



Nishnawbe Aski Nation

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RESOLUTION: 09/88

NUCLEAR WASTE FREE ZONE AND THE NUCLEAR WASTE MANAGEMENT ORGANIZATION'S NINE-STEP SITE SELECTION PROCESS

WHEREAS Nishnawbe Aski Nation (NAN) Resolution 05/57 declares the lands and communities of NAN a nuclear waste-free zone;

WHEREAS the Nuclear Waste Management Organization (NWMO) continues to seek a 'deep geological depository site in the Canadian Shield' and, thereby, in NAN First Nations' traditional territory;

WHEREAS the NWMO developed a nine-step site process to coordinate the site selection process which involves an 'interested community' to volunteer to host a nuclear waste site;

WHEREAS NWMO defines 'interested community' as 'a political entity, such as a city, town, village, municipality, region or other municipal structure', which may also include 'Aboriginal government' or 'be made up of some combination of these', and in the case of 'crown land and unorganized territories, the provincial government would be considered an 'interested community' in consultation with potentially affected Aboriginal peoples';

WHEREAS the First Nations in NAN did not cede ownership to the Treaty 9 and 5 territories and have the right to direct the management, conservation and development of resources located in, adjacent to and through their reserve lands and traditional territories;

WHEREAS the NWMO definition of 'interested communities' does not adequately represent First Nations jurisdictional rights as it allows for the provincial government to act as an interested community in First Nation territories;

WHEREAS step 4 of the NWMO nine-step selection process stipulates that potentially affected communities that surround an 'interested community' will only be 'encouraged' to participate, which does not fully protect or acknowledge Aboriginal and treaty rights, First Nations' jurisdiction in all traditional territories, and the Crown's constitutional duty to consult, accommodate and seek the consent of First Nations in NAN;

WHEREAS the definition of 'interested community' must clearly indicate that First Nations in NAN must be part of any 'interested community' before any

consultation can occur between the Crown and any other 'interested community' in First Nation territory;

WHEREAS step 4 of the NWMO nine-step site selection process must clearly state that any potentially affected First Nations community in NAN must fully approve of any proposed site selection located in, adjacent to and/or through their reserve lands and traditional territories;

WHEREAS the NWMO nine-step selection must state clearly that First Nations require full prior informed consent, prior to the storage of nuclear waste in all traditional territories;

THEREFORE BE IT RESOLVED that the NAN Chiefs-in-Assembly will not support the NWMO nine-step site selection process until all concerns identified by NAN First Nations have been addressed, either in modifications to the content of this process or in some other agreed upon form;

FURTHER BE IT RESOLVED that the NAN Chiefs-in-Assembly mandate the NAN Executive Council to take any means necessary to prevent the NWMO and the federal government of Canada from placing any nuclear waste in Nishnawbe Aski traditional territories without the full prior, and informed consent of NAN First Nations.

DATED AT THUNDER BAY, ONTARIO THIS 26th DAY OF NOVEMBER, 2009.

MOVED BY: Chief Joshua Frogg, Wawakapewin First Nation

SECONDED BY: Chief Arlene Slipperjack, Whitewater Lake First Nation

CARRIED



Grand Chief Stan Beardy



Deputy Grand Chief