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**Regulatory Oversight Report for  
Canadian Nuclear Laboratories  
Sites: 2021**

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**Rapport de surveillance  
réglementaire pour les sites  
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Réunion de la Commission

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GRAND COUNCIL TREATY #3

CNSC



Zhaagimaa Waabo



# REGULATORY OVERSIGHT REPORT 2021

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OCTOBER 14TH, 2022

PREPARED BY THE TERRITORIAL PLANNING UNIT

# THE ANISHINAABE NATION IN TREATY #3

Grand Council Treaty #3 is the traditional government of the Anishinaabe Nation in Treaty #3. Grand Council Treaty #3 represents 28 communities across the Territory. Grand Council's mandate is to protect the future of the Anishinaabe people by ensuring the protection, preservation and enhancement of inherent and treaty rights. The Territorial Planning Unit (TPU) is the department within Grand Council that works with the Treaty #3 Leadership to protect the lands, water and resources within the 55,000 square miles that make up Treaty #3 Territory. The TPU is guided by Anishinaabe Inakonigaawin Manito Aki Inakonigaawin (Great Earth Law) and the Treaty #3 Nibi (water) Declaration.

Treaty #3 territory is governed by Anishinaabe law, called Manito Aki Inakonigaawin (Great Earth Law) and the Nibi declaration. Manito Aki Inakonigaawin represents respect, reciprocity and responsibilities with all relations in regards to Mother Earth. The law signifies the duty to respect and protect lands that may be effected from over-usages, degradation and un-ethical processes. The law is unique to Treaty #3 territory and passed on through our elders and knowledge keepers.

The Nibi Declaration represents respect, love, and the sacred relationship with nibi (water) and the life that it brings. It is based on teachings about water, lands, other elements like air and wind, and all of creation. The declaration is meant to preserve and share knowledge with youth and future generations. The declaration guides us in our relationship with nibi so we can take action individually, in our communities and as a Nation to help ensure healthy, living nibi for all of creation.

Read more about Manito Aki Inakonigaawin and the Nibi declaration on page 9.

# PURPOSE OF THE REPORT

The Canadian Nuclear Safety Commission (CNSC), is looking for feedback on the Canadian Nuclear Laboratories (CNL) annual Regulatory Oversight Report (ROR). CNSC has offered funding to various First Nation communities and organizations to review the ROR.

Primary objectives of the reviewing of the report were:

1. Ensuring Indigenous Community Engagement is upheld;
2. Provide feedback that incorporates Treaty #3 rights and values in the ROR;
3. Provide recommendations on future monitoring and note concerns.

The Anishinaabe Nation of Treaty #3 brings unique Traditional Knowledge to the regulatory oversight report through Anishinaabe law, called Manito Aki Inakonigaawin (Great Earth Law). The law is unique to Treaty #3 territory and passed on through Elders; no other Nation is able to review the document in the same way. Treaty #3 adds value by expressing concerns, therefore highlighting and finding pathways to solve any possible barriers within the ROR. GCT#3 has direct, local interest in the ROR due to Treaty rights and the impacts of the Whiteshell project on Treaty #3 lands and traditional territories. The facility lays within the Winnipeg River water shed, and poses risk to contaminate the water and all relations. Treaty #3 rights will be impacted because the quality and quantity of natural resources can be harmed

This report is intended for CNSC to incorporate Treaty #3 feedback into the ROR. The concerns, considerations and recommendations portion of this report is based on concerns and comments brought forth by Grand Council Treaty #3.

Treaty #3 First Nations have a right to meaningful consultation and engagement. During the COVID-19 pandemic there have been ongoing restrictions hindering the ability to have in-person engagement with Treaty #3 communities. In this case as restrictions are continuing to be lifted Treaty #3 looks forward to moving ahead with meaningful in person engagement. However, Treaty #3 does not support the notion that engagement sessions fulfil the duty to consult.



# BACKGROUND

Grand Council Treaty 3's Energy Coordinator participated in an engagement session on CNSC's ROR and reported back this response. The Nation is extremely rich with traditional indigenous knowledge, which is completely unique to the region. The traditional knowledge in our area is mostly unwritten and can only be learned through discussions with Elders and Knowledge Keepers.

One application of the traditional laws is Manito Aki Inakonigaawin, which is a guiding framework in the decision making process of the Anishinaabe Nation as it relates to activities impacting the Treaty #3 Territory. In this framework, there is a both a community decision making process and a Nation based decision making process that is outlined which are: application, engagement/consultation, authorization, and compliance and monitoring. This significantly increases the value-added from our proposal, as this information is not accessible through any other mechanisms.

In the engagement session participants reviewed the regulatory oversight report. The engagement session attendees were asked a variety of questions rooted in Anishinaabe Inakonigaawin (law) and how it relates to the report itself. The questions were based around Manito Aki Inakonigaawin (MAI) principles such as:

- Anishinaabe rights (inherent and treaty rights, right to be healthy, right to have healthy environment)
- Anishinaabe responsibilities (care for the land, educate all generations)
- Reciprocity with Mother Earth (living in mutuality)
- Respect to all beings (extending to mother earth, animals, plants, traditional ceremony, offerings)



The Relationship circle is here to share a visual representation of the Anishinaabe Worldview in regards to relations with Niinkeminaan (Mother Earth). These principles are fundamental to MAI and are imbedded into the law.



Anishinaabe Worldview Framework, Grand Council Treaty #3

Medicine Wheel teaching document developed by Kaaren Dannenman from Trout Lake, Anishinaabe Worldview Framework



# FEEDBACK

## A. ROR CONCERNS

- There is no mention of how the ROR incorporates Anishinaabe Inakonigaawin, such as Manito Aki Inakonigaawin
- CNSC must effectively communicate through the proper community channels and meet frequently to develop relationships with communities and the Nation in Treaty #3
- Traditional knowledge is not incorporated and must come from Elders and Knowledge Keepers in the Nation

## B. ENGAGEMENT CONCERNS

- CNSC does not show where the previous recommendations from Grand Council Treaty 3 have been included
- There was no previous engagement with Treaty #3 prior to writing the ROR; only after the ROR is already written
- There must be more community engagement sessions post information sessions and follow up surveys.
- In-person engagement on the ROR is preferred

## C. RECOMMENDATIONS

- There needs to be inclusions of Indigenous and Treaty rights into the ROR through further engagement with Treaty #3
- Monitoring should be done in accordance with Indigenous Knowledge and harvest times
- Monitoring processes should include Grand Council Treaty 3's monitoring program so proponents can learn sustainable harvesting, traditional diets and medicines; all which should be included in the monitoring and ROR
- GCT3 recommends monitoring deeper ground water and soils under the water following reports of coolant spills in the Winnipeg River at the Whiteshell Laboratories.
- It is recommended to complete testing closer to Treaty #3 communities that are downriver from sites, not just within the site area
- CNSC should include Cumulative Effects in their ROR including social and mental health impacts
- CNSC should create a model to measure Cumulative Effects in collaboration with Treaty #3 Communities.
- CNSC should include mental, physical, emotional, spiritual, and cultural impacts on future generations
- CNSC should consider the 7 Generation Model that Anishinaabe in Treaty #3 use for traditional decision making.

- GCT3 would like to see in-depth details of reportable incidents and SCA's that are Below Expectations and intervention plans and follow up on actions taken
- CNSC should provide documentation on how CNSC incorporated Grand Council Treaty 3's concerns into their 2023 ROR
- GCT3 is concerned that 2021 monitoring was interrupted and wants to know how CNSC included Indigenous communities on the 2022 monitoring processes
- GCT3 would like to receive documentation on actions made for the SCA's Below Expectations reported at the Whiteshell Lab
- GCT3 recommends more engagement sessions with Treaty #3 throughout the year with updates on projects to ensure inclusion and transparency
- CNSC should include Treaty #3 in the processes of the transportation of Nuclear/ Radioactive Waste and equipment
- Ceremony must be included throughout the decision making processes and monitoring process; passing tobacco etc.
- Manito Aki Inakonigaawin and the Nibi Declaration must be incorporated into the ROR through further engagement with Treaty #3
- Engagement should happen prior to the report being written to better include Treaty #3 values
- Work with GCT #3 to better disseminate information to Treaty #3 communities through a committee
- Conduct meaningful, in person and consistent engagement with Treaty #3 through follow-up session to give updates on various nuclear waste updates/developments from CNL
- Variety of engagements must be used to reach/achieve broader Treaty #3 participation
- All Treaty #3 communities must be engaged with, not just those within closest proximity



# WHAT IS 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 un-ethical 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.

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.

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.

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.

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.

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.

# WHAT IS THE NIBI DECLARATION?

The Nibi Declaration is a way for Treaty #3 to explain the Anishinaabe relationship to water. The Declaration can be a reflection of the sacred teachings of water held by Treaty #3 knowledge keepers/Gitiizii m-inaanik to be shared with communities and those outside of the Treaty #3 Nation. It can speak to the sacred relationship and responsibilities that the Anishinaabe have to water, water beings and the lakes and rivers around them.



# NIBI

DECLARATION OF TREATY #3

**NIBI (WATER) IS ALIVE AND HAS A SPIRIT. IT IS THE LIFE BLOOD OF OUR MOTHER (AKI) AND CONNECTS EVERYTHING. IT CAN GIVE, SUSTAIN AND TAKE LIFE.**

**NIBI CAN TAKE MANY FORMS INCLUDING SNOW, ICE, SPRING WATER, SALT WATER, RAIN, FRESH WATER, SWAMP WATER, AQUIFERS AND BIRTH WATER. EACH TYPE OF WATER HAS A ROLE TO PLAY IN OUR WELLNESS AND HEALING. NIBI IS CONNECTED TO OUR GRANDMOTHER, THE MOON.**

**EVEN THOUGH IT HAS SUFFERED, NIBI CONTINUES TO BRING FORWARD LIFE AND WE MUST WORK TO HEAL THE WATER AND OURSELVES.**

**NIBI HAS A SPIRIT AND SHARES ITS GIFT OF LIFE WITH ALL OF CREATION**

Nibi has its own spirit. It cannot be owned or controlled. Nibi is shared across lands and territories, between people, with other nations and all other beings that are part of creation. Spirits and other beings in creation look after nibi and its wellbeing. Nibi and all beings and spirits that look after nibi must be feasted. All creation expresses love and respect for nibi through gestures of gratitude.

**WE NEED NIBI IN ORDER TO LIVE A GOOD LIFE**

All beings, including Anishinaabe, are born of nibi. We depend on nibi to live and our bodies are made of it. Nibi is the source of our wellbeing. It nourishes us, spiritually, physically, mentally and emotionally and provides cleansing and healing. Clean nibi for drinking is important to our health. We must respect our sacred relationship with nibi and all beings in creation to help protect nibi for our children and future generations.

**WE ALL HAVE A SACRED RELATIONSHIP WITH NIBI**

Anishinaabe have been responsible for the care of the aki (land) and nibi since time immemorial. Women have a sacred relationship with nibi and a special responsibility to look after nibi because they carry birth water and have the ability to bring life into this world. Men have a role to play to protect the land and support the wellbeing of nibi and ikwewag. Our relationship with nibi is preserved through ceremony, teachings, education and knowledge shared through generations.

**NIBI UNITES US**

Through its flow and movement, nibi cleanses itself and connects us all. It brings us together as families, communities and as a nation. Traditional governance and law, including the Manito Aki Inakonigaawin and Treaty #3 confirm our collective responsibility to take action, give back and protect nibi and the environment for our children and future generations.



**NIBI HAS A SPIRIT • NIBI IS LIFE • NIBI IS SACRED • WE HONOUR RESPECT AND LOVE NIBI**



# NEXT STEPS

1. CNSC to engage further with Grand Council Treaty #3 to incorporate Manito Aki Inakonigaawin and the Nibi declaration principles within the ROR.
2. CNSC to consider Cumulative Effects, social, spiritual, mental and physical health in the next ROR.
3. It is recommended to develop a model on measuring cumulative effects and include in annual monitoring.
4. GCT #3 and the CNSC to develop a better communication strategy to disseminate information to communities and processes of projects.
5. CNSC to incorporate and identify how they are respecting Treaty 3 and Anishinaabe in Treaty #3 Rights.



# GRAND COUNCIL TREATY #3

THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3

Zhaagimaa Waabo



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