5. **This phase of the process should not be considered "consultation;"** Government has a legal obligation to consult with the Aboriginal Community; northerners in particular believe that they have the most to lose and least to gain from NWMO recommendations.
6. **The Technical Information provided by NWMO is inadequate.** CAP Saskatchewan is concerned that there are significant unknowns and that there will need to be significant research to fill those gaps.
7. **CAP Saskatchewan concurs with the WITA interim recommendation that that** "...NWMO must come to a firm, simple, conclusion in its recommendation to Parliament on November 15, 2005." The conclusion must balance the interest of Aboriginal community, government interests and the "industry driven" NWMO Board. The decision on what to do with nuclear waste is not just a long-term scientific issue, but must consider all stakeholders especially those who signed Indian Treaties, as "Affirmed and Recognized" by Section 35 of The Constitution of Canada. The nuclear industry in Canada must respect Treaties; regardless of cost.
8. **CAP Saskatchewan is anxious to participate actively** in the next phase of this process.

## R/L. 6 Atlantic Policy Congress of First Nation Chiefs (APCFNC)

The Atlantic Policy Congress of First Nation Chiefs Secretariat is the unified voice of the Mi'kmaq, Maliseet and Passamaquoddy Chiefs and represents a strategic, collective approach to developing policies to support the principles of self government by self-determining peoples and First Nation governments.<sup>14</sup>

By mutual agreement with the Assembly of First Nations, in the fall of 2004, the APCFNC assumed responsibility for the AFN-led dialogue in Newfoundland and Labrador, Prince Edward Island, Nova Scotia, and New Brunswick. The AFN contract was modified to allow transfer of resources to the APCFNC.

As a result, the APCFNC convened two workshops:

- Fredericton, New Brunswick, January 20th, 2005.
- Truro, Nova Scotia, January 31st, 2005.

In a second phase of activity following publication, the APCFNC held an additional three meetings:

- Big Cove, New Brunswick, June 8, 2005 (focus group)
- Fredericton, June 9, 2005 (focus group)
- Halifax (regional workshop – all maritimes), July 11,12, 2005

### **Reports Received by 30 September 2005**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

- 11-APC-1. Atlantic Policy Congress of First Nations Chiefs Nuclear Waste Management Dialogue: Final Report, March 2005
- 11-APC-2. Atlantic Policy Congress of First Nations Chiefs Nuclear Waste Management Dialogue: Final Report, July, 2005
- 11-APC-3. Atlantic Policy Congress of First Nations Chiefs Nuclear Waste Management Dialogue: Interim Report, January 2005

### **Main Messages from the Atlantic Policy Congress of First Nation Chiefs.**

#### Pre-publication of the Draft Study Report

1. **Independence of NWMO.** Is NWMO in a conflict of interest position relative to the companies and government?
2. **Aboriginal Values, Understandings, and Learnings.** Should be integrated into the NWMO process; the Advisory Council membership should reflect Aboriginal Traditional Knowledge; Traditional Ecological Knowledge should be brought into the assessment framework; an Aboriginal person should be part of the Assessment Team; elders from across Canada should be involved – they can help;
3. **Fuel Volume.** How much do we have, how many more will be produced?
4. **Land Area.** How much would be needed to store the containers? What will happen to the land after that?

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<sup>14</sup> From “Moving Toward Implementation of Mi'kmaq, Maliseet and Passamaquoddy Treaty Rights with Respect to Fisheries” available on line at <http://www.rism.org/isg/dlp/bc/perspectives/apcfncs.htm>

5. **Transportation:** what would be the number of trucks involved in shipping the waste?
6. **Defining Community.** Definition of community must include First Nations whose traditional territory hosts the current nuclear generating stations.
7. **Monitoring.** If can't monitor closed facility, better to leave open
8. **Natural Disasters.** What would be the impacts? What would the effect of earthquakes be on the deep geological option?
9. **Contingency Plans.** What happens in case of accidents? Who will be responsible?
10. **U.S. Experience.** Can we learn from this?
11. **Energy Policy:** How is nuclear energy viable? Are there other methods for Canada to produce power? We will have to find other means because we will have to refurbish again and again. Nuclear waste is poisoning our planet it's so unfortunate we are continuing to produce it.
12. **Decision Making Process:** should include the principle of sustainable development, be environmentally sound, and should respect Aboriginal Treaty rights guaranteed under s. 35 of the *Constitution Act* of 1982.
13. **Independent Agency.** An independent public agency should be created to study options and make a recommendation to government.
14. **Resources for Aboriginal Community.** Federal government should provide resources so Aboriginal Community can participate in the Advisory Council
15. **Decision-making Analysis.** Should include reference to traditional territories.
16. **Engagement.** First Nations must be involved throughout the process
17. **Not Consultation.** Participation in this dialogue is not to be construed as consultation under s. 35(1) of the *Constitution Act, 1982*.
18. **Respect for Aboriginal and Treaty Rights.** Decision-making process should include the principle of sustainable development and should respect Aboriginal and Treaty Rights as defined under s. 35 of the *Constitution Act, 1982*.
19. **Independent Review of Options.** Public Agency as an agent of the crown should be created to study management options and make recommendation to the Governor in Council
20. **Resources for Aboriginal Participation.** Is needed including support for research and discussion. Need resources for independent scientists.
21. **Engagement Timeframe.** Need more time; not Aboriginal way to be so pressed
22. **Traditional Territories.** Should be recognized in analysis, not just economic regions.
23. **Significant Socio-economic Effects.** Needs definition.
24. **Comment on Deep Geological Storage:** *We are part of mother earth. Natural chemicals in me, same as earth. Earth is the same way. We have to take care of the earth like we would our bodies. We wouldn't intentionally put poisons in our bloodstream would we?*
25. **Moving Forward.** We need to focus on the solution not the problem. Good to inform people. We got to deal with it.

Post-Publication of the Draft Study Report

1. **Sharing of this report is not to be construed as consultation under s 35(1)**
2. **Energy Policy:** Mi'Kmaq, Maliseet and Passamaquoddy people should stop being dependent on nuclear energy; Federal and Provincial governments should develop an energy policy based on sound environmental choices;
3. **Ongoing Engagement** – need to involve Elders and Youth in particular; should have a national Aboriginal dialogue to come up with recommendations; need ongoing resources in Atlantic Canada for this; Atlantic-based Youth Conference should be considered;
4. **Ongoing Education** – is needed; NWMO should fund curriculum development on Nuclear Energy and Waste
5. **Training** – is needed; NWMO should provide resources;
6. **Research** – needed on impacts and possible benefits
7. **Sequential Decision Making** that is being recommended by NWMO is more responsible since it allows for the unknown in development of science and technology
8. APCFNC to send report directly to Minister of Natural Resources Canada
9. **Funding:** long term funding for Aboriginal participation should be established
10. **Aboriginal People and the NWMO** – there should be an accountable Aboriginal seat on the Advisory Committee and Aboriginal people on staff at NWMO.
11. **Security.** System needed around waste management facility
12. **Export of Nuclear Fuel to Other Countries** – should be stopped.
13. **Full/Real cost of nuclear should be noted on electrical bill**
14. **Recommend that NWMO check its recommendations with Aboriginal people** so they can be checked to see if “right ones”
15. **Nuclear power should be phased out now**
16. **NWMO should be put under media scrutiny**

## R/L-7. Union of New Brunswick Indians (UNBI)

The Union of New Brunswick Indians was established in 1969 as a provincially incorporated non-profit organization. Its objective is "To foster and promote greater self-determination of the Indian People of New Brunswick in the presence of all of their Aboriginal, Treaty and Residual Rights." Its focus is on-reserve Indians and it represents the common interests of First Nation communities in New Brunswick and Prince Edward Island. Nationally, it is affiliated with the Assembly of First Nations.

Interest in participating in the NWMO's Aboriginal dialogue was expressed by the UNBI from the beginning of NWMO's existence. UNBI representative participated in a number of discussions with NWMO staff. However, because of the lead assumed by the AFN for Dialogue amongst First Nations people direct support for UNBI activities was not realized until after the release of the Draft Study Report. On 9 June 2005, NWMO met with UNBI in their Fredericton office and agreed in principle to support a Summer 2005 community dialogue that would reach all 15 New Brunswick First Nation Communities.

Community dialogues subsequently took place as follows:

DATE	LOCATION	No.
July 20	Fort Folly First Nation	9
July 25	Woodstock First Nation	9
July 26	St. Mary's First Nation	14
August 2	Tobique First Nation	7
August 2	Madawaska First Nation	10
August 3	Oromocto, Woodstock First Nation	4
August 3	Kingsclear First Nation	4
August 4	Eel Ground First Nation	6
August 4	Red Bank First Nation	5
August 5	Big Cove First Nation	8
August 8	Pabineau First Nation	6
August 8	Burnt Church First Nation (informal session)	2
August 9	Batouche First Nation	6
August 11	Indian Island First Nation	5
August 16	Eel River Bar First Nation	6
August 18	Red Bank First Nation (Provincial Workshop)	24

### **Reports Received to 30 September 05**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

11-UNBI-1. Nuclear Waste Management & First Nations in New Brunswick (Final Report), August 29 2005

### **Main Messages from the Union of New Brunswick Indians.**

The dialogue process initiated by UNBI was completed within a six-week time period and amounted to a series of 15 information sessions for the benefit of participants. While many issues were questioned, no opinions were offered and the only suggestion emerging was that the dialogue process involving each of the 15 First Nations in New Brunswick should be continued.

## R/L-8. Federation of Saskatchewan Indian Nations (FSIN)

The Federation of Saskatchewan Indian Nations represents 74 First Nations in Saskatchewan. The Federation is committed to honouring the Spirit and Intent of the Treaties as well as the promotion, protection and implementation of Treaties that were made with the First Nations more than a century ago.

At the Regional NWMO Dialogue held in Saskatoon, June 28/29, 2005, (FSIN) Vice-Chief Delpert Wapass made contact with the NWMO and as a result of that initiative, discussions began regarding the possibility of FSIN undertaking a rapid set of information sessions during the summer of 2005. A proposal was immediately forwarded to NWMO from FSIN and after refined, an agreement was struck in early July.

The FSIN process involved participation in 11 information sessions in July and August as follows (number of participants not available).

DATE	LOCATION
July 12	Thunderchild First Nation
July 13	Agency Chiefs Tribal Council
July 13	Big River First Nation (Chief and Council)
July 13	Witchehan Lake First Nation (Chief and Council)
July 13	Pelican Lake First Nation (Chief and Council)
July 26	James Smith First Nation (FSIN Summer Camp)
July 26	Thunderchild First Nation (Chief

	and Council)
July 26	Onion Lake First Nation (Chief and Council)
August 2	Pelican Narrows (FSIN Summer Camp)
August 3	Mistawasis First Nation (Chief and Council)
August 4	English River First Nation (Patuanak, FSIN Summer Camp)
August 16	FSIN Youth Assembly

### **Reports Received to 30 September 05**

*(report numbering is consistent with the Final Study Report and with the NWMO web site)*

11-FSN-1. Nuclear Waste Dialogue Final Report, August 26 2005

### **Main Messages from the Federation of Saskatchewan Indian Nations**

The dialogue process initiated by FSIN was completed within a six-week time period and amounted to a series of 11 information sessions for the benefit of participants. The nature of the questions that arose during these sessions gives rise to the following observations:

1. **Too much Information, too Little Time.** There was too much information and too little time to absorb, learn, and be in a position to offer any informed opinions;

2. **Scepticism and Mistrust.** There remains significant scepticism regarding the dialogue process and mistrust of the nuclear industry;
3. **Concerns Regarding Health Hazard.** Significant concerns about the related health hazard exist;
4. **Concerns Regarding Environmental Implications.** Significant concerns about the potential environmental impacts exist;
5. **Concerns Regarding the Facility.** Significant concerns exist about the capacity of any waste facility to function in a way that would protect human health and the environment.
6. **Application of Traditional Knowledge Not Clear.** Because nuclear waste is “new” the application of Traditional Knowledge is not clear. *The waste is something new . . . and we don't have any way of dealing with this in a traditional way.*
7. **Keep the Waste out of Saskatchewan.** Many participants did not like the fact that Saskatchewan is identified as a possible province to store the waste;
8. **More Time and Resources Needed.** More time and resources is required for creating awareness amongst Saskatchewan's First Nations
9. **Additional Capacity Needed.** FSIN needs technical capacity (researchers/scientists) to aid in this process;
10. **Need to Know the Positives.** There needs to be a better picture presented of the potential “positives” that might come out of storing nuclear waste;
11. **Aboriginal and Treaty Rights.** FSIN needs to carefully review Aboriginal and Treaty Rights relative to this issue.

# Other Complementary Activities

## O-1. Traditional Knowledge Workshop

On September 24/25, 2003 twenty-eight individuals including elders, academics, representatives of national Aboriginal organizations, and non-government organizations gathered in Saskatoon to bring a Traditional Knowledge perspective to developing guidelines for how the NWMO should address the long term management of used nuclear fuel in Canada. The full results of the workshop are reported in NWMO Background Paper 8-3.<sup>15</sup>

Based on traditional knowledge and practices, the workshop objectives were:

- To identify principles that can help guide the study;
- To develop recommendations on what should be considered when studying different management approaches;
- To identify some of the research and information needs and issues associated with TK; and
- To develop suggestions for further consideration of Aboriginal wisdom with traditional knowledge holders in subsequent phases of the study process

In the course of its deliberations, the Workshop addressed:

1. Traditional Management Principles;
2. Traditional Management Practices;
3. Management Guidelines;
4. Decision-making Processes and Who was Involved;
5. Who Should be Involved in Future NWMO process;
6. Procedures and Protocols for participation of Aboriginal Peoples;
7. Accessing and Understanding Traditional Knowledge Through Research;
8. The role of Aboriginal People in the NWMO Process; and
9. Using Traditional Knowledge in the NWMO Process.

Participants emphasized they were not there as part of a process of “consultation” nor was their participation indicative of support for the work of the NWMO.

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<sup>15</sup> Barnaby, Joanne, 2003. Drawing on Aboriginal Wisdom – A Report on the Traditional Knowledge Workshop. NWMO Background Paper 8-3. Available on-line at: <http://www.nwmo.ca> under “Workshop Reports.”

## O-2. Elders' Forum

Throughout the Aboriginal Dialogue there has been a consistent call to bring Aboriginal Traditional Knowledge to bear as an equal partner to “western science.” Results of the Traditional Knowledge Workshop were fed into deliberations of the NWMO Round Table on Ethics and contributed to development of the Ethical and Social Framework used for testing any proposed long-term approach to managing used nuclear fuel over the long term. However, the process of bringing Aboriginal Elders and their knowledge into deliberations is a long-term and continuous one. How best to achieve an effective working partnership between Aboriginal Traditional knowledge and western science is not well understood and all concerned, including and in particular the NWMO, have much to learn on this front.

As one important step in this continuing process, the NWMO convened an Elders' Forum in Ottawa, August 25 – 27, 2005. Participants were drawn from across the country and included the complete spectrum of Canada's Aboriginal community. In total, there were 48 participants including 23 Elders (originally suggested by the local, regional, and national organizations who had received support from the NWMO), 19 “young” people named by the Elders in a support role, a special translator (Inuktitut) and five individuals from the Nuclear Waste Management Organization. Results of the Forum have been fed into the process of designing NWMO's ongoing Aboriginal Dialogue.<sup>16</sup>

Three overarching themes emerged in the Forum:

### **Theme 1. There is a Need for More Education.**

Elders and youth expressed a desire to learn more about a full range of matters related to nuclear energy including: the extraction and processing of uranium; the operations and design of power plants; the current storage of waste; the options being considered for its management; and the risks associated with each of these options.

They emphasized the importance of making this information available in a culturally appropriate manner. Elders repeatedly stated their willingness and commitment to educating non-aboriginal people about Aboriginal Traditional knowledge and understandings. They voiced a hope that such sharing would help change practices that have led to the current problems while contributing to the design of lasting solutions. An appreciation of the importance of communicating and sharing spiritual beliefs and understandings was viewed as an integral part of this.

Young people voiced the importance of renewing traditional stewardship responsibilities in Aboriginal communities and practicing these responsibilities at the individual, community as well as national levels. They challenged all Aboriginal communities to take steps to keep their environments clean.

The idea of establishing a NWMO scholarship fund to foster education in natural and social sciences, in traditional knowledge and in technology development fields received support from many.

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<sup>16</sup> Results of the Elders' Forum are summarized in Barnaby, 2005. *Report of the Elders' Forum*. Available on-line at <http://www.nwmo.ca/Default.aspx?DN=1428,1002,988,20,1,Documents> (NWMO Report 11-EF-1)

## **Theme 2. There is a Need for Continuity.**

The Forum recognized that the challenge of managing nuclear waste was long term. They stressed the importance of continuity to build on the work to date to engage Aboriginal peoples now and into the future.

## **Theme 3. There is a Need for a Partnership Between Aboriginal Traditional Knowledge and Western Science; Spirituality is Key.**

Elders expressed belief that traditional knowledge is very relevant to the challenges of nuclear waste management. While they do not have a history of producing or managing nuclear waste, they do have management practices that could be used to deal with the challenge and to prevent further problems in the future. NWMO is encouraged to review the results of its Traditional Knowledge Workshop and to build on these results. Aboriginal management practices would not allow for the production of wastes in the first place unless an accepted approach to their management was in place. Forum participants want to engage Canada in the discussion about continuing the production of waste that cannot be effectively managed.

Many recommendations from the Traditional Knowledge Workshop, if implemented would increase access to traditional knowledge in a manner that is respectful and appropriate. The Forum spoke about the importance of cultural protocols addressing research and ensuring protection of intellectual property in the process of working with traditional knowledge. Forum participants are prepared to provide further guidance in these matters building on the results of the workshop.

Through out the Forum, participants emphasized their belief that Aboriginal Traditional Knowledge and western science should see themselves as partners – separate but running in parallel and mutually supportive tracks.

An aspect of traditional knowledge that participants emphasized that is distinct and central to their knowledge system is the role of spiritual beliefs and practices. These beliefs are the fabric of their society and the Elders displayed pride and much respect when discussing spiritual matters. They encourage the NWMO to acknowledge these beliefs and in doing so, gain an appreciation of their relevance.

The Forum made the following recommendations:

1. **Consultation.** NWMO should affirm to Canada and Aboriginal Governments that discussion to date does not constitute ‘consultation with Aboriginal peoples’ as required by law
2. **Parallel Presentation.** The respective principles and values of Aboriginal and Non-aboriginal peoples should be presented side by side to reflect mutual respect for cultural perspectives;
3. **Stand Alone Aboriginal Report Needed.** A stand alone report summarizing all of the activities to engage Aboriginal peoples to date should be published and made available to Aboriginal communities and to Parliament;
4. **Elders’ Forum Should Continue.** The Elders’ Forum should continue into the future as a primary vehicle to address the cross section of perspectives of Inuit, Métis, First Nation, Non-status, Women, Elders and Youth needed to address the challenges faced by the NWMO. A Forum that includes elders and youth, men and women together, is extremely important;

5. **Ongoing National Aboriginal Advisory Committee Should be Established.** An ongoing national Aboriginal advisory committee to the NWMO made up of participants from this Forum should be struck to assist with planning and policy needs;
6. **Aboriginal Scholarships Should be Created.** A scholarship fund should be established to encourage Aboriginal youth to further their education in the natural sciences, traditional knowledge, the social sciences and in technological development fields;
7. **Culturally Appropriate Communications Needed.** Culturally relevant materials to use in the education of Aboriginal communities should be developed collaboratively between the NWMO and Aboriginal people. Issues that should be addressed include: the extraction and processing of uranium, the design and functions of nuclear power plants, the current storage and treatment of nuclear waste, the risks associated with each of these activities and the options under consideration;
8. **Grass Roots Focus in the Future.** The ongoing NWMO dialogue should focus on Aboriginal participation at the grass roots level while encouraging governmental support for National and Regional Aboriginal governments to provide technical and liaison support to communities;
9. **Integrity.** The NWMO should operate from a place of integrity by maintaining an open and honest relationship with Aboriginal communities on all matters and in particular with the question of storage sites; the good practices established in this Forum should be built upon.