

Assembly of First Nations Nuclear Fuel Waste Dialogue

Final Report to the Nuclear Waste Management Organization



Submitted to:

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Assembly of First Nations

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ACKNOWLEDGMENTS

The Assembly of First Nations (AFN) would like to thank the Elders who have shared their thoughts with us over the years, as their generosity of time and patience has helped us in understanding the issue, appreciating the depth of their anxiety, and the need to take action.

We also acknowledge the diversity of First Nations, both in their traditions and in their experiences. All of the Nations are deserving of the support necessary to document their experiences and to speak for themselves.

A number of people provided information for this report, including the First Nations women and youth, the AFN Chiefs Committee on the Environment, the AFN Nuclear Waste Working Group, and other technical experts. We gratefully acknowledge their contributions.

We would also like to acknowledge the financial support the Nuclear Waste Management Organization (NWMO), which allowed the preparation of this report, and we note that the views expressed in this report are not necessarily shared by the NWMO.



1.0 INTRODUCTION

The Assembly of First Nations (AFN) established a collaborative working relationship with the Nuclear Waste Management Organization (NWMO) in April 2004. The NWMO provided financial assistance to the AFN to facilitate a dialogue with First Nations on the long term management of nuclear fuel waste. The activities would not have been possible without the generous contribution that the NWMO as provided.

The AFN Nuclear Waste Dialogue was guided by a vision. The program's vision is the development of a sound nuclear waste management approach for present and future generations that respects and integrates First Nations' rights and values. This vision supported and helped to identify, and focus the program on, five central goals: 1) protect Mother Earth for future generations; 2) protect the long-term social, economic, legal and cultural interests of First Nations; 3) development of sustainable energy policies; 4) engaged and involved youth and elders, and; 5) support and strengthen First Nations' governance.

To create activities and procedures that reflect the program's goals, the AFN dialogue unit developed four program objectives, which include:

1. Raise awareness within First Nation communities about nuclear fuel waste management and the potential impacts on their communities;
2. Build First Nations' capacity to engage in discussions and decision making on the issue of nuclear fuel waste management;
3. Promote dialogue within First Nations and between First Nations and Natural Resources Canada (NRCAN) regarding the long-term management of nuclear fuel waste, and;
4. Facilitate First Nations' engagement on the issue of nuclear fuel waste management within the broader Canadian society.

This report summarizes the activities of the AFN during the NWMO funding period.

2.0 BACKGROUND

2.1 Assembly of First Nations

The AFN is the national organization representing First Nations citizens in Canada. It is a non profit organization and is a delegated forum for effective collective and cooperative measures on matters which the First Nations delegate for review, study, response or action.

2.2 AFN involvement with nuclear waste issue

The AFN participated in the Seaborn Panel review of the AECL concept in the 1980s and 1990s and later made submissions to the Parliamentary Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources and the Standing



Senate Committee on Energy, The Environment and Natural Resources in November 2001 and May 2002 respectively.

The AFN's involvement in the Nuclear Waste Dialogue process was supported through two (2) resolutions. Resolution #103/99-*First Nations Participation in Shaping the Preferred Approach to Long-term Nuclear Fuel Waste Management* (see Appendix 1 (a)) and Resolution #51/2003-*Recognition of Nuclear Waste Management Organization Aboriginal and Treaty Right Obligations* (see Appendix 1 (b)).

2.3 AFN relationship with NWMO

In June 2004, funding arrangements were finalized between the NWMO and the AFN to enhance the dialogue process designed with funding from NRCan. As part of this agreement the AFN agreed to deliver a wide range of activities related to the implementation of a dialogue on nuclear fuel waste management.

3.0 ACTIVITIES 2004 -2005

The activities and products carried out utilizing the funds from NWMO for the period June 2004 to November 30, 2005 were done by the AFN nuclear dialogue team.

Directed by the AFN Environmental Stewardship unit, the Nuclear Waste Dialogue team included:

- 1 Manager
- 4 Regional Coordinators
 - Quebec & Eastern Canada
 - Northern Ontario
 - Southern Ontario
 - Northern and Western Canada
- 1 Administrative Assistant

3.1 Dialogues

To meet the program objectives the dialogue process was conducted by the four Regional Dialogue Coordinators. They traveled extensively within their respective regions, meeting with First Nation communities and organizations to raise awareness, build capacity, promote communication and facilitate First Nations engagement. Activities included a power-point presentation outlining what nuclear waste is, where it is stored, why to be concerned, who is responsible for storage, the potential storage options, and regional issues (see Appendix 2). In addition, question and answer periods, and general discussion time were provided as part of the dialogue process. Information booths, with written material for distribution were utilized as an enhancement to the dialogue process. There have been 51 dialogues conducted with First Nations and 35 information booths at large First Nations gatherings and meetings.



The Regional Coordinators have found through the dialogue process that First Nations lack capacity and resources to participate and to be fully engaged on this critical issue. First Nations are faced with other pressing issues such as health, housing and governance issues that often took first priority. This often led to difficulties securing a meeting with First Nations communities. AFN has requested that the dialogue process continue at the regional and local levels. Resources and information gathered should be provided to First Nations' regional and local entities.

3.2 Communication Products

One of the first materials made in June 2004 to assist with creating awareness was a bumper sticker. The bumper sticker is available in both French and English languages (see Appendix 3).

The intent of this bumper sticker is to reinforce that this is First Nations land and that First Nations have a voice in the decisions that will impact their lands. This message is particularly salient when considering the potential risks associated with the management of used nuclear fuel. The overall image of the bumper sticker was kept very simple, to avoid detracting from the clear message that we wanted to send. The AFN logo is applied as a strong and recognizable image that represents the cultural and traditional heritage of First Nations in Canada. It encompasses the values and aspirations of all our citizens, be they women, men, youth or elders.

A First Nations video on nuclear fuel waste management was completed. This video provided a stimulating conversation piece for First Nations on nuclear fuel waste management. The video provides the viewer with basic information and a variety of contrasting view points to stimulate discussion. The video was translated into French, Plains Cree and Ojibwe languages. The English language associated with nuclear energy provided difficulty for translations into the Plains Cree and Ojibwe languages, as some of the terms are not known in the Aboriginal languages. The video was distributed widely by AFN Regional Nuclear Waste Dialogue Coordinators in DVD and VHS formats.

The remainder of communication products developed and available in English and French, included:

- Factsheets and other relevant information, also available in Cree and Ojibwe syllabics
- Pamphlet, outlining AFN program objectives and NWMO proposed options (see Appendix 4)
- t-shirts
- canvas bags
- Hackie sacks
- Magnets
- Bottled water, with bumper sticker as the label



3.3 Program Activities

The activities and products deliverables agreed upon with NWMO were:

- Three (3) Working Group written submissions;
- Two (2) Regional Chiefs Panel meetings;
- Background Paper;
- Four (4) Regional Fora reports
- One (1) Regional Forums Summary Report (summary of three (3) regional forums);
- A Preliminary Commentary on the NWMO's *Draft Study Report*;
- Dialogue and Enhancements;
- Promotion of Youth Involvement: FN Youth art contest;
- Final Recommendations; and
- Final Report.

3.4 First Nations Nuclear Waste Working Group

A working group was established to augment the activities of the AFN dialogue on nuclear fuel waste management. The purpose of this group was to provide support to First Nations communities, organizations and individuals in their evaluation of the activities being carried out by the NWMO. In addition, the working group assisted in addressing the concerns, interests and rights of First Nations in the NWMO process, by explicitly stating, explaining and documenting these concerns in their submitted reports and recommending ways in which the process could be improved. The objectives of the working group included:

1. Provide guidance on and suggestions to the AFN dialogue;
2. Critique the discussion documents released by the NWMO and submit a report of their conclusions; and
3. Communicate findings of the Working Group to First Nations, government, industry and the general public.

Membership of the working group was representative of regions currently or potentially affected by nuclear issues (e.g., mining, waste production and possible storage or disposal areas) and brought relevant experience and expertise to the group. Efforts have been made to ensure the following regions were represented: Northern Ontario, Southern Ontario, Northern and Western Canada, and Quebec and Eastern Canada. Funding was available for six individuals to participate in the working group.

First Submission

At the initial meeting on July 15, 2004 a small group of First Nations representatives met to review and comment on the NWMO's first two discussion documents: "Asking the Right Question?" and "Understanding the Choices". The main issues discussed were consultation versus dialogue, protection of Aboriginal & Treaty rights, imposed timelines set in the *Nuclear Fuel Waste Act* (see Appendix 5) and inadequate funding for First Nations communities to engage (see Appendix 6).



Second Submission

The second Working Group meeting occurred on October 27, 2004 during which a series of recommendations with regard to the NWMO process were outlined. The working group requested that a response to each of the issues be provided to the AFN. (see Appendix 7).

Third Submission

The third meeting of the Working Group occurred on June 14, 2005 after the release of the NWMO's discussion document 3, "Choosing a Way Forward: Draft Study Report" on May 24, 2005. At this meeting, the Working Group members expressed their discomfort in providing detailed comments on the document. The late release of the Report condensed the dialogue process and provided little time for thorough consideration by First Nations. In conclusion, the Working Group members suggested the AFN should refrain from providing detailed comments on the report (see Appendix 8). Upon submission of this report, the NWMO responded in a letter to the AFN highlighting some of the contents in the working group report. The AFN has clarified the issues raised by NWMO in a response letter (see Appendices 9 (a), 9 (b)).

The Working Group has contributed greatly to the AFN dialogue, by providing detailed comments and recommendations on the NWMO process. In addition, Working Group reports provide First Nations with a useful reference tool for their own evaluation of the NWMO process, by highlighting specific issues and potential ways to address those issues. Reports from each working group meeting have been submitted to the NWMO and posted on their website.

3.5 Preliminary Commentary Report

Upon the release of discussion document #3, "Choosing a Way Forward: Draft Study Report", on May 24, 2005, the AFN provided a preliminary commentary to NWMO upon suggestions made by the AFN working group. In summary, there were six comments provided which include:

- extremely short timeline;
- insufficient time to receive feedback from 637 First Nation communities;
- minimal input;
- required full and effective consultations;
- capacity building to participate; and
- discomfort in providing detailed comments as a result of the above mentioned concerns .

3.6 AFN Regional Chiefs Panel on Environment

As part of the mandate of the AFN Environmental Stewardship unit, the AFN nuclear waste dialogue team must report to the Regional Chiefs Panel on Environment. The objective of the Chief's Panel on Environment is to listen to views, concerns, and



proposed solutions from Panel members, and to give direction on how the Unit should move forward.

The goals of the Regional Chief's Panel on Environment are:

- to assist First Nation communities to identify and address environmental problems that may endanger the health and well being of their people and lands;
- to provide direction to the AFN Environmental Stewardship on important issues;
- to raise the profile of environmental issues in First Nations governance; and
- to provide direction on the development of annual environmental policy fora.

Membership in the Regional Chiefs Panel on the Environment consists of:

- Co-Chairs, two Regional Chiefs, one from the west and one from the east;
- One political and/or technical representative from each AFN region;
- Director, AFN Environment Secretariat,

All Elders and Chiefs who request to attend and participate at the panel meeting are welcome.

First Meeting

The first meeting of the Regional Chiefs Panel on Environment took place September 8-9, 2004. This meeting brought together regional First Nations representatives who provided the AFN with valuable direction and regional perspectives on the nuclear dialogue. At the meeting the AFN Nuclear Waste Dialogue Program presented a summary of dialogue activities, gave an overview of the Nuclear Fuel Waste Act and provided a detailed outline of the management practices used for the dialogue. The NWMO Aboriginal Dialogue representative presented NWMO's purpose and objectives in carrying out a dialogue with the Aboriginal Peoples of Canada regarding the management of Canada's used nuclear fuel.

Second Meeting

The second meeting of the Regional Chiefs Panel on the Environment was held October 24-25, 2005. The meeting allowed for focused discussions based on the AFN Annual General Assembly Resolution #39/2005 and the final recommendations submitted to the NWMO. The NWMO Aboriginal Dialogue representative presented a summary of the NWMO Aboriginal dialogue.

3.7 Background Paper

A background paper on environmental issues facing First Nations was researched and compiled. This document provides an important context for the nuclear waste issue for First Nations. First Nations are faced with a wide range of pressing environmental issues (e.g., climate change, contaminants in water and traditional foods, species at risk, etc) which can directly affect their lives. Characterizing the relative "importance" of nuclear waste management is an important step in the nuclear dialogue and will serve environmental strategies for First Nations. (see Appendix 10).



3.8 First Nations Youth Art Contest

To promote the involvement of First Nations youth, and to allow for an artistic means of expression on the nuclear fuel waste debate, a First Nations Youth Art Contest was held. It was anticipated that this contest would stimulate significant discussion amongst youth, and between youth and their parents or teachers.

The contest notification was distributed at numerous First Nations gatherings, sent to First Nation schools and advertised in numerous First Nations newspapers, and posted in the AFN Echo, which is sent to all First Nations communities. The contest flyer was also available on the AFN website and had been distributed by Regional Coordinators during their travels and discussions with First Nations communities and organizations.

The contest closed on February 28, 2005 with over 70 entries. A panel of three judges with backgrounds in youth program delivery, art and nuclear issues was formed. The first, second and third place prize winners were decided by consensus (see Appendices 11 (a), 11 (b), and 11 (c)).

The artwork and description of each artwork is also available on the AFN website, www.afn.ca.

3.9 Regional Fora

Regional fora are a means to bring together regional representatives, community members, lands and resources technicians and other interested First Nations at the regional level to have a discussion about the long-term management of nuclear fuel waste. These fora were an important component of the AFN dialogue since they provided the resources for regional representatives to network with each other on this issue and raise regionally reflective concerns.

There were four Regional Fora on Nuclear Fuel Waste Management (see Appendices 12 (a), 12 (b), 12 (c), and 12 (d)) were held:

- Toronto, ON (November 18, 2004);
- Wauzhushk Onigum First Nation (November 23, 2004);
- Prince Albert, SK (November 30, 2004); and
- Ottawa, ON (July 26, 2005).

A summary report of the three regional fora held in 2004 was prepared and submitted to the NWMO on December 17, 2004 (see Appendix 13). The Quebec Regional Forum report, which consolidates the issues heard during the forum in Ottawa on July 26, 2005, was submitted to NWMO shortly thereafter.

3.10 AFN Annual General Assembly

On July 5, 2005, at the AFN's Annual General Assembly in Yellowknife, NWT, the AFN Nuclear Waste Dialogue Program made a presentation on key activities, the NWMO's



recommended options for the disposal of Canada's nuclear fuel waste, and the concerns and outcomes of the dialogue process with the purpose of seeking direction from First Nations (see Appendix 14). The result of this meeting was the drafting and endorsement of AFN resolution #39/2005-*Nuclear Waste Management Organization Dialogue Process* adopted by consensus by the Chiefs in Assembly (see Appendix 15). The implementation of this resolution has resulted in a letter of recommendation to the Minister of NRCan urging that an extension of time for full and effective dialogue on the issue of the disposal of Canada's nuclear fuel waste be provided for First Nations (see Appendix 16).

4.0 FINAL RECOMMENDATIONS

The AFN has been advised by First Nations that they are not prepared to comment on the "Choosing a Way Forward: Draft Study Report" until they have had sufficient time to study and understand the issues. First Nations are not yet in a position to make a recommendation one way or the other regarding the options for nuclear waste management put forward by NWMO. First Nations have very strong opinions on the general issue of nuclear fuel waste management. Through hundreds of hours of dialogue, the comments have been compiled and recommendations have been extracted. The ten issues identified by First Nations to date include:

- Aboriginal & Treaty Rights;
- Fiduciary Responsibility;
- Consultation;
- Traditional Knowledge;
- Capacity;
- Energy policy;
- Low & Intermediate Waste;
- Importation of Waste;
- Emergency Response; and
- Timeline for consideration of options.

The AFN compiled these comments in a document "Final Recommendations to the Nuclear Waste Management Organization" that was submitted to NWMO in September 2005 (see Appendix 17).

5.0 CONCLUSION

The activities described above have contributed to the AFN dialogue on nuclear fuel waste management. This has provided the initial steps to the engagement of First Nations on this issue. The reports that have been produced will serve to document many of the concerns that First Nations have with the current process being led by the NWMO. In addition, these reports will help First Nations with their own deliberations on the issue. The AFN has taken initial steps in raising awareness, building capacity, promoting



dialogue and facilitating engagement on nuclear waste management issues. The development of a sound nuclear waste management approach for present and future generations that respects and integrates First Nations' rights and values should be pursued by NWMO in its next steps.

It is the position of the AFN that the work described above does not constitute consultation, on the part of the AFN or any First Nations who participated in these activities. Furthermore, any discussion about management options that has taken place as part of these activities must not be considered as an evaluation of the management options. First Nations have not had the required time or resources to make informed comments or recommendations on the management options being studied by the NWMO.

First Nations are stewards of this land for future generations. It is essential that further collaboration through dialogue and legal consultation be carried out and that First Nations have proper involvement in the decision making processes on nuclear waste issue.

The AFN would like to thank the NWMO for its financial and other support through this process.

