



Background

History of Treaty 3 and Failure of the Crown-Anishinaabe Relationship

The Project falls within the Treaty 3 Territory, home of the Anishinaabeg. Following many years of discussions between the Crown and the Anishinaabe, Treaty 3 was signed on October 3rd, 1873. The basis of the Treaty stemmed from the Crown's desire to secure safe passage through northwestern Ontario to reach the Red River settlement and rail passage to the Pacific. Treaty making was supposed to cement a constructive, equitable relationship with the Indigenous nations of the land. The Treaty relationship has been a failed one. For the Anishinaabeg, the understanding is of an ongoing Nation-to-Nation agreement whereby inherent sovereignty is not surrendered. The Crown's implementation has been to displace and marginalize Anishinaabe rights and interests. Recent court cases have confirmed that Indigenous rights, interests, and jurisdiction cannot be ignored by the Crown. Many recent major projects that have failed to include Indigenous participation have been delayed and paralyzed by conflict.

A reconciliatory approach respects Anishinaabe legal perspectives and considers Anishinaabe law equal to the pen. At the insistence of the Niiwin Wendaanimok First Nations, the approach to this project has followed respectful traditional processes of the Anishinaabeg with uniquely good effect. Models for successful advancement of major projects implicating Indigenous rights in Canada are rare.

Project Background

Since 2009, the MTO has been in the process of developing a plan to “twin” (double-lane) Highway 17, between the Manitoba border and Kenora. This project is designed to reduce trans-continental traffic congestion and increase road safety. The Project did not move forward as Ontario's engagement with the Anishinaabeg was inadequate. The project remained at a standstill until 2018, when the Niiwin Wendaanimok Partnership was formed.

To capture and coordinate their shared experience, concerns, and interests, the leadership of Shoal Lake 40, Washagamis Bay, Niisaachewan, and Wauzhushk Onigum First Nations signed a Unity Agreement in October of 2018, creating the Niiwin Wendaanimok ('Four Winds') Partnership.

Over the course of many months between 2019 and present, collaborative engagement with Ontario has been occurring, with both parties seeking to understand the interests, values, and teachings of the other.

The Project is significant in both a provincial and federal context. Highway 17 is the only road link between the eastern and western seaboards. This highway is essential to local,



regional, and trans-continental trade. In the summer months, the highway sees even heavier traffic from vacationers flocking to the lakes of northwestern Ontario. The Project is also significant to the Anishinaabeg, who's Treaty was based on the safe passage through their territory over one hundred years ago.

The overall Project is split into three phases:

- Phase 1: From the Manitoba/Ontario border to Highway 673 (6.5 km);
- Phase 2: From Highway 673 to Rush Bay Road (8.5 km); and
- Phase 3: Between Rush Bay Road and Highway 17A (24 km).

At this time, the Anishinaabe are prepared to grant only conditional consent for Phase 1, while discussions for subsequent phases continue. Construction of Phase 1 is estimated to generate a total economic impact of \$77 million, including all goods and services. Phase 1 would also generate the equivalent of 331 full-time jobs. This represents 331 person years of employment. Approximately 296 of these full-time positions would be in Ontario.

Manito Aki Inaakonigaawin

The Project and surrounding discussions have been guided by the **Manito Aki Inaakonigaawin** ("MAI") (The Great Earth Law), the traditional resource law of the Anishinaabeg. This law describes the 'right way' of living in harmony with the Earth and has existed since time immemorial. Historically expressed in language and ceremony it has remained unwritten. However, a portion of this law has recently been translated into a written form. This modern attempt to express MAI in the English language is called the **Resource Law**. Under Anishinaabe understanding of the Nation-to-Nation Treaty MAI is equal to the laws of the Crown. But the practice of MAI also enables harmonization of the two systems. By following this traditional resource law rather than the problematic colonial laws, the process has been able to move forward. The MAI is informed by the seven Grandfather Teachings of Humility, Bravery, Honesty, Wisdom, Truth, Respect, and Love. The MAI creates a more collaborative relationship, and the impact assessment process became a unique and award-winning harmonization of Anishinaabe teachings and western science.

Memorandum of Understanding

A Memorandum of Understanding (MOU) with the Government of Ontario was signed on February 5th, 2020. Leadership from the four Nations, along with Minister of Transportation Caroline Mulroney and Kenora MPP Greg Rickford, signed the MOU in ceremony in the Wauzhushk Onigum Roundhouse. Through this sacred ceremony, participating governments confirmed their relationship under *Manito Aki Inaakonigaawin* and committed to a respectful, collaborative working relationship following *Manito Aki*



Inaakonigaawin. The Anishinaabeg recommitted to the principle of safe passage through their lands for Phase 1.

Harmonized Impact Assessment Process

As part of a new approach to understanding the potential impacts of the Project, the Niiwin Wendaanimok developed a new **Harmonized Impact Assessment** (HIA) approach. Guided by the *Manito Aki Inaakonigaawin*, the HIA combines the jurisdictions of Canada through the MTO, and the Anishinaabe of Treaty #3 to ensure both nations have equal consideration in the Project. The Harmonized Impact Assessment brings together customary and contemporary laws by building a process and understanding of impacts rooted in the *Manito Aki Inaakonigaawin* and reflecting the best practice principles of western science. The HIA process recognizes a shared authority and responsibility for stewardship and decision-making on Treaty lands in the hopes of capturing the true meaning of a Nation-to-Nation partnership. The HIA process is unique and continues to attract recognition across Canada.

Ontario has been invited to receive the Harmonized Impact Assessment in a sacred ceremony.

Conditional Consent

Per the Sacred law of MAI, the nations of Shoal Lake 40, Washagamis Bay, Niisaachewan, and Wauzhushk Onigum have given **Conditional Consent** to Ontario for Phase 1 of the Twinning Project. This conditional consent will be solemnified in Ceremony in the Wauzhushk Onigum Roundhouse later this month. Should Ontario breach any of the Commitments made, the Niiwin Wendaanimok Partnership will revoke this conditional consent and will hold Ontario accountable for the breach in accordance with the sacred law of the *Manito Aki Inaakonigaawin*.

More information on the Niiwin Wendaanimok Partnership can be found on their website: <https://niiwinwendaanimok.com/>