

We Are The Land – Nuclear Waste Discussion Report for the NWMO

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Chiefs in Ontario

nwmo

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**“WE ARE THE LAND
therefore I AM the LAND!”**

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CHIEFS IN ONTARIO



**WE
ARE
THE
LAND**

**NUCLEAR WASTE DISCUSSION REPORT
PREPARED FOR THE
NUCLEAR WASTE
MANAGEMENT ORGANIZATION**

NOVEMBER 2009



CHIEFS IN ONTARIO

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COO Team with discussion participants in Moose Factory

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INTRODUCTION

First Nation communities in Ontario face environmental challenges on a daily basis and have experienced these challenges for many years. The challenges are local, regional or global in scope. The responses to these challenges vary widely and have evolved over time with contact with the newcomers. First Nations maintain unique perspectives in environmental management. The environmental concerns involve the recognition and protection of First Nation and treaty rights.

The Chiefs in Ontario (COO) in partnership with the Nuclear Waste Management Organization (NWMO) collectively held a series of information sharing workshops and discussion sessions around the management of nuclear waste. The main purpose of these sessions was to share information and discuss the process of selecting an appropriate site for the management of nuclear waste.

The Chiefs In Ontario office is the coordinating organization for First Nations (FN) and provincial territorial organizations in Ontario. It serves to protect and enhance treaty and First Nation rights which includes economic, social, political, cultural, environment, lands and all natural resources.

The NWMO was established in 2002 under the Nuclear Fuel Waste Act (NFWA) to investigate methods of managing Canada's used nuclear fuel, a by-product of the generation of electricity in a nuclear power plant. If not managed properly, used nuclear fuel is hazardous to people and the environment for a very long time. Currently, nuclear power plants are operating in Ontario, Quebec and New Brunswick.

The Nuclear Fuel Waste Act (NFWA) required electricity generating companies producing used nuclear fuel to establish a waste management organization to provide recommendations to the Government of Canada on the long-term management of used nuclear fuel. The NWMO would then determine and implement the selected approach.

The legislation authorized the Government of Canada to decide on the approach. In June 2007, the government selected Adaptive Phased Management (APM), the approach recommended by the NWMO. This approach would require the placement of the Nuclear Waste 500 meters underground in a deep geological repository, with a surface area of 2 km x 3 km. The NWMO is now responsible for implementing Adaptive Phased Management (APM), subject to all the necessary regulatory approvals.

The APM identified nine steps in a site selection process; the first step the NWMO will deliver includes providing information and awareness to the public, including First Nations communities on the process. Prior to initiating the site selection process, the NWMO is to solicit feedback on the process and its appropriateness. There were four sessions held in an attempt to capture First Nation views from across Ontario. These sessions were held at: Nigigoonsiminikaaning First Nation; Whitefish River First Nation; Six Nations and; Moose Cree First Nation.

The first two sessions were held at Nigigoonsiminikaaning FN (Fort Francis) on August 18 and 19 while another was held at Whitefish River FN on August 26 and 27 (Espanola). Two more sessions were held at Six Nations Territory on September 16 and 17 and at Moose Factory on September 23 and 24. A wrap-up session was held at Batchewana First Nation on October 7. Chief Alfred Sinclair of Obashkaandagaang First Nation requested to host another session for the leadership at his community on November 17, 18 and 19.



COO Nuclear Session Facilitator Adolphus Cameron boarding a water taxi in Moose Factory

BACKGROUND

First Nations have exercised inherent jurisdiction on Mother Earth since time immemorial. This jurisdiction is embedded in the various traditional constitutions of the First Nations that originate from the Creator and the ancestors of our peoples. This is sometimes referred to as "the sacred relationship to Mother Earth". First Nations are the original stewards of the land. They feel their duties and responsibilities to Mother Earth are not being respected and integrated by Crown governments at all levels.

First Nation peoples have a critical role to play in making sustainable development a reality in Canada, given their revitalized responsibilities for managing their lands, the importance of the environment to their Anishinaabek, Mushkegowuk and Onkwehonwe (AMO) way of life and the fact that some First Nation communities are often the first to experience the impacts of environmental change. In particular, First Nation peoples have expressed an interest in being involved in all discussions relating to environmental management regimes.

The Chiefs in Ontario is an institutional forum that is a continuation of pre-contact relations among the Indigenous nations whose territories coincide with the latterly formed Province of Ontario. It owes its legitimacy to the inherent national capacity of freedom of association and inherent right of self-determination exercised by the Chiefs in Assembly. It is mandated to coordinate and represent the collective interests of the 133 First Nations situated in the territory now known as Ontario.

As a provincial regional organization for four different cultural/language groups in Ontario, it is imperative that the Chiefs in Ontario remain cognizant of the various cultural protocols associated with each group. Therefore COO sought guidance through an Elders Advisory Group in assisting with this important project. In keeping with the community-based approach, one Elder, the Chief or councilor responsible for the environment portfolio, one woman from the women groups and a youth from the 133 First Nations in Ontario were invited to participate at four different locations based on the cultural/language group locations. It was also imperative to have technical representation at each meeting from the 16 Tribal Councils as they are tasked with providing technical assistance to their member First Nations.

PURPOSE AND OBJECTIVES

The four sessions provided an opportunity for Chiefs and their delegates to provide input on the Proposed Site Selection Process for the planned approach for the long-term management of Canada's used nuclear fuel. Delegates had and took advantage of the opportunity to interact and learn from each other in an open forum. The purpose of these sessions was for Chiefs in Ontario to work with the Nuclear Waste Management Organization (NWMO) in the design, development and coordination of regional information and discussion sessions on the Proposed Site Selection Process for Adaptive Phased Management.

The COO primary objective was to coordinate four information and discussion sessions with First Nation community members in Ontario to obtain local perspectives and input on the Proposed Site Selection Process for the planned approach for the long-term management of Canada's used nuclear fuel. These sessions had a community-based approach complete with the guidance of Elders through ceremony.

The secondary objectives were to inform and build understanding among First Nation peoples in Ontario on Adaptive Phased Management and the Draft Site Selection Process; and to understand the priorities and concerns of First Nation peoples through input into the Draft Site Selection Process.

SESSIONS

COO coordinated the locations with each area in the attempt to capture all the regions, cultural and language groups that are in Ontario. The four sessions were held at:

- Nigigoonsiminikaaning First Nation
- Whitefish River First Nation
- Six Nations
- Moose Cree

A wrap-up session was held at Batchewana First Nation while another session for leadership was requested to be held at Obashkaandagaang First Nation. An extra session was held at Obashkaandagaang First Nation at the request of Chief Alfred Sinclair.

Each session involved a traditional opening and closing ceremony by an Elder. The host leaders welcomed everyone to their territory/community and made opening remarks on the relationship with the land and their inherent right which continues as the stewards of all creation.

These sessions served to share information and to create awareness of the NWMO's APM.

The opening words for the session and process were made by the Facilitator. At each introductory session, it was stated that the information sessions were not a consultation process. The sessions were designed to provide information and awareness on nuclear waste management. The sessions also gathered feedback on the site selection process and its' appropriateness.

Principles of the nuclear waste information sessions and discussions

- The information sessions were not a consultation process
- The discussion is on the management of nuclear waste (proposed site selection process)
- The site selection process could take 30 years to complete
- All questions and viewpoints are valid
- Respect, sharing and honoring the views of all participating
- Anishinaabe view and western views are respected
- Elders and Youth participation are critical

Members of the NWMO made presentations on NWMO, nuclear waste and the proposed process.

REPORT TITLE

"WE ARE THE LAND therefore
I AM the LAND!" - Elder Fred Kelly

The elders discussed the relationship to the land by the original peoples of Turtle Island. The relationship is with the elements of water, land and air. Indigenous peoples relationship is based on our connection to Mother Earth and therefore We Are The Land!



Elder Jim Windigo at Obashkaan-dagaang First Nation session.

CONCERNS

Personal experience, knowledge of historical events, current situations of governments' initiatives and corporate movements were the basis of most of the feedback, concerns and requirements of the participants. Many of the comments shared were of past hurt and the legacy of disrespect toward culture, traditions and original peoples. Emotions were high when it came to the relationship with the land and all of its resources. Many communicated their thoughts, knowledge and concerns very eloquently.

The topic of Nuclear Waste and its management was an important issue to all participants. It is both controversial and emotional. Although these sessions were not about Nuclear Energy or its use and creation, its relation to the topic of nuclear waste management cannot be ignored and was a part of the discussion in all sessions. All sessions raised the fact that First Nations peoples and communities need to be informed of the background information which led to the issue of managing nuclear waste. One fact that was relayed to the participants was that it took 36 years to gather enough nuclear waste, to fill six hockey rinks. It would take six years to fill one hockey rink with nuclear waste.

Concerns raised from the two initial sessions included:

Nuclear Energy

This subject is too important to be left out of the discussions. There was strong opposition to the continued making and use of nuclear energy. There are 16 reactors in Ontario which are currently in use. A Moratorium on the production of nuclear waste was one of the loudest and strongest messages. The moratorium was reiterated at the Chiefs Gathering on Nuclear Energy by the participants and by youth participants.

Skepticism and Mistrust

With past experiences and dealings with governments and arms of governments, there were some strong views that their input was not really being sought. Experience and past dealings with government contribute to this cynicism. Although the sessions captured many strong views of the peoples, there was emphasis placed on whether their input would have value or any impact on the decision-makers within government.

Aboriginal Law (Traditional Knowledge)

In all of the sessions, comments about the relationship between First Nation people and Mother Earth were voiced strongly. The connection tied with the inherent stewardship responsibility is part of the law of Creation. Traditional Knowledge¹ is carried by the practitioners of Aboriginal Laws, and their source are Sacred Laws for First Nations people. All processes involving the environment need to consider traditional knowledge. There was reference made to an Aboriginal policy being developed within the next year. Some elders expressed their concern over the content of a policy, that it should reflect First Nation values and culture.

Environment

Environmental concerns included the lack of assurance, insurance and guarantee that storing the nuclear waste underground would not contaminate or alter the environment in any way. There is a need to understand the concept of nuclear production, its waste products and their potential impacts on both Mother Earth and on the health of all her beings. Although western science points to the safety and well-being of the environment and people, there is need for Traditional Knowledge as an information pool to be shared in terms of environment and life sustainability. In western science, the law of physics says that energy cannot be created or destroyed, but it may be changed from one form to another.

Safety and Security

Safety was a main concern raised during the discussions. In all topics, such as nuclear generation, waste, waste management and transportation, there were questions and viewpoints on the safety of these processes on First Nation territories within the province. The process in the proposed site selection invoked issues around safety and the health of people, animals, the waters and the environment. Health is a factor in the safety and security issues.

Transportation

There were many questions and viewpoints surrounding transportation. There are many First Nations along main transportation routes and this

Footnote: Traditional Knowledge is a term used by the newcomers to describe collective knowledge systems of the First Peoples of Turtle Island. The Anishinaabe refer to this knowledge as Anishinaabe Knowledge. For this report, Traditional Knowledge will be used as there are several different terms used to describe the collective knowledge systems of the First Peoples.

raises big concerns regarding safety for residents located in communities near main transportation routes. Presently, many trucks travel through First Nation territories with varied toxic waste, First Nations along highway routes are not consulted about such actions and most do not have emergency plans. Additionally, they do not have the resources to make emergency plans or react to a situation during an emergency.

Information

Receiving information about Nuclear Waste Management and the many years it took to decide on a proposed process has been compacted into two days of information sessions at four locations across Ontario. These are specific to First Nations. Many people who attended the sessions have more questions on the process and require more background information. One participant stated that the information and awareness sessions were positive and were a good start. Providing the information for First Nations to distribute within their communities is only a small part of the iceberg.

First Nation and Treaty Rights

Anything that has the potential to impact treaty and First Nation rights must be respected on a nation to nation basis. As a provincial issue, this is addressed on a government to government basis. Any consultations and accommodations that will be required, will be identified and addressed by the appropriate bodies.

Reference to Newton's First Law has been added because it raises several very important questions about the energy that is being proposed to be deposited and managed deep into Mother Earth. Our Grandfathers (rock) appear to be the body in this instance and nuclear waste is the external force. Is the rock always moving in a constant state? With the legends and stories of our Grandfathers, this appears to be parallel with western science.

Newton's First Law

There exists a set of inertial reference frames relative to which all particles with no net force acting on them will move without change in their velocity. This law is often simplified as "A body persists in a state of rest or of uniform motion unless acted upon by an external force." Newton's first law is often referred to as the law of inertia. Newton's First Law of Motion: ***1. Every object in a state of uniform motion tends to remain in that state of motion unless an external force is applied to it.***

FEEDBACK

NWMO conducted a number of information gathering sessions before the first awareness and information gatherings were initiated through the Chiefs in Ontario. After the information gathering was complete, the NWMO formed and drafted a nine step process for selecting a site to manage nuclear waste produced in Canada. The COO-hosted sessions found some varying feedback. The process was specifically First Nation's targeted. In all of the organized discussions, treaty and First Nations rights issues were raised. Section 35 of the Canadian Constitution was cited several times and Sacred Laws were also raised. However they have been cited, it provides a basis for the perspective of the First Nations worldview, customs, practices and traditional knowledge. Along with the western science view, this view must be paramount while developing the NWMO proposed site selection process. These two worldviews must be reconciled or an agreement to work towards their reconciliation must be developed. A recommendation for a workable solution was raised in the information sessions, it suggested that First Nations must take a lead on their own systems of law-making with a view to reconcile or harmonize both sets of laws towards the administration of such laws.

"There are Canadian laws. There are provincial laws. There are Anishinaabek laws. Before Canadian law or provincial law, there was Anishnaabe law."

The information sessions featured compacted information, after the Federal government took years to decide on APM. First Nations peoples listened, asked questions and provided their concerns and views on a very controversial and emotional topic. Most of the participants agreed that they would have to provide the information to their leadership and seek further direction from their elders, community members, youth and leaders. They require more information.

Mother Earth is the provider of all life. Because people rely on the life giving force of Mother Earth, people are not to participate in its destruction but to honour and give gratitude for life. There are three elements that are very crucial to the well-being of Mother Earth and the peoples; Earth, Water and Air, if anyone of these gets altered, everything is affected. Nuclear energy and its waste products must be understood. They need to understand it from western science and First Nation spirituality worldviews.

Transportation issues need to be addressed so that First Nation people who reside on or near main transportation routes can begin to

understand the potential dangers and prepare to enact safety measures around their community.

*"No longer can we just dig a hole and put this in there."
"I do not want to see my dog to be wagging two tails"*

Health and safety factors must take a lead in any information and awareness sessions. All processes, proposed or on-going, must have these elements as a basis for their discussions with people. In nearly all of the information sessions, health and safety factors were at the top of the list next to traditional knowledge and the cultural aspects of working together.

In building a relationship based on mutual trust and respect, it is imperative that meetings and discussions held on traditional territory include some investment of time in understanding the customs, practices and protocols of those communities and their people. It is customary to bring and offer tobacco to the host and bring gifts. Relationship building is an important part of any process. It is a respectful practice to acknowledge and understand colonial history and the experience of oppression when discussing past reasons for mistrust and skepticism. Only a demonstration of goodwill will help to alleviate that.

"It's not Canada's problem. It's the energy producers problem. Don't put the onus on people who never had a say in what energy they would use."

First Nation spirituality is holistic and does not separate from anything. The management of nuclear waste can potentially cause great damage, such as damage caused by natural movements or unforeseen cycles or motions from any of the elements of Mother Earth. However, there is also the potential for some good to be done. NWMO must work in parallel with First Nations, not only because of the duty to consult and accommodate, but by virtue of their inherent right and responsibility as the original stewards of all creation. The western science and traditional knowledge with all its protocols can be harmonized for the benefit of future generations and today's generation.

"My heart is breaking. It is my teaching to honour you as much as I can. I will do my best though to stop you from coming in and burying your waste in my territory."

RECOMMENDATIONS

1. Moratorium

Until the Original peoples have gathered enough information and research that they can make an informed decision that takes into account the health and well-being of future generations, they demand that a moratorium be placed on further steps towards a site selection and to increasing production of nuclear energy.

2. Collective NO

In all the sessions of the discussions on nuclear waste, there is a collective voice on saying "NO" to putting the nuclear waste underground. The youth, elders, men and women collectively agree that there is not sufficient information to suggest that there are benefits and that there is assurance, insurance and guarantee of some form that placing the nuclear waste will not harm the land, water, air or peoples near and around the vicinity of a suitable site.

"Not here, not now, not ever"

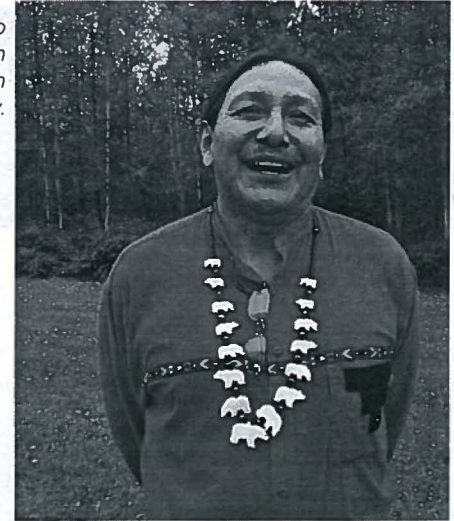
3. Empower and Support for Leadership

There was a strong message from ceremony that First Nation peoples need to work together on this important issue. This affects the life source and the life of Mother Earth and its peoples. The people need to empower their leadership and demonstrate their support by way of offering tobacco and providing the right information in order for the Leaders to assume responsibility and apply their duties as stewards of the lands and resources. This will enable them to ally with each other as a collective and make a united stand with governments.

4. Meet with Governments not Organizations

It is recommended that the leadership take their issues to the governments and not the organizations. This is a decision-making issue and the decisions are made by leadership. The people feel that it is the responsibility of leadership to ensure the interests of the land and the peoples are protected.

Educator and Activist Manuel Pino delivered a presentation based on the experience of uranium mining in his home territory.



5. Health, Safety and Relationship Building a Priority

Decisions thus far have been unilateral. Although the health and safety have been addressed, the perspective of the Original Peoples has been ignored. An impact of decisions has left a trail of damaged lives and communities for hundreds of years. It is a right of people to seek what is right for their health and determine what is safe for their communities. In order to do this, there must be an element of trust between people and cultures. This must be rebuilt in order for initiatives as important as nuclear waste management to move forward. It is imperative that steps be taken to build that relationship through open dialogues such as the information sessions on nuclear waste management. This builds mutual understanding and respect.

6. Resources to Research/Study Alternative Solutions

First Nation communities require the capacity to research and study nuclear energy and nuclear waste and its impacts and potential impacts if buried underground. Having resources and the information available will enable First Nation communities to support a process or offer alternate processes for management of nuclear waste. This can be coordinated by the Chiefs in Ontario office but the work can be done by each region/treaty area and/or communities. All communities are unique and there is no one size fits all process that will work for all. It will be a collective effort.



*Participants
at Nigigoon-
siminikaaning
First Nation
meeting.*

7. Involve Youth

As the initial process will take 30 years to begin construction of a deep geological repository, the children of today will be in leadership/technical roles for these initiatives. They will be challenged to make decisions for their generations to come. The youth must be involved at an early age so that they are aware of possible events when they reach adulthood. The youth need to be involved in these initiatives today since they will determine what is being created for future generations.

8. Reconciliation with Mother Earth

For many decades and over the past century, economic progress has hurt Mother Earth whereby the medicines in the water, air, trees and plants have been impacted. Mother Earth is sick and as a result, people are getting sick from newer diseases and illnesses. Mother Earth has to heal herself and we, as a people, need to support her. We have to rely on our knowledge keepers and wise ones to help us renew our relationship with Our Mother Earth. We have to make tobacco offerings, we need to have ceremonies, we need to thank the earth for her sacrifices, we need to honour her. We need to reconcile our relations.

9. Resolution

In putting an emphasis on all of the above recommendations, a resolution from leadership needs to be made. This will ensure that we will work together and have leadership support their people as well. One of the major points of the resolution may be to harmonize First Nations perspectives with those of Western World views.

10. Declaration

A declaration that emphasizes that "We Are the Land" needs to be put in writing. This declaration will demonstrate our connection to the land and that it is one of our sources of life. It is a statement that draws from Sacred Law and Traditional Laws.



CONCLUSION

The Nuclear Waste Management Organization has been vigilant in their efforts to follow through on their draft process for a site selection. This process is the result of years of research, community discussions and a steady focus by a group designated to oversee the progression. They are at the stage of introducing the nine step process of selecting a site. The method of managing nuclear waste was determined by the federal government. Nuclear waste will be placed underground within the Canadian Shield. The four provinces under consideration within the Canadian shield are Ontario, Quebec, New Brunswick and Saskatchewan. As part of the awareness campaign, there are discussion sessions being held in those provinces with municipalities and with First Nations communities. Besides information sharing, they are also seeking advice on the process and its appropriateness in site selection.

In the First Nations sessions, people were not ready to address the issue of the appropriateness of the draft site selection process. Participants were more focused on trying to understand nuclear energy, natural resource use and why agencies are seeking advice only after waste is to be managed. First Nation peoples feel that they are being acknowledged as an after thought. They feel that their worldview as the Original Peoples and their Traditional Knowledge must take a parallel position with that of Western Science. They plan to build their capacity through applying their own research into nuclear energy and nuclear waste, their impacts and seek options of managing strong medicine

such as nuclear waste.

As the result of the discussions, people are requesting more discussion throughout Ontario. Capacity building funds may need to be obtained to provide communities with the ability to do their research and studies. There were discussions around internal alliance building and relationship building with agencies such as NWMO. On-going dialogue between the Elders in Ontario and Niigani Elders was a strong suggestion toward relationship and alliance building. These are some of the participants requirements before they could even start a dialogue on the draft site selection process. After a thorough study and research into nuclear energy and nuclear waste, the Elders could raise their collective understanding and have more focused discussions about the benefits for future generations.

Nuclear Waste management is a very important topic. People have very strong feelings about their connection to the land and the connection of the land to them. This is a vital part of their being. It is their life, dignity and integrity that bind that connection.

It has been said that Mother Earth is on a healing journey at the same time people are on their journey. The major message being stressed is that the land and people are one. We are the land. The elements, cycles and life force of the land is the law and being the oral society of AMO, the law is legitimized through our languages and culture; we are the carriers of the law and therefore we are the law.



Elder Dennis Black (right) visits with leadership at the Nigigoonsiminikaaning First Nation Session.

Appendix A

Map of First Nation communities located in Ontario

