

NUCLEAR WASTE MANAGEMENT ORGANIZATION & GCT#3 INVOLVEMENT



Grand Council Treaty #3 Involvement

In 2020, the Chiefs in assembly passed a resolution mandating the Territorial Planning Unit to work with Nuclear Waste Management Organization (NWMO), to develop a new agreement implementing Manito Aki Inakonigaawin. Currently, Grand Council is in discussions with NWMO in order to do just that. Other portions of the agreement revolve around the continued education on Nuclear energy and waste, a Treaty #3 guardians program, water monitoring and also a Treaty #3 Environmental Assessment process.

Nuclear Curriculum

Throughout the COVID-19 pandemic it has been difficult to go through normal engagement processes to learn about NWMO and Nuclear waste. In order to tackle that, Grand Council Treaty #3 has been working with Narratives Inc. to develop a Nuclear 101 curriculum. The curriculum will be grounded in the seven teachings learned through Elder interviews to guide the curriculum development.

The purpose of the curriculum is to provide information and learning opportunities from a range of sources on Nuclear Energy processes and share teachings from our Treaty #3 Knowledge Keepers on these topics. We hope it will be used by anyone looking to increase their understanding of nuclear science as a whole; and as assistance in informed decision making on major projects like the NWMO Deep Geological Repository. This curriculum is an example of how Anishinaabe principles, teachings and practices can guide our decision making, education and planning.

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Manito Aki Inakonigaawin and Decision Making

Grand Council Treaty #3 and NWMO hosted a leadership meeting to discuss and learn about the applications of Manito Aki Inakonigaawin. These discussions led by Ogichidaa and Fred Kelly will inform the drafting of two agreements that will look to ensure application and respect of Manito Aki Inakonigaawin to all projects entering the Treaty #3 Territory.

Manito Aki Inakonigaawin prescribes the manner that the Crown and proponents of projects in Treaty #3 Territory (including NWMO) must engage the Anishinaabe Nation to seek its consent, but is also a way of life for the Anishinaabe in Treaty #3. It is a robust, consensus building, traditional decision-making framework. It respects individual community decision making protocols, engagement processes. It gives a voice to each community,

The objectives of engagement under Manito Aki Inakonigaawin are to:

1. Understand the potential effects of the Project on the environment in Treaty 3 Territory and on our rights and interests
2. Ensure Treaty 3 are given enough time and information to make an informed decision.
Treaty 3 membership has multiple opportunities to participate in the engagement process
3. Determine whether the Anishinaabe Nation will provide its consent to the Project and, if so, the conditions of such authorization; and
4. If authorization is granted, to provide a basis for negotiating agreements between NWMO and the Anishinaabe Nation to establish a mutually beneficial relationship.

History of Manito Aki Inakonigaawin

At the beginning of time, Saagima Manito gave the Anishinaabe duties and responsibilities to protect, care for and respect the land. These duties were to last forever, in spirit, in breath and in all of life, for all of eternity. The spirit and intent of Manito Aki Inakonigaawin signifies the duty to respect and protect lands that may be effected from over-usage, degradation and unethical processes. Saagima Manito explained the Great Earth Law as a manner of thought, a way of feeling and a way of living. As a teaching, the law is difficult to translate to English, as it is engraved into Anishinaabe ways of life.

Manito Aki Inakonigaawin was officially written and ratified by elders of the Nation of Treaty #3 in 1997. On April 22 and 23, and July 31, 1997, an Elders gathering was held in Kay-Nah-Chi-Wah-Nung at Manito Ochi-waan. The elders brought the written law through ceremony, where the spirits approved this law and respectfully petitioned the National Assembly to adopt it as a temporal law of the Nation. In the spring of 1997, a traditional validation process was held through a shake-tent ceremony. Elders and knowledge keepers worked extensively with the





traditional shaker to decide the exact question to ask during the ceremony. This would allow for a clear understanding and the greatest certainty when asking the spirits for guidance in regards to writing the law.

Following this, a 4 day ceremony on Powwow Island commenced. 4 lodges were built in the 4 directions for the written law to go through to be seen by the spirits. The document (mazina'igan) started in the east, and the lodge keeper asked the spirit to scan the document. It then went to the south, west, and north lodges to continue on the process. In the evening of the 4th day, the document was completed its journey through the sweat lodges. It was then brought to the shake tent and was given a message from the spirit, confirming the document and stating it was okay to give it back. This then completed the documents journey through ceremony. The Elders of Treaty #3 ratified the document, then it was taken to the fall Assembly the following morning. The pipe, tobacco, and drum were the traditional tools of governance used in the ceremony.

In October, 1997 Manito Aki Inakonigaawin as a written law was then brought forth to the National Assembly on October 3rd, 1997 where it was accepted and proclaimed and each community within Treaty #3 was asked to give consideration to it according to their own traditional practices. Each community was then tasked with developing BCRs to ascend to the law and also developing their own consultation protocol. The process of writing Manito Aki Inakonigaawin on paper was significant for the Nation as it was an opportunity to have a written record of the law.

Although it is now written in English, the authoritative version of Manito Aki Inakonigaawin lives in ceremony. No human decision is greater than spirit, therefore ceremony is an integral process to following Manito Aki Inakonigaawin.

Jurisdiction of Manito Aki Inakonigaawin

The Anishinaabe Nation in Treaty #3 has pre-existing jurisdiction that continues to be exercised by the Nation, Grand Council Treaty #3 and communities. Treaty #3 established a shared sovereignty over some matters between the British and the Anishinaabe, therefore it is an important effort to reconcile the pre-existing sovereignty of the Anishinaabe with the asserted sovereignty of the Queen and her divisional governments.

The Nation in Treaty #3 exercises pre-existing jurisdiction as proper stewards of the land. Since time immemorial, Creator entrusted the Anishinaabe to care for lands and resources on Turtle Island. The Anishinaabe maintain a spiritual connection to the land and Mother Earth. The 28 communities in Treaty #3 support and guide Grand Council's efforts to facilitate collective engagement respecting the land and waters, as guided by the principles set out by Manito Aki Inakonigaawin.





The Significance of Manito Aki Inakonigaawin

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Manito Aki Inakonigaawin has been an inherent law to Anishinaabe in Treaty #3 territory since time immemorial. The law governs relationships with the land and its inhabitants throughout daily life. This includes:

- Respecting the lands and waters
- Giving offerings to spirits and Creator when you benefit from Mother Earth's gifts such as hunting, fishing or transportation
- Knowing your rights as a Treaty #3 member and
- Understanding the responsibility as a steward of the land

Since the law was formally written in 1997, it has helped uphold traditional land rights and create a nation based law making process in the territory.

Manito Aki Inakonigaawin is written within and throughout nature- its spirit is within all living things on earth- from you, to the animals, to the trees, and to the air that we breathe. It is the natural law that governs the natural cycles of life. Manito Aki Inakonigaawin has its own spirit, as it itself is also living.

The law is eco-centric, which means the law considers and acknowledges that it's not only human beings that live on this land, but ALL things on Earth possess spirit and life. Manito Aki Inakonigaawin is based not only on rights- but also on the responsibilities we have as a collective to care for Mother Earth. The law is guided by communities in Treaty #3 territory and supports the collective rights of the Nation as a whole, while affirming jurisdiction of Anishinaabe laws. Manito Aki Inakonigaawin helps to provide a law making process and is centered on the inherent relationship to Mother Earth.

Although the law was given to Anishinaabe people at the beginning of time- it's important to understand that the responsibility to protect and respect Mother Earth doesn't solely depend on Anishinaabe people- the law represents the collective duty of us all to protect Mother Earth.





Consultation and Engagement

Manito Aki Inakonigaawin states that there is the right to meaningful engagements and respect for inherent and Treaty rights. It is therefore considered to be unlawful to proceed with developments within Treaty #3 without the proper consent of the Anishinaabe Nation in Treaty #3. Any Crown or proponent development/activity that occurs, which may affect natural resources must abide by these rights and roles of the duty to engage with the Nation in Treaty #3. The obligation lies on all associated parties who wish to develop or manage resources within Treaty #3 Territory to abide by Manito Aki Inakonigaawin. As such, MAI is considered a foundational process of mutual respect

Following Manito Aki Inakonigaawin, it is possible for development to occur with the least amount of uncertainty and conflict. Then, this process has the potential to maximize cooperation and a fair sharing of economic opportunities throughout the Nation.

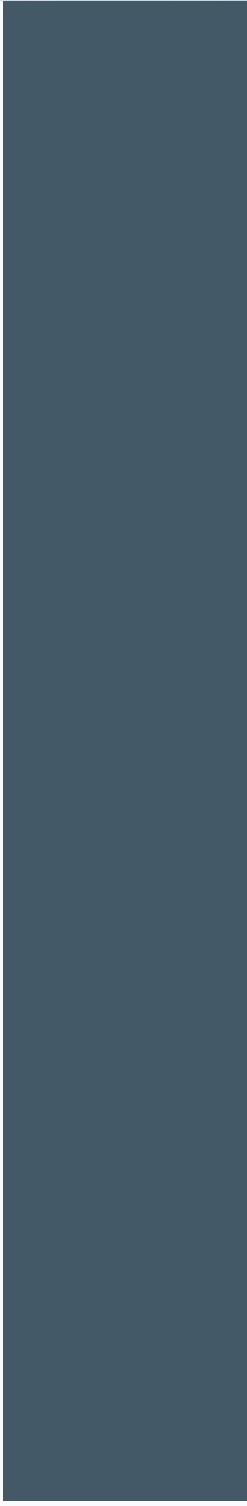
External Implications of Manito Aki Inakonigaawin

Grand Council Treaty # 3 is the traditional government of the Anishinaabe Nation in Treaty # 3. By treaty with Her Majesty in 1873, the Nation shared its duties, responsibilities and protected its rights respecting 55,000 square miles of territory. The Anishinaabe Nation did not surrender any rights of self-government by signing of the Treaty, instead believed the signing to be a mutual respect and sharing of the lands and resources. Therefore, the Anishinaabe Nation in Treaty #3 continue to exercise its traditional government.

The Canadian government recognizes that the Constitution Act, 1982, supported by recent Supreme Court of Canada, establishes that the jurisdiction of Anishinaabe government continues to exist. With that said, the Anishinaabe Nation in Treaty # 3 maintains rights to all lands and water in the Treaty # 3 territory commonly referred to Northwestern Ontario and south-eastern Manitoba. Accordingly, any development in the Treaty # 3 Territory such as, but not limited to, forestry, mining, hydro, highways and pipeline systems that operate in the Treaty # 3 Territory require the consent, agreement and participation of the Anishinaabe Nation in Treaty # 3.

In exercising its authority, the Grand Council expresses concern with proponents (corporations, developers etc.) who carry out business activities that may result in destruction to the environment or interfere with the traditional activities of individual or collective members of the Anishinaabe Nation in Treaty # 3.

Manito Aki Inakonigaawin states that all resource developments should be done in honor with Anishinaabe rights and in respect to the natural resources. Therefore, Grand Council Treaty # 3 recognizes the potential for adverse effects in regards to exercising inherent and treaty rights





that may be impacted through certain business activities. In order to eliminate or minimize these adverse effects, the Grand Council of Treaty #3 is prepared to hold discussions, engagements and potential negotiations with proponents, governments and other industry.

In accordance with Manito Aki Inakonigaawin process, proponents in Treaty #3 are required to contact Grand Council Treaty #3 to seek specific Treaty # 3 authorizations, which will provide clear authority to conduct their business ventures and create legal certainty to legitimize these developments in Treaty # 3 Territory. These processes do not infringe on the rights of individual communities and it is recognized they have their own authorization and engagement protocols. It is the goal of the Grand Council to establish strong working relationships with any proponent who respects Anishinaabe laws, values and principles on the environment.

As directed by recent Supreme Court's rulings, proponents must satisfy Anishinaabe law under the Constitution Act of 1982. The Court states that aboriginal people must be consulted properly about effects on their inherent and treaty rights. Manito Aki Inakonigaawin, The Great Earth Law of the Anishinaabe Nation in Treaty # 3, provides the traditionally-ratified process to frame these discussions.

NWMO Site Selection Process Update

As for an update on the NWMO site selection process, the steps are as follows:

1. Volunteer sites across Canada – (Completed)
2. Site Selection Process – (Current) – Sites across Canada are evaluated. You need a suitable physical site as well as a willing host for the site. There are two remaining sites in the site selection process. One in Treaty #3, being the Ignace location in which Ignace and Wabigoon Lake are the potential hosts
 - a. This site selection process and the engagement done within is not part of consultation but general learning about a potential site and project
3. Site Selection Date – Estimated for end of 2023 – Final site will be selected
4. Regulatory/Environmental Assessment of the proposed site
 - a. This is where the regulatory review of the project will take place, including formal consultation with the communities involved to figure out if the project can go forward.
5. Project construction
6. Project life span





Conclusion

Overall, Grand Council Treaty #3 continues forward with the position of informed decision making. Grand Council Treaty #3 will work with each of the Treaty #3 communities to share feedback and information on the NWMO process and ensure that the Anishinaabe Nation of Treaty #3 is positioned in the best possible place when a decision on this matter becomes necessary after the site selection process. We will continue to build tools and capacity within the Nation that will outlast the project life cycle and fulfill the duties of stewards of the land in guidance from Manito Aki Inakonigaawin and the Treaty #3 Nibi Declaration principles.

The engagement process required by MAI is guided by the Anishinaabe Nation's inherent right of self-government and is designed to enable the Anishinaabe Nation and its member communities to decide, through traditional governance practices, whether activities being proposed in Treaty #3 Territory may adversely impact our Anishinaabe and treaty rights, whether such impacts are acceptable and, if so, on what conditions.

If you have any questions please don't hesitate to reach out anytime at tpu@treaty3.ca
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