

## **Grand Chief Stan Beardy**



Booshoo and Wacheya to the people, Chiefs & Councils, Elders, Women and Youth of Nishnawbe Aski.

On behalf of the Executive Council and staff of Nishnawbe Aski Nation and with the sincere intention to work diligently to meet the expectations and directives of NAN leadership, I present the 2006-2007 Annual Report for review and approval by NAN Chiefs-In-Assembly.

Strategic planning has been one of the main themes of the past year's work to ensure NAN leadership move forward with a unified approach to improving the quality of life for our people and communities. Further to various strategic planning sessions with NAN Chiefs, NAN Executive and staff have developed the 2006-09 Workplan from which this Annual Report is based.

The 2006-09 Workplan has been categorized by three main themes as outlined by NAN Chiefs – *Affirming the 1977 Declaration of Nishnawbe Aski, Implementation of the Treaty, and Mobilization of the People.*

As Grand Chief of Nishnawbe Aski Nation, it is my goal to implement these directives to their fullest potential.

I encourage NAN leadership and members to carefully review the contents of this report and to provide feedback required to ensure we move forward as a nation – unified and strong.

Stan Beardy  
Grand Chief

## ***Executive Director's Report***

The 2006/2007 fiscal year has been another year of change, learning and progress at the administrative and program operation level.

On the financial front, the results of 2006/2007 operations yielded a small surplus allowing Nishnawbe Aski Nation to rebuild its cumulative surplus to cushion the organization against unexpected expenses and to maintain a positive financial position overall. Important strides were made in a number of portfolio and project areas that you will find detailed in this annual report. Gichi miigwich to NAN's finance, program and project management staff for all their hard work and to the Executive Council and Chiefs Finance Committee for their guidance and support throughout the year.

We have said goodbye to colleagues whose projects have ended and who have moved on to serve NAN in other important capacities. I must credit Bill Nothing for his leadership during this transition year with the completion of his term appointment as Acting Executive Director in March.

As the organization moves forward, we find ourselves dealing with new government priorities, a changing provincial relationship and elections imminent at both the provincial and federal levels. As a staff we must be prepared to support the Executive in adjusting to new government priorities to ensure that our important initiatives move forward to meet the pressing community demands as mandated by the Chiefs resolutions within our established fiscal frameworks. Continued planning and compliance with policies and procedures is essential to meet our objectives, to prevent problems and to maintain our overall accountability to the people we serve.

As the new Executive Director, I am tasked with corporate reorganization to meet our nation building goals this year. Challenging but exciting times are on the horizon for NAN as we move closer to effective self-government. I look forward to working with the NAN Chiefs, community members, Executive and Staff in achieving our shared objectives.

David Fletcher  
Executive Director

## ***Finance And Administration***

David Fletcher, Executive Director  
Paulette Desmoulin, Interim Comptroller  
Michael Coughlin, Finance Officer  
Ian Beardy, Human Resources Officer  
Elizabeth Achneepineskum, Administrative Assistant (Reception)  
Rachel Mamakwa, Receptionist  
Miranda Chum, Receptionist (summer student placement)  
Lorraine Shewaybick, Receptionist (summer student placement)

### **Financial Position**

Without stable, long-term and sufficiently flexible funding, NAN continues to struggle to plan and to meet political priorities. Notwithstanding these ongoing difficulties, NAN posted an operating surplus of \$106,024 (2006 = \$78,540 deficit) the source of which was primarily interest income that NAN will retain to rebuild a small cumulative surplus to cushion the organization against unexpected future cost overruns. NAN maintained a positive “working capital” position throughout the year (cash and accounts receivable exceed accounts payable) and NAN enters the 2008 fiscal year with an overall unrestricted surplus of \$118,276 (2006 = \$12,252) – 1% of net revenues after flow through allocations. Revenues of approximately \$14 million are expected for 2008 of which an estimated \$5.6 million (40%) will flow through to First Nations and NAN service-delivery organizations.

### **Human Resources**

Our fulltime equivalent staff level fluctuates from 45 – 70 as projects and initiatives (generally of a time-limited nature) progress. Our staff compliment is approximately 75% Aboriginal (2006 = 79%) overall while approximately 50% of NAN's employees are registered members of NAN First Nations (2006 = 66%)

### **Office Infrastructure**

To increase single point of contact opportunities for NAN members in need of information, referrals or services, we are please to welcome field staff from Nishnawbe Aski Legal Services Corporation to the Timmins office and the Nishnawbe Aski Polices Services Board Liaison Office and Nishnawbe Aski Harvesters Authority to the Nishnawbe Aski Heritage Fund staff in a suite at the Thunder Bay office.

# ***NAN/Canada Bilateral Protocol***

Bill Nothing, Bilateral Coordinator/Policy Analyst

The NAN/Canada Bi-lateral Protocol will continue to be funded. A draft proposal was presented to INAC with the intent of making the Protocol more responsive and relevant to the issues facing NAN First Nations and the Nishnawbe Aski Nation as a whole. It was proposed by NAN and accepted by Canada, that the Protocol becomes the forum for developing a new relationship between NAN First Nations and Canada. The new relationship would be based on improving the quality of life of NAN First Nations people. The approach is to develop a partnering relationship that recognizes and supports the needs and initiatives as determined by NAN First Nations and the Nishnawbe Aski Nation acting together.

Canada has been challenged to become our partner in developing our lands, our communities and our people as key elements in a self reliant, self sustaining region able to take an active and contributing part in Canada and the World.

Canada and the NAN First Nations would:

1. Develop a partnership to identify and correct gaps in their relationship and services, specifically in the area of Canada's Fiduciary responsibility with respect to Nan First Nations.
2. Update the NAN/Canada protocol to better reflect the immediate needs of the communities and the new approaches to communication and co-operation necessary to meet those needs, immediately and on an ongoing basis.
3. Address the historic imbalance in INAC Ontario Regions funding in the national transfer formula, as it has and does apply to NAN First Nations funding. (possibly resulting in a joint submission to INAC HQ and Treasury Board).
4. Development of a NAN specific Table similar and parallel to the Northern Table being developed with Ontario.
5. Set up a joint task force with Canada and the NAN Chiefs to prioritize Immediate Essential Needs in the areas of:
  - Safety of life and persons
  - Safety of Communities
  - Essential Services, Health, Housing, Water and Sewer Services
  - Communication and Community infrastructure
  - Transportation infrastructure related to maintaining and developing NAN First Nations communities.
6. Determine specific NAN wide short falls in the areas of:
  - Health infrastructure
  - Housing and supporting infrastructure
  - Community infrastructure such as roads, public buildings, public works equipment and facilities etc.

- Schools, school services and supporting infrastructure in support of all levels of education, pre-school, primary, secondary and post secondary including skills training.
  - Community and individual access to energy and fuels with analysis of current costs.
  - Access to training and employment in NAN Communities
  - Systemic causes of NAN First Nations indebtedness and lack of access to traditional funding sources
  - Access to administrative training and support for Chiefs and Councils provided by self owned appropriate institutions
  - Development of the Capacity of Women to participate in determining solutions and affecting social change.
  - Development of the capacity of Youth to participate in a meaningful way in the priority areas of economic, political, social and cultural activities in their communities, NAN territory and beyond.
7. Determine the fiscal investment and legislative support needed from the Federal Government to ensure NAN First Nations jurisdiction and appropriate and equitable participation in development of their traditional territories.

The outline of a protocol based on the issues above will form a baseline for a co-operative partnership to change the current dangerous and unacceptable condition of the NAN First Nations and their people.

It is proposed that the response should be in three streams:

1. Immediate responses to crucial needs, over and above policy and program initiatives and limitations, with appropriate new resources.
2. Broad improvement of policy and program services and supports in the immediate future.
3. Joint planning, with appropriate representation, consultation and approval from NAN First Nations, to ensure sustainability and growth of NAN First Nations communities and improvement in the quality of life of their people.

Over the next year Canada will work with NAN to identify approaches and resourcing for the priorities identified.

# ***Land Rights & Treaty Research***

Luke Hunter, Research Director  
Joe Wheesk, Researcher

## **Land Rights & Treaty Research Unit**

The research unit is responsible for conducting research and development of all specific claims within the NAN region. Our responsibilities include: conducting historical research, collection in indexing of documentary evidence from a variety of sources, preparation of historical reports, factual/statistical analysis, and submission of claims to Government on behalf of member First Nations.

Since 1973, the Government of Canada has had a policy and process in place to resolve First Nation claims. Specific claims deal with past grievances of First Nations. These grievances relate to Canada's obligations under historic treaties or the way it managed First Nation funds or other assets.

Funding comes from the Native Claims Contribution program funded by the Department of Indian Affairs. Research activities is restricted the preparation and development of a specific claims in accordance with Canada's funding guidelines.

As of March 31<sup>st</sup>, 2006 we have researched twenty four (27) TLE claims and are currently reviewed by SCB. This averages to about four TLE claims a year. We are also researching and preparing other specific claims such as illegal surrenders, road and rail right-of-ways, timber and forestry activities, and various other issues.

## **Treaty Land Entitlement Resolution Process**

The NAN "Treaty Land Entitlement Resolution Process" (TLERP) is a proposal to deal with outstanding Treaty land entitlement claims in the NAN territory in a tripartite process with Canada and Ontario. On January 25, 2001 NAN Chiefs-in-Assembly passed Resolution 01/25 "Treaty Land Entitlement Resolution Process" authorizing the Land Rights and Treaty Research Unit to proceed with the Treaty Land Entitlement (TLE) process as outlined in the NAN brochure entitled "Treaty Land Entitlement Resolution Process" dated January 2001. The main objective of the TLERP is to establish a joint research process that will be tailored to identify, research, and submit all of NAN's TLE claims in a coherent, co-operative and timely fashion.

In 2001 NAN approached Canada and Ontario with a proposal to establish a tripartite framework or process. On the onset, Ontario indicated that they didn't have the mandate and were waiting for the results of the Linden Commission (Ipperwash Inquiry). Canada and NAN went ahead and participated in bilateral discussions in attempts to deal with research and submission issues. No

formal agreement was signed. Ontario attended some research meetings but was not an active participant.

On July 11, 2007 meeting, Ontario indicated that they want to be an active partner in a tripartite process. To this end, NAN, Canada and Ontario have agreed to a Memorandum of Understanding (MOU). The proposed MOU will mainly focus on the technical and research matters. As of this report, we are working on the first draft and will report periodically as we move forward to a final product. It is envisioned that the MOU will not address substantive issues but rather focus on the technical and procedural matters so that NAN claims can move forward to the validation stage.

### **Major Impasse Issues**

As we reported in the 2005/06 Keewaywin, Canada and Ontario have not changed their positions regarding one of major key issue: the Date of Crystallization of Treaty 9 TLE claims. Ontario takes the position that the date of crystallization is the Date of Treaty (DOT). While Canada takes the position that Treaty 9 is unique in that the Treaty Schedule of Reserves is determinative, therefore, the Date of Crystallization is when the treaty commissioners agreed to the size of reserves and recorded onto the schedule. There are exceptions to Canada's policy position in that there are instances where a Treaty 9 community (First Nation) date of crystallization is not determinative by the Treaty schedule. In these cases, the Date of First Survey (DOFS) will be used and the 1998 TLE guidelines apply. To date, NAN has engaged both Governments on technical and policy fronts with no success.

We've examined the impacts of the DOT vs. DOFS arguments and undertook a preliminary risk assessment. We were able to determine that the difference between DOT and DOFS for the 1905/06 First Nations is not great. The gap between the DOT and when reserves were surveyed is about three to seven year spread. In other words, most 1905/06 reserves were surveyed immediately after the treaty was signed. There are some exceptions.

A significant impact exists in the 1929/30 Adhesion communities. There is a huge gap between the Date of Treaty and when the reserves were first surveyed. In some cases, there is a 40+ year gap. The DOT analysis will have a significant impact to 1929/30 First Nations.

We recommend that NAN First Nations vigorously object to Canada's and Ontario's positions. The following are some options or alternatives that the Chiefs can consider if we are to make some headway in moving these key issues.

### **Specific Claims Reforms/Alternatives**

#### **Independent Tribunal**

Canada recently announced they will create an independent tribunal that can make binding decisions where claims are rejected for negotiation or when negotiations fail. The independent

tribunal will be made up of no more than six retired or sitting judges. These judges will have the necessary experience, capacity and credibility to examine historical facts and evidence and to address complex legal questions surrounding Canada's legal obligations and determine appropriate levels of compensation.

There are three possible scenarios that can trigger a claim to be heard at the tribunal:

- when a claim is not accepted for negotiation by Canada
- in cases where all parties agree that a claim that has already been accepted should be referred for a binding decision; or
- after three years of unsuccessful negotiations.

AFN and INAC Minister recently announced a Task Force to assist in the development of new specific claims legislation that is expected to be introduced when Parliament reconvenes in the fall. The joint process will also address related concerns including how claims are processed by Canada, implementation and transition issues.

### **Treaty Commission of Ontario**

The Linden Commission (Ipperwash Inquiry) recommended that the Treaty Commission of Ontario be established as an independent and impartial agency to facilitate and oversee the settling of land and treaty claims in Ontario.

The Treaty Commission as outlined by the Linden Commission suggests a tripartite working relationship with the federal crown, First Nations and Ontario to resolve and find ways of dealing with common Treaty issues and promote interest-based settlements. Since all the NAN TLE's arise from the treaty, the Treaty Commission could facilitate the development of a NAN TLE framework or process so that key issues can be resolved.

### **Litigation**

A court challenge is the last resort and one that might be beneficial. The strategy here is to select a First Nation or a group of First Nations that has the best chance of winning a successful court challenge. The drawback to this approach is that it is lengthy and expensive. Furthermore, research funding for the First Nation(s) involved in the litigation would be terminated unless Canada and Ontario agree to continue funding research activities while the case is vetted through the court process. This would be unlikely, given their current policy approach.

### **Court Reference**

A court reference essential means that both parties agree to let the court decide a certain legal issue. In this case, both parties would agree to submit a "specific" legal issue and let the judge decide. This venue is shorter (and less expensive) than the long drawn out full fledged litigation. This will require a coordinated approach amongst the NAN First Nations. A court reference is much cheaper and the crown governments may be willing to fund the costs.



## **Political Resolution**

This option requires both parties to give some leeway of their positions and agree to a compromise. This also requires political will and good faith. So far, Canada and Ontario have not let up their positions. Please refer to my report above regarding Canada's and Ontario's positions. A high level political forum is needed to address key issues.

## **NAN Fur Management Program**

As of April 1<sup>st</sup>, 2007, the fur management programs such as the issuance of licences, and fur collection depot was transferred to the Nishnawbe Aski Harvesters Authority (NAHA). NAHA was established as a separate organization to promote access to traditional resources and activities and to ensure sustainability and the administration of resources are managed properly. This transition was mandated by NAN Chiefs in Assembly in support of NAHA activities since its inception in 1997. NAHA will take direct administration and management of the NAN, Ontario and Canada Fur Harvesting Harmonization Agreement. A notice to this change was distributed throughout the spring, and will continue until fall in preparation of the coming trapping season.

Beginning October, 2007 the Agreement on International Humane Trapping Standards or AIHTS will take effect. This agreement will require Canada to comply and ensure that only certified trapping devices will be used to trap certain fur bearer species. NAN trappers will be required to use the latest certified traps when trapping furbearer animals. Notices and quarterly distribution of certified traps have been sent to individual trappers and organization, including NAN communities. The distribution of newly certified traps has been in development in the last several years in preparation for 2007. NAHA will monitor this activity and inform the communities regularly.

The 2006/2007 trapping season, the fur depot estimate of wild fur was just over \$140K, slightly lower than the previous year of \$163K. We received close to 2400 wild fur. The decline contributed to a number of factors such as the decline in the marten population, seasonably warmer conditions, and strong Canadian currency.

The NAN Licensing program issued 1308 licenses for the 2006/2007 season. Approximately half of the licenses issued were between 30 to 60 years of age. The average age was approximately 47. The cost for NAN license will remain unchanged at \$10. The collection of fees for licenses has been a challenge. For the 2007/08 season, license fees must be paid first before any license is issued. We are advising trappers to send in their license applications and payment so that the licenses can be issued before the furs are shipped to the auction houses.

## ***Lands and Resources Secretariat***

Dianne Tookenay, A/Lands and Resources Director  
Terry Wilson, Forestry Advisor

Since Keewaywin 2006 the NAN lands and resources department has been working towards the implementation of strategies that have been set out both by the objectives outlined in the NAN 3 Year Workplan and by the mandated directions that have been ratified by the leadership of NAN that deal with the lands and resources in Nishnawbe Aski territory.

In terms of the work undertaken by the lands and resources department we must always ensure that our activities and goals align with the principles contained in the Declaration of Nishnawbe Aski Nation issued in 1977. Strong political advocacy in the land and resources area is vital to upholding our First Nations interests and providing the department with clear direction that can be pursued.

Consistent with the 1977 Declaration of Nishnawbe Aski, the department continues to provide key technical support to 1) facilitate the provision of lands and resources advocacy for the benefit of NAN First Nations and 2) pursue structures, processes and relationships that support a government to government relationship with respect to lands and resources issues within Nishnawbe Aski Nation.

Primarily, we have been particularly focused on supporting First Nations rights, control and influence over lands and resources located within our territory. The purpose of supporting the assertion of First Nations treaty and Aboriginal rights with respect to lands and resources is to support our First Nations in negotiating the best arrangements for resource development.

An area of significant priority has been working towards agreements that increase First Nations control of the land and respect the protection of our rights while supporting revenue sharing opportunities when development occurs on our First Nations terms.

Since our last 2006 Keewaywin report, the land and resources program has been dominated with the activity and developments arising from the NAN Chiefs in Assembly resolutions that centered around first, preliminary and then secondly, exploratory discussions on lands and resources with the Province of Ontario. This process was pursued to establish a new relationship with the Province to implement the spirit and intent of the Treaty with respect to the lands and resources issues within Nishnawbe Aski Nation.

Consistent with the resolution approved action by the Chiefs, NAN has entered into a Letter of Political Agreement and secured financial resources to move these discussions into a more structured and formal process to engage the Province in a government to government relationship. The key legislated issues that are presently being discussed and addressed in this

funded arrangement are the *Provincial Parks and Conservation Reserves Act*, M.N.D.M.'s handling of early stage exploration activities, M.N.R.'s licensing and permitting procedures and land use planning in Nishnawbe Aski Nation territory.

For comprehensive reporting purposes, the Northern Table Process will be reported upon separately by the specific submission of an overall report followed by with supporting sector area reports describing the work in process engaged within the Northern Table.

At present the NAN lands and resources department currently consists of 2 NAN Staff; 1 Forester and an acting Program Director. Funding continues to be an on-going challenge. The department had two additional staff members last year as a result of the final year of funds received from the Ontario Trillium Foundation. The lack of funding has been the attributing factor for departure of two members formerly retained by the department; a Mining Resource Advisor that was staffed in our Thunder Bay office and a Forestry Advisor out of our Eastern NAN Office. Despite the decrease of personnel in our department we continue to seek additional funding to optimize our ability to respond to our First Nations needs in the lands and resources area.

The fundamental task of the department is to review and respond to lands and resources policy issues that are initiated by various federal and provincial ministries and to assess and advise of the current and potential impact on our First Nations. Furthermore, our department assists in coordinating the exchange of such information to related representative First Nation organizations for the benefit of NAN First Nations with the aim of advocating for Treaty and Aboriginal rights.

We continue to work on developing processes for dialogue for lands and resources issues. The movement towards this kind of strategy was a result of the launch of the "Next 100 Years" strategy for Treaty No. 9 and the ruling of the Supreme Court of Canada in *Mikisew* that requires the governments "fulfill their duties to act honourably toward all First Nations through meaningful consultation and accommodation, and through good faith negotiations aimed a fair reconciliation". The main dialogue process we are currently engaged in is the *NAN/Ontario Northern Table*. In addition, discussions on developing further dialogues, outside of the Northern Table, have also started.

The NAN lands and resources department has also been working diligently on providing more tools for First Nations to assist in the implementation of Treaty and Aboriginal rights with respect lands and resources by continuing to update the *NAN Consultation Handbook*. Newer Supreme Court of Canada decisions such as *Mikisew* have now been included in the third edition of the handbook which was released this past year in February.

In addition, we are representing our First Nations interests in discussions that are being undertaken by the Chiefs of Ontario with respect to a First Nations Consultation Handbook. We are participating in this initiative with the COO to support NAN First Nations meaningful input into their handbook development exercise and to safeguard and secure a guarantee that their document will not diminish the recommended process contained within our own consultation handbook.

The provincial government continues to develop its own guideline (*Draft Guidelines for Ministries on Consultation with Aboriginal Peoples and Impacts and Benefits and Resource Benefits Sharing*) mechanism along with other mechanisms in their attempt work to address First Nations Treaty and Aboriginal rights. We will continue to monitor and input into this process when and where possible. Throughout the coming year, our efforts to advocate for First Nation's rights to the land will be continuing.

We have signed an agreement with Fisheries and Oceans Canada. Under this agreement, we are obtaining funding to hire a fisheries biologist. Pending the finalization of this agreement, we hope to have a biologist in place for the fall of 2007.

## **Forestry**

**Timmins Office** - Since Keewaywin 2006, activities from the NAN Timmins forestry office have consisted of supporting First Nations in interpreting and navigating the existing forest management planning process and forestry projects in the Area of the Undertaking along with advocacy for First Nations interests in various Ontario policies such as wood disposition, environmental assessment renewal, and wood waste utilization. Networking with other PTO, regional and national organizations to maximize an understanding of trends throughout Canada has also continued. The NAN Timmins office in the past also took the lead role in facilitating and assisting in the development of the *NAN/MNR Resource Management Technical Working Group*. However, for the remainder of this year, Wabun Tribal Council will be undertaking community consultation in their area regarding the goals of this group. Unfortunately, as we indicated due to funding constraints, NAN is no longer able to maintain a forestry office in Timmins. Nonetheless, every effort will be made by our existing complement of staff and subsequent access to technical resources to respond to the issues in the most effective manner.

**Thunder Bay Office** - Since Keewaywin 2006, activities from the NAN Thunder Bay forestry office have consisted of providing technical assistance and feedback to communities, Tribal Councils, other First Nation organizations, the private sector, ENGO's and the provincial and federal governments on various forestry issues. Efforts to ensure First Nations interests are better met in the Forest Stewardship Canada's boreal standards have continued. We also provided input into the *Ontario Land Use Planning & the Collection of Aboriginal Values & Background Information: A Guidebook for Aboriginal Communities* document that as developed by the Aboriginal Strategy Group in Ottawa.

Bill 11 (*Parks and Conservation Reserves Act, 2005*) has received considerable attention this year. NAN originally proposed a community consultation process to the province of Ontario in January. The province rejected our proposal. Correspondingly, an in-depth analysis of the bill was undertaken. These concerns were presented to the standing committee, on June 1 2006, by Grand Chief Beardy. The province did not incorporate our concerns into the legislation but agreed to the development of a separate MOU on our issues related to the Parks legislation. These discussions continued though the year and have now been incorporated into the Northern Table.

The NAN Thunder Bay forestry office has also played a role in responding to various provincial government policies as in the Forest Management Guide for Cultural Heritage Values and the Endangered Species Act.

NAN is playing an active role via the Northern Ontario Sustainable Communities Partnership. With other members of this group, we are looking at changing Ontario's forest tenure system. The current system gives the industry control over the forest resources. We are advocating for community control of these resources. On the topic of assisting in advocacy of First Nations interest with respect to the unilateral issuance of forest tenures, technical assistance was provided to the Tribal Council of Matawa First Nations to aid in their interventionist strategy to gain control of the Kenogami Forest SFL. Additionally, our unit has been a participant in forest plant research discussions that are being spearheaded by the Northern Ontario Medical School. The Northern Ontario Medical School is proposing to study and map the harvesting potential of plants found within northern forests. We have been participating in these discussions to be aware of research proposals that may impact the rights and interests of our First Nations. An emerging issue related to research impacts on First Nations is ensuring the protection of traditional ecological knowledge.

Furthermore, the forestry unit continues to be an active participant in various committees; as in Lakehead University's School of Forestry, the Living Legacy Research Program and Natural Resources Canada's First Nations Forestry Program.

## **Resource Development**

- To increase revenue sharing opportunities as a priority.
- "To declare and implement in every way possible and at every level FN rights, ownership and management of and influence over lands and resources."
- Long Term Goal - Take back control of all traditional land north of 50, as much control as possible of lands south of 50. Compensation for south of 50.
- To support local land and resources policies through development of NAN sectoral policies in all resource areas.
- To encourage and support in every way possible FN members in exercising rights, doing land based activities and tourism.
- To develop a legal strategy to create leverage through legal avenues and grassroots political action.
- To negotiate with other interests to get the best deals in Canada.
- To develop international strategies.
- To ensure cleanup and protection of the territorial environment.

## **Achievements to Date**

- Development of a NAN Consultation Handbook (2007)
- Commencing Research into title to water in Treaty 9

- Declaration of a “Nuclear Free Zone” (Keewaywin 2005)
- Supporting the declaration of mining moratoria in the far north (2006/2007)
- Participation in a number of international forums to lobby resource development positions
- Networking with the Indigenous Network on Economies and Trade for participation in international activities and the *US/Canada Softwood Lumber Dispute* (2003)
- Discussions with the Ontario Secretariat for Aboriginal Affairs to secure resourcing and process for the Northern Table (May 2006)
- Lobbying of positions to federal and provincial government during opportunities for policy and legislative change
- Pursuing discussion forums to advance resource development positions
- Lobbying NAN resource development positions to various environmental and non-governmental organizations such as International Forestry Student Exchange, the Ontario Naturalist Federation, Canadian Boreal Initiative, Wildlands League, Ontario Aboriginal Forestry Association, Forest Stewardship Council etc.
- Assistance and advocacy to First Nations embarking on grass-roots political action
- Utilization of legal counsel as these positions are lobbied in various arenas
- Lobbying for the remediation and protection of the environment through various government and ENGO forums

## **Economic Development**

### **Specific Deliverables**

- Meetings with municipalities and industry have included the Municipality of Greenstone, Northern Ontario Municipalities Association, Tembec, Buchanan Forest Products, Bowater, Neenah Paper, DeBeers, etc.
- Meetings with environmental organizations have included the Canadian Boreal Initiative and Forest Stewardship Council
- Networking with academic and private sector organizations have included the Northern Ontario Sustainable Communities Partnership, Lakehead University and the Northern School of Medicine.
- Board of Director roles are held with various academic and ENGO affiliates such as Lakehead University School of Forestry, Living Legacy Research Program Advisory and Natural Resources Canada First Nations Forestry Program.

### **Continuing Status**

The goal to develop alliances with municipalities, private sector and industry to create a setting for negotiating the best agreements for First Nations is on its way to being met. In some instances, First Nations have been able to negotiate better agreements than in the past. Some companies are becoming more aware of best business practices with First Nations as rights on the land are asserted. It is expected that this general trend will be continuing.

Specific, generic partnership agreements (e.g. Attawapiskat/DeBeers) are beginning to be signed, although they are still very small in number. While this process of relationship building in general has started, more development in this area will need to be made in the future. It is becoming common knowledge amongst municipalities, private sector and industry that relationship building with First Nations is in the best interests of all parties and that the assertion of rights and nationhood will continue to play a role. Based on pressure from these parties, the government is taking note and is becoming more amenable to addressing First Nations in a fairer manner.

# ***Northern Table***

Frank Beardy, Lead Negotiator  
Cindy Crowe, Northern Table Coordinator

## **Overview (in the order as per the Letter of Political Agreement)**

Pi-ma-jy-own-aki (land set aside for the future)  
Licences and Permits  
Land Use Planning  
Early Exploration  
Communications

## **“Pi-ma-jy-own-aki” Technical Table**

### **Introduction**

This Update and *draft* Recommendations are meant to inform NAN Chiefs, Tribal Council leads and community members of progress on the issue of Provincial Parks in NAN Territory. Little progress has been achieved in Parks Technical Table sessions with MNR representatives to date. As a result, subsequent Northern Table discussions within NAN and with some Chiefs and community members have concluded that to achieve any substantive progress on Parks, it will be necessary to move forward within the Northern Table a number of options which could be acceptable to NAN and member First Nations as well as having a relatively good chance of succeeding in negotiations with the Province. We presented this information to the Special Chiefs Meeting on Parks in Sioux Lookout on July 27, 2007, to seek further direction and advice from community leaders and representatives in order to “fine-tune” the NAN approach, in the absence of MNR representation, for the upcoming NAN-Ontario negotiations.

### **Background – Significant Events**

- Late 1970's - Early 1980's – Ontario Strategic Land Use Planning (i.e., West Patricia Land Use Plan) results in recommendations for new Parks within NAN Treaty Areas (# 9 & 5 in Ontario). First Nations organizations like NAN were encouraged to make submissions, but there was virtually no community consultation, accommodation or consent. Most Waterway & Wilderness Parks in NAN were recommended at this time.
- May 1982 – Northwestern Ontario Strategic Land Use Plan approved
- June 1982 – West Patricia Land Use Plan proposed – 48 Candidate Provincial Parks – all classes



- 1985-1988 – Interim Management Plans produced for new Parks – “status-quo” according to MNR, but economic development activities prohibited. (They say “no new activities are allowed as there has not yet been full Management Planning”)
- 1989 – some First Nations begin to respond – for example, Kingfisher Lake First Nation presents community position paper on Provincial Parks development near community (including related business proposals) – Province was not prepared to discuss or proceed with any changes or developments
- May 1989 - Legislation passed formally creating some of the recommended Candidate Parks
- Jan 27, 1992 – Wapekeka First Nation proposal to MNR for joint management planning and values identification.
- Up to 1997 -- During this period, Ontario proceeded with some Management Planning of Parks within NAN – primarily in the easily-accessed more southern Parks. First Nations were allowed representation as stakeholder groups (alongside tourist operators and bait fishermen) during planning, but all decision-making was by MNR/Parks. With all other Parks (non-operating), any dialogue with First Nations was insubstantial and inconclusive, as low-level officials could only follow the “status-quo” Interim Plans.
- Late 1997 - Lands for Life announced – new Ontario planning process for resource development and protected areas to replace Strategic Land Use Plan from early 1980s.
- July 1998 – NAN withdraws their Lands for Life representative on each of the two northern Boreal Round Tables due to lack of meaningful consultation and the ignoring of Aboriginal and Treaty Rights. NAN warns resource developers that they should consult with Chiefs about any development in their areas or risk being unwelcome.
- 1999 – Living Legacy Land Use Strategy – one result is more new Parks are created in Ontario, some in NAN in addition to the Parks already established in the 1980’s.

## **Pre-Northern Table**

- 2004 – Ontario begins work on new Parks legislation – Bill 11 – necessary with the addition of new Parks over 20 yrs
- October 2004 – Ontario MNR implements information sessions and other means to gather input (website and paper questionnaires)
- November 2004 – NAN Chiefs pass three resolutions re Parks:
  - 04/73 (Ontario Parks Protected Areas Legislation Review)
  - 04/87 (Revenues and Management for First Nations Located in Parks and Protected Areas)
  - 04/103 (Meaningful Consultation and the Ontario Parks Review)
- Nov 25, 2004 – Whitewater Lake FN presents initial submission to Ontario re: Bill 11
- October 2005 – First Reading Bill 11
- January 2006 – NAN Proposal to MNR re: consultation and accommodation on Bill 11 – to be complete prior to 2<sup>nd</sup> Reading
- April 18, 2006 - Ontario Parks letter to NAN advising that Bill 11 scheduled to enter 2<sup>nd</sup> Reading next day

- April 18, 2006 – Minister Ramsey MNR Letter to NAN declining funding of proposal due to 2<sup>nd</sup> Reading
- June 1, 2006 – NAN Grand Chief makes presentation to Bill 11 Standing Committee of results of in-depth review of Bill 11. Fifty-five direct concerns were included. Concerns not addressed in Bill 11. Province suggests MOU to deal with concerns.
- June 4, 2006 - Whitewater Lake FN presents submission to the Standing Committee re: Bill 11
- June 19, 2006 – Draft MOU prepared by NAN – addressing 55 concerns in 22 clauses. Minister Ramsey agrees, but MNR staff claim 17 of the 22 clauses are out of their scope for discussions
- July 18, 2006 – MNR response to draft MOU from NAN.- MNR is willing to address 5 only of 22 issues/clauses, though not jurisdiction or revenue-sharing
- December 2006 – NAN submits proposal to MNR for development of an Interim Measures Agreement, and maintains its firm position that “until Ontario has had an opportunity to meaningfully consult and accommodate, Bill 11 is neither applicable to First Nations territory nor appropriate for First Nations in Nishnawbe Aski.”
- March 2007 – MNR, NAN and some communities meet to discuss Bill 11. MNR staff continue to say they have no authority to discuss jurisdictional issues.

## Parks Technical Table

Chief Pierre Morriseau  
Chief Rod Winnipetonga  
Chief Norman Brown  
Tom Terry  
Brennan Sainawap  
Tommy Fiddler  
Danny Wabasse

Mary Kenny  
Jim Hudson  
Alfred Ojebah  
Chief Arlene Slipperjack or alternate Jon  
Del Ben  
Micah Winter  
*Lead Technician – Terry Wilson*

**March 28, 2007** – NAN Resolution 07/04, stating in part *“Based on Minister Ramsey’s commitment from June 2006, Ontario will commit to implementing the key amendments put forward by NAN as proposals to be included in Bill 11 which has now become Ontario’s new Parks Act”*

**April 18** – Letter of Political Agreement signed – NAN and Ontario, stating in part *“the development of a Memorandum of Agreement (MOA) between NAN and OMNR on the implementation and administration of the Provincial Parks and Conservation Reserves Act in NAN territory with respect to Aboriginal and Treaty Rights and economic development. NAN and Ontario will discuss the concerns expressed by NAN in previously proposed amendments to Bill 11 and the MOA will describe an implementation plan that reflects these discussions”*

**May** – Parks Technical Table formed, with NAN and Ontario technical representatives, to discuss issues and form recommendations for consideration by the Negotiating Team.

**June 18/19** – 1<sup>st</sup> Parks Technical Table meeting provided no substantive progress due to MNR assertion that they could still not negotiate jurisdictional issues or revenue-sharing, and that the Northern Table process was a form of consultation for MNR. Agreement was made to attempt discussion on a number of the 22 NAN issues regarding Bill 11, as long as they did not address jurisdiction or revenue-sharing.

**June 18** – NAN letter to MNR re: Pilot Project on Parks, as discussed with Minister Ramsey.

**June 27** – Letter from heads of Windigo, Shibogama and IFNA to NAN re: need for G-10 First Nations and other to convene re: Parks and related issues

**July 5** – Chiefs from Cat Lake, North Caribou Lake, Bearskin Lake, Wapekeka, Kingfisher Lake and Wunnumin Lake pass resolution calling for the removal of Parks designation on the Pipestone River, Severn River, and Fawn River 1 & 2 Provincial Waterway Parks.

**July 9/10/11** – 2<sup>nd</sup> Parks Technical Table meeting provided no further progress. Considerable time was spent discussing the need to address jurisdiction and decision-making during management planning as part of addressing the 22 NAN concerns re: Bill-11, as well as the ‘no Parks’ resolution from the six First Nations, and the individual issues being faced by Whitewater

and Chapleau Cree. In many ways, MNR left the first two meetings with a good amount of information for themselves, while NAN communities gained essentially nothing of substance to take forward to the Negotiating Team.

**July 17/18/19** - Parks Technical Table meeting (NAN only) with Lead Negotiator and legal counsel - Discussion resulted in four draft recommendations for consideration by NAN Chiefs and the Negotiating Team.

**July 19** – Proposed Principles for Northern Table presented to Premier.

**July 19** – Northern Table Joint Meeting considers progress of Technical Tables and determines there are four apparent options/positions regarding the many issues First Nations have with Parks in their territory.

Issues for consideration brought forward to the NAN Parks Technical Table include:

- The word and concept of “Parks” needs to be changed if protected areas of any kind are to be acceptable to NAN First Nations.
- People still believe that their Aboriginal and Treaty Rights will be restricted or prohibited in protected areas, despite recent high court rulings to the contrary and the verbal assurances of MNR staff and politicians. At the same time, however, requests from NAN members for written confirmation of this from MNR officials remain unanswered.
- Some members have questioned if the Northern Table was really the right place for them to advance their concerns – i.e., those First Nations wanting to remove the Parks completely.
- Some see a need to go back to the beginning with regards to protected areas as there was never proper consultation, accommodation and consent in the first place.
- The wishes and opinions of one FN may not be those of another FN. Some may want to get rid of the Parks near them, some have agreements they may wish to maintain regarding a Park, some may not want the parks removed for other reasons.
- It was expressed that we should not be talking about Parks, but rather NAN Homelands.

### **Draft Recommendations**

#### **1) Proceed with the development of an MOU addressing the 22 NAN issues with Bill-11**

##### **Description**

MOU would attempt to satisfy common NAN First Nation concerns with Bill 11. First Nation concerns include things such as jurisdiction, local planning, treatment of cultural artifacts and knowledge, TEK, and the perceived loss of economic opportunities within Parks.

##### **Possible Advantages**

- Satisfies terms of LPA (?)
- may be easier sell w/Ontario and public/ENGOS

### **Possible Disadvantages**

- Seen by some as “opting-in”
- may not address larger issues of jurisdiction, lack of consultation, accommodation and consent
- will “lock” First Nations into Bill 11

### **2) Develop a process which will address the desires of individual First Nations.**

#### **Description**

Negotiate with Ontario a process for substantively addressing the separate and individual concerns of NAN First Nations affected by Provincial Parks

#### **Possible Advantages**

- may be easier sell w/Ontario and public/ENGOS
- may address most immediate concerns of First Nations

#### **Possible Disadvantages**

- may not address larger issues of jurisdiction, lack of consultation, accommodation and consent
- high costs related to separate negotiations and agreements
- Ontario and ENGOS may continue with participation in decision-making and management planning (potentially with ENGOS having equal status w / NAN First Nations)

### **3) Develop First Nation Homeland Areas (protected areas identified and created by NAN First Nations)**

#### **Description**

System of NAN First Nation Homelands to protect places of cultural, natural, or spiritual value. System is characterized, in part, by: NAN FN-driven local land use and management planning, decision-making, FN jurisdiction and enforcement over protected areas, TEK & western science, benefits to local communities.

#### **1<sup>st</sup> Option:**

- remove all Parks and start over with meaningful and appropriate Land Use Planning and designation of new protected areas led by NAN First Nations

Some degree of planning for each new area would need to occur.

**2<sup>nd</sup> Option:**

- change existing park boundaries to proposed/tentative, and adjust them as necessary as a result of decisions made during Land Use Planning and meaningful Homeland Area management planning by individual NAN First Nations

**Possible Advantages**

- more broad acceptance w/in NAN
- more likelihood of protected Homelands succeeding & being accepted by NAN communities
- Coincides w/potential NAN FN Land Use Planning
- Successful setting of precedent
- FN protected areas could serve as vehicles for communities to showcase their culture and Homelands

**1<sup>st</sup> Option:**

- clean slate
- all decisions about protected areas in NAN are made by NAN First Nations

**2<sup>nd</sup> Option:**

- Final approval on boundaries of existing protected areas made by individual First Nations
- Easier sell with Ontario & ENGOs
- seen as tacit though tentative acceptance of past work by MNR and ENGOs and possible value in the areas identified
- More opportunities for collaboration with outside agencies/specialists

**Possible Disadvantages**

- Separate jurisdiction is a difficult issue for Ontario to negotiate
- Skeptics will question parallel systems
- High cost related to planning

**1<sup>st</sup> Option:**

- more difficult for Ontario and ENGOs to accept
- Ontario and ENGOs would demand some level of participation in designation of new protected areas and the management planning and implementation

**2<sup>nd</sup> Option:**

- may be seen as opt-in re: protected areas already designated

#### **4) Undertake a legal challenge to remove Parks**

##### **Description**

Legal challenge asserting that the legislation which designated Ontario Parks and Protected Areas within NAN territory is illegal due to lack of consultation, accommodation and consent before enacting of legislation.

##### **Possible Advantages**

- successful setting of precedent
- clean slate re: protected areas
- coincides with direction from July 5 -- Chiefs resolution from 6 First Nations
- coincides with letter from G-10 Tribal Council leads – letter from June 27

##### **Possible Disadvantages**

- high cost w/less financial support
- potential backlash from Ontario & ENGOs / public

## **Licences and Permits Technical Table**

Dean Owen  
Mike Gull  
David Masakeyash  
Maurice Kistabish  
Johnny Duraan  
Lead Technician - Gerry Kerr

### **Issue**

Update on the progress of discussions at the Northern Table - Licences and Permits Technical Group.

### **Background**

The Licences and Permit Technical Group (L&P), is one of four technical tables supporting the work of the Northern Table. The mandate is to initially focus on “the development of a notification protocol for MNR licences and permits so that communities are aware of plans for MNR authorized resource development activities and once established, consider processes for First Nations input into the issuing of MNR licences and permits in their traditional land use areas.”

Meetings have been held with MNR officials June 21-22, 2007 in Toronto and July 4-5, 2007 in Timmins. A third meeting is scheduled for August 2, 2007 in Thunder Bay.

The short term objective of this technical table is to develop a notification protocol with respect to licenses and permits issued by the Ministry of Natural Resources. The first step in the process has been to gain a complete understanding of all categories of licenses and permits issued by MNR in NAN territory. To this end, we have had presentations from the various divisions within MNR including forestry management planning, forestry allocations and licenses, wildlife, fisheries, land management, and water management.

### **Current Status**

There are literally thousands of licenses issued in NAN territory every year by MNR. One of the first decisions we are working through jointly is to determine which of these licenses and permits, NAN First Nations will want to be notified about. Essentially, we are working from two basic principles in this regard. If a permit or license may have an impact on a First Nation or its traditional lands, they must be notified. Secondly, even if there is no impact, if there are potential



benefits in terms of training, employment, or business opportunities from the activities being permitted, then the First Nation must be notified.

MNR has been very forthcoming to date and has brought representatives from its various divisions to the table. Discussions have been frank and generally positive. Progress has been made on which of the list of licenses and permits First Nations can choose to be notified on and on the framework for the Notification Protocol.

The basic approach for notification that is being discussed is to establish a web-based platform that will allow First Nations to indicate which licenses and permits that want to be notified about and to designate an “area of notification” to stipulate within what geographic area they want to be notified.

## **Key Issues**

A number of key issues have emerged during the discussions and will be pursued during future meetings. The objective of the L&P Technical Group is to develop options to address these issues. Decisions on which options to accept, if any, will be up to the Chiefs Committee. The key issues at this point include:

**First Nation Consent:** There are some L&Ps which if issued could have significant impact on First Nations. In such cases, it is the position of the First Nations that consent from impacted First Nations should be required prior to issuing such L&Ps. We are trying to determine what L&Ps, if any, Ontario considers should or could require First Nation consent before being issued.

**Buffer Zone:** At this point, Ontario can issue L&Ps right up to the boundary of a reserve. We have tabled the position that First Nations have a right to a buffer zone around reserves within which First Nation consent would be required for any L&Ps.

**Direct Ministry Actions:** Actions can be taken directly by ministries which otherwise would require an individual or company to have a L or P. We have tabled the position that such activities should be part of the notification protocol process.

**Patent Lands & Parks:** Ontario’s position is that the notification protocol would only apply to L&Ps on Crown lands. We have tabled the position that patent lands and park lands should also be included.

**Permit Conditions:** Permit conditions can go a long way to assisting Ontario meet its environmental and duty to consult obligations. For example, requiring reclamation (and perhaps bonding) to ensure that permit holders return the land to extent possible, or requiring companies to meet and accommodate the interests of impacted First Nations. We have tabled the position that permit conditions should be developed and implemented in consultation with NAN First Nations.

**L&Ps On-Reserve:** MNR's position is that some L&Ps are required for activities on-reserve. We have requested Ontario's list of L&Ps which they believe apply on reserve lands.

**Notification Platform:** We are pursuing further discussion on the platform for the notification protocol including issues related to costs structure, ownership, and input.

**Compliance:** We are pursuing discussions with respect to an immediate and longer term role for First Nation in monitoring L&P conditions compliance.

**Resort Operators:** We have requested that MNR provide an explanation of the regulatory power of certain resort operators was raised by the Chiefs as an issue. We need to understand any enforcement or issuing powers that resort operators may have and any potential impact on First Nations.

**Addition to Reserves:** Ontario has no policy with respect to the granting of Crown La Lands for additions to reserve. We have requested discussion and possible joint development of such a policy.

**Capacity:** A notification protocol will not be effective nor satisfy the Crown's obligation to consult unless is accompanied by an ability for First Nations to review L&Ps for potential impact and/or benefits. Discussions will be held to determine the nature and extent of NAN First Nation capacity needs but certainly that capacity must include technical, environmental, legal and traditional knowledge expertise.

**Ontario Planning Processes:** Many L&Ps are issued pursuant to planning processes like Forest Management Planning. NAN First Nations currently have an opportunity to participate in Forest Management Planning but do not have involvement in two other important planning processes – Wildlife Management Planning and Fisheries Management Planning. We are pursuing this matter at the table.

**Scope:** At this point, only MNR is involved in the development of the notification protocol. To be effective, all Ontario ministries or agencies that issues L&Ps, including MNDM, must be involved in the notification process.

## Summary

The work of the Licences and Permits Table has been very useful in setting out the scope and nature of L&P issued by MNR in NAN territory. The work on a notification protocol should result in a process for First Nations become aware of activities being approved in traditional homelands.

From the perspective of making progress on the mandate assigned to this Technical Table, progress is being made and the recommendation of the NAN team is to continue meetings for the balance of the 120 day period.

## Land Use Planning Technical Table

Alex Peters  
Louie Beardy  
Donald Meekis  
Job Mollins Koene  
Micah Winter  
Allyne Gliddon  
Lead Technician – Heather Ross

The land use planning technical table has met three times with Ontario. The task of the NAN land use planning team as set out in Resolution 04/07 is to gain Ontario's commitment to develop and implement a land use plan based on plans already developed by First Nations; that respect community moratoriums for the NAN territory; and that will balance traditional and non-traditional activities and provide for joint implementation by Ontario and NAN First Nations." The core task as set out in the Letter of Political Agreement was "the development of a Memorandum of Understanding (MOU) for undertaking a joint review of past land use planning activities and existing plans, and in addition, to discuss land use planning, including approaches for balancing of traditional and non-traditional activities, roles for implementation, and the goals of NAN First Nations and Ontario in both the Far North and southern parts of NAN."

As with other tables, the land use planning technical table spent some time reviewing mandates. The work of the joint table was further complicated by the not yet announced Ontario Far North Planning Initiative. Following two interventions with Ontario, discussion of the principles and process of the Far North Initiative are now part of the land use planning technical table.

The joint table has agreed that issues of jurisdiction should be addressed at a more senior level so the issues of consent, mandatory Impact and Benefit agreements and of resource revenue sharing have been forwarded to the NAN negotiators.

The joint table failed to agree upon a joint review of land use plans and is now developing a Request for Proposals for a review of planning processes.

The NAN team presented a discussion paper which highlighted the need to build the trust of First Nations in a relationship with Ontario. The team suggested two concrete actions - establishment of a grievances process so that irritants could be addressed and a firm understanding between Ontario and Nishnawbe Aski Nation on land use planning. Ontario is considering the first action and a joint letter between the Minister and the Grand Chief is proposed.

Ontario's approach to land use planning is regional and broadly based, NAN's approach is community based and community driven. The joint table has agreed that, in the Far North Planning Initiative, a new planning model will be developed that ensures that the two approaches are undertaken concurrently and that they are integrated.

Ontario has established land use planning goals for the Far North Planning Initiative and, through the Lands for Life/Ontario's Living Legacy, for much of the NAN First Nations' traditional lands. The NAN technical team has argued that these goals must be open to revision to include First Nation goals. Ontario has agreed that, within the southern NAN First Nations' territories, amendments could be made in the district land use plans. The goals in the Far North Initiative which are sustained ecosystems, full participation of First Nations and environmentally sustainable economic development are broad and similar to NAN's often stated interests which are providing for future generations and benefiting from development which occurs in a First Nation planned and controlled manner.

The joint technical table agrees that balancing traditional and non-traditional uses will be achieved through land use planning. The NAN team has defined traditional uses as including land management, habitat protection, infrastructure such as cabins, trails, docks as well as the practice of the use. The NAN team has argued that such uses are modernized so that they include commercial fishing and tourism. Ontario has not rejected this definition. The NAN team put forward the view that new land designations would be needed to achieve this balance. Ontario has reluctantly agreed that new designations would be considered.

The NAN team has insisted that the land use planning work must be inclusive of all of NAN. Ontario's planning initiatives have divided NAN First Nations into three sections - communities under the Lands for Life/Ontario Living Legacy plan, the First Nations participating in the Northern Boreal Initiative and the remote First Nations of the Far North Planning Initiative. Several First Nations' traditional lands cross these boundaries. The NAN team has insisted that these First Nations must be able to plan for their complete land bases. Ontario has agreed in principle with the proviso that implementation will vary.

Ontario has agreed to continue the Northern Boreal Initiative although under the Far North Initiative so that the goals and directions must be sufficient flexible to fit within the far north strategy.

Ontario has agreed to commit funds to community mapping in the southern NAN First Nations and to consider amendments to district land use plans based on community goals and community mapping.

Ontario has committed funds for the participation of First Nations in the Far North Planning Initiative, including funds for building community capacity.

The joint table has begun discussion of the development of a training strategy which could include a closer relationship between First Nations staff and MNR staff.

Ontario will not commit to recognition of the moratoriums on development of various First Nations. However Ontario is willing to look at each specific case to explore avenues for resolution. In the Far North Initiative, Ontario is proposing to appoint a facilitator who will make recommendations for new and renewed uses during the planning process. Ontario will not remove existing uses but will consider not renewing lapsed uses. The NAN team put forward the

proposal that new and renewed uses require First Nation consent. This suggestion was bumped up to senior levels. The NAN team also suggested that the product of the licenses and permits and the early stage mining tables be adopted. Ontario is open to this possibility.

The NAN team feels that progress is being made, that the positions and interests of the NAN First Nations are being heard, that Ontario is willing to made substantial changes to accommodate First Nations in the Far North planning process.

## Early Exploration (Mining) Technical Table

Jason Beardy (Co-Chair)  
Thomas Adams (Elder)  
Alvin Beardy  
Ernest Rickard or alternate Les Louttit  
Maurice Kistabish (briefer)  
Dr. Rachel Ariss (Advisor)  
Dr. Scott Hamilton (Advisor)  
Dennis Forbes (Advisor)  
Technical Lead - Dr. David Peerla

### Issue

Update on the progress of discussions at the Northern Table – Early Exploration [Mining Table] Technical Table.

### Background

In 2006 KI stood on their lands to prevent a winter drilling program by Platinex. Platinex sued KI for \$10 Billion and access to the land. KI countered with a legal action seeking to have the Mining Act declared unconstitutional. A number of important legal decisions followed.

KI is seeking a declaration that the *Mining Act*, R.S.O. 1990, c. M.14, and regulations thereunder ("*Mining Act* regime") is unconstitutional for failure to provide priority to the exercise of aboriginal and treaty rights by subjugating such rights to the unilateral actions of private parties, or for failure to provide – at virtually all stages of the mining process -- for consultation with aboriginal parties and accommodation of their rights and interests, all contrary to section 35 of the *Constitution Act, 1982*.

### KI Decision(s)

In its most recent decision issued May 21, 2007 the Court found that exploratory drilling can only go ahead if there is a satisfactory protocol in place to govern the consultations and an acceptable agreement with the First Nation. The decision spells the end of the so-called free entry system that allowed mining companies to stake and drill on NAN homelands and traditional territories without any consultation and accommodation. All First Nations now have specific rights and benefits and are entitled to be consulted and have proper agreements in place prior to mining exploration.

KI has set the minimum standard for the Mining Technical table.

Following the 2005 Supreme Court Mikisew decision, Ontario released unilaterally created draft provincial guidelines on First Nation consultation and followed shortly thereafter in 2006 with a similar MNDM discussion paper on First Nation consultation and engagement.

Meetings have been held with MNDM officials June 15, 2007, July 19 and July 24, 2007 in Thunder Bay.

The short term objectives of this technical table are to convince MNDM to make a public commitment to amend the Mining Act to reflect the law on First Nation consultation and to de-link the Technical Table from MNDMs province wide multi-stakeholder Discussion Paper process.

Once that commitment to substantial change has occurred we can begin to develop a protocol with MNDM on the terms and conditions of early mining exploration.

## **Current Status**

The Northern Table has again focused attention on the interests and motives of the Ontario government in the Far North region. The region is a treasure chest of natural resources that could fuel Ontario's economy in an era when economic power in the country has shifted to the oil rich west. While mineral exploration and mine development are an immediate provincial priority, the implications of establishing precedents re prior consultation, accommodation, etc will impact upon NBI, hydro corridor, park and general land use planning, all weather roads, etc.

The discussions at the mining table are occurring in the shadow that the KI litigation has cast on the Constitutionality of the Mining Act and an archaic free entry system that in the past had allowed mining companies to stake and drill claims without First Nation consultation, or even notification.

The KI decision, while setting a new standard, has also created significant uncertainty about what the rules of mining exploration are in the homelands and traditional territories of NAN communities.

Two significant obstacles to opening up Ontario's Far North for mining exploration and resource development are:

- a) the lack of clear rules on First Nation consultation and accommodation and
- b) the absence of land use planning. It is important to note that the De Beers Victor project proceeded without land use planning.

MNDM has been very adversarial and positional to date in our early discussions. One possible factor is the participation of an MNDM official who is central to Ontario's negotiations with KI. Discussions have been guarded as MNDM officials assume a passive stance at the table. The preferred MNDM stance at the table is to say very little, continually refer to their province-wide Discussion Paper as central to the Northern Table, and take adversarial, if not hostile, positions in writing following the face to face meetings.

Essentially NAN is being drawn out to offer positions with the MNM not showing many cards. We believe that MNM have been instructed that no commitments are to be made at the table, but merely taking information back to be crafted into defensive positions by MNM policy analysts.

## **Key Issues**

A number of key issues have emerged during the initial discussions. One objective of the Mining Table is to develop options to address these issues. Decisions on which options to accept, if any, will be up to the Chiefs' Steering Committee. The key issues at this point include:

## **The MNM Discussion paper and the Northern Table**

In the wake of the KI decision(s), and community moratoriums on resource development it appears that MNM has a major need to re-establish control of both the parameters of the Mining Technical Table and the negotiating agenda. They have gone so far as to suggest appropriate First Nation representatives and to specify how they want First Nations to participate at the Table.

Acting on the instructions of our Chief Negotiator, our table is seeking to replace the unilaterally created MNM multi-stakeholder Discussion Paper process with a stand alone government to government process. The latter better reflects the new relationship sought with Ontario to address the specific concerns of the NAN First Nations. Accordingly we are trying to limit references to the Discussion Paper in our mandate.

Our table views MNM's absolutist statements on the Discussion Paper as untenable and acting to undermine the possibility of a negotiated solution. We see the MNM Discussion paper process as the imposition of preconditions on the table. In our view, preconditions heighten the likelihood of confrontation and remove possibilities for dialogue.

MNM is relying on the fact that a few NAN communities have protocols with MNM to play a classic game of divide and conquer.

Dr. Rachel Ariss has provided an analysis of the MNM Discussion Paper that concluded that the MNM Discussion Paper has taken a narrower view of First Nation consultation than the Ontario First Nation Consultation guidelines. The Ontario Consultation guidelines themselves are a weak and far from a perfect reflection of the actual law on First Nation Consultation.

We have spent significant time at the table raising a number of fundamental questions about the content of the Discussion Paper and the Paper's multi-stakeholder process in which NAN First Nations will be only one voice among many others including mining companies and municipalities.



MNDM remains entrenched in their commitment to the Discussion Paper Process, stating that the Discussion paper process will continue regardless of the Northern Table.

## **First Nation Consent**

Many NAN communities have developed protocols that require First Nation consent to activities such as mining exploration on their homelands and traditional territories. A number of communities have moratoriums on resource development. MNDM takes the position that First Nations do not have a veto over mining exploration activities. The Province takes the position that the Treaty extinguished many rights to the land, and therefore, the Province has the final say except to consult/inform when activities infringe upon land use rights enshrined in the Treaty. We are probing MNDM to try to determine their views on what conditions/impacts would trigger a First Nation consent requirement. We have tabled language on consent that would respect both communities that have agreed to exploration projects and those communities that have moratoriums.

## **Traditional Ecological Knowledge/Traditional Knowledge.**

Our Table is very concerned that the Ontario government has in the past, and is continuing in present, to collect traditional knowledge and TEK without the free, prior and informed consent of First Nations. We have made this very clear to MNDM. We have tabled principles and documents to support a new approach to protecting TEK and TK with MNDM. We have suggested, and MNDM have agreed, that an all table interdisciplinary workshop be held to clarify the meaning of TEK and TK. TEK data is very hard to collect well, requires a great deal of time in processing, analysis and synthesis, and has very wide-ranging functions and applications. There is currently no clear direction who is going to collect, store and conserve this information- do individual communities want to be the holders of their own info, or are there efficiencies to be realized from centralized data depository and querying institutions controlled by NAN or some other like entity. More to the point, MNDM professes not to know how it would go about collecting, storing and utilizing this information.

## **Capacity**

MNDM have reported that they are hiring 6 new aboriginal relations staff. We have requested details on the terms of reference and budget of this new MNDM First Nation consultation unit. The expansion in MNDM's own capacity points to the need for First Nation capacity to review and respond to consultation requirements. We have suggested that MNDM consider putting these positions and budget dollars into an independent agency or regional agencies, perhaps similar to the Mackenzie Valley EA Board, that would support the technical review and screening of early exploration projects.

## **New Mining Act**

MNDM officials report that the Mining Act is in the process of being “modernized”. The key driver in that modernization is the KI litigation that is now in a court supervised First Nation, Ontario and Platinex set of negotiations on the terms and conditions of an early exploration project. MNDM are willing to acknowledge that the Mining Act needs to be changed but are reluctant to publicly state that First Nation consultation is a key reason for the change. We have suggested that the Minister make a public commitment to amend the existing Mining Act to reflect the law on First Nation consultation.

## **Withdrawals from Staking**

MNDM issued a policy on withdrawing land from staking. The policy is of limited application and is currently restricted to very small areas containing burials (200metre buffers) and a small buffer area around existing reserve lands .We have suggested that the policy be revised in plain English with provisions that go beyond the limited conditions in the current policy statement. Clearly community moratoriums should be respected and these areas withdrawn from staking.

## **Pilot projects**

The preferred MNDM policy approach to resolving issues are pilot projects. MNDM have launched pilot projects on First Nations TEK/TK mapping, community communication protocols and the withdrawal of a large (2500 ha.) sacred and spiritual site. Pilot projects are an interim measure designed to bridge the gap until Ontario makes the necessary decisions to change legislation. However, that decision may be postponed for many years.

## **Technical Table Coordination**

The Northern Table process involves a number of Ontario Ministries. We must be vigilant to ensure that the positions we take at one table are consistent with the positions we take at other tables. One step we have taken toward this consistency was having all technical tables collaborate in drafting a set of principles to guide our work. We have tabled the draft principles with MNDM and they found nothing to object to. In fact they suggested we add wording on “good faith” negotiations and were supportive of a principle on the protection of TEK/TK.

## **Summary**

The Mining Table is a challenging table. Fundamental issues on jurisdiction are at stake.

A new government to government relationship means just that. For our table, it does not mean participating in MNDM created and controlled processes, such as the Discussion Paper, as one of many “stakeholders”.

Confidence-building measures. Through the Northern Table, the two sides need to agree to a series of confidence-building measures (CBMs) designed to prevent potential conflicts between First Nations, Ontario and mining companies and to build trust. A clear commitment to amending the Mining Act to reflect the law on First Nation consultation, accommodation and reconciliation, the abandonment of need to link the Discussion Paper to the Northern Table and a promise to respect the community moratoriums/principle of consent would be significant confidence building measures.

## **Communications (Northern Table)**

Anita Fraser

### **Background**

A communications coordinator was contracted to the Northern Table for the interim measures period. The NAN Northern Table (NT) Chiefs' Steering Committee approved five specific communication activities with the goal of keeping First Nations informed about the NT and to obtain community input to the process. Other activities have been added as the Northern Table has evolved. The added activities have been worked into the original communications budget which was submitted with the overall budget for the Northern Table.

### **Five Communications Tasks**

#### **Two Wawatay Newspaper Ads, translated in 4 languages and also published in The Voice (circulation James Bay Coast area)**

Time lines: End of July, Middle of September

Wawatay ad #1 was published June 24, 2007. It provided a general overview of the Northern Table and its structure. It was published in English, Cree, Oji-Cree and Ojibway. It was also published in the July edition of The Voice. Wawatay has a circulation of 9300. The Voice has a circulation of 3600.

Wawatay ad #2 will be published in September 2007. The content will depend on the response of the NAN Chiefs in Assembly at Keewaywin, to the progress of the Northern Table.

This ad was also placed in the NAN Governance Newsletter and inserted in Wawatay Aug 9, 2007.

#### **Northern Table Newsletter Insert and Mail out, translated in 4 languages**

Two newsletters, translated in 4 languages, inserted in Wawatay and distributed to First Nation members via unaddressed ad-mail.

Time lines: Mid August, end of September.

9300 copies of newsletter insert #1 inserted in Wawatay Aug 9, 2007. 8000 copies distributed by un-addressed ad mail to First Nation members on reserve, urban friendship centres, band offices and Tribal Councils.

Newsletter # 2 to be inserted in Wawatay and mailed out to First Nation members at the end of September. Content dependent upon Chiefs' response to NT at Keewaywin.

### **Website**

Northern Table information to be placed on NAN website

Time line: on-going as needed

Overview information including chronology and structure of the Northern Table was placed on the NAN website in early July and will be updated as required. [www.nan.on.ca](http://www.nan.on.ca)

### **Wawatay Radio Shows**

Live radio shows and phone in shows at intervals during the 120 days.

Time line: As appropriate and related to progress at the NT

To date there have been 3 radio shows. One was an interview where the lead negotiator was interviewed about the Northern Table. One was a phone in show and the other was a broadcast of the G10 meeting held July 27, 2007 in Sioux Lookout.

### **Power Point Presentations**

A power point presentation to be developed for use at Chief's meetings, community meetings, information sessions and focus groups with modifications as needed.

A presentation which includes history, background, chronology and structure was developed and is being distributed at meetings. It will also be used at video conference focus groups, community and tribal council meetings and information sessions where appropriate. It can be updated and modified as necessary.

## **Emerging Communications Tasks**

### **Video Conference Focus Groups**

Two video conference focus groups were held August 9 with Shibogama and K.O. communities. Six participants from each community received the PowerPoint presentation. There was a question and answer period and feedback from the community members was recorded.

More video conference focus groups are going to be held. Focus groups to gain input on each of the key areas will be held.

## **Northern Table Intranet**

Due to the volume of correspondence and documents being produced and researched at the technical tables it became necessary to find a mechanism where the NAN technical tables, NAN negotiating team, and Chiefs' Steering Committee could communicate. To facilitate this an "Intranet" was set up on the NAN website where technicians and other Northern Table staff and leadership could talk (write) to each other as well as post and archive documents and keep track of each other's calendars for meeting coordination. The intranet is password protected. Each NAN technician, leader, elder or staff person that is involved with the discussions and negotiations has a password that they can use to log in to the intranet to access all the Northern Table information. The intranet became active the first week of August. Northern Table technicians, et al, are learning to use it and beginning to post documents and communicate through the intranet.

The intranet also has a forum where guests can log on and leave their comments or feedback on the Northern Table. In this way feedback can be obtained from those who have checked out the information on the public part of the NAN website.

## **Information Sessions and Community Meetings**

There is a need to hold information sessions in communities and collect input and feedback on Northern Table issues. If the Northern Table continues after the 120 day interim measures a new budget and a new funding level will be needed to facilitate this.

## **Budget**

The budget targets for each of the five original tasks have been maintained. There was a surplus in the area of radio shows which was re-allocated to the focus groups. The cost of intranet is very small and was obtained from a surplus in the miscellaneous printing budget.

## **Past The 120 Day Interim Measures Process**

Should the NAN Chiefs decide to continue with the Northern Table Process after the 120 days, a new budget, work plan and communication strategy will need to be developed. Higher funding levels will have to be obtained for communications in order to ensure that community members, Elders, Chiefs and Councils are informed about all the issues and have the opportunity to give input and have their individual issues heard and also brought to the table. Community meetings and community workers will be essential as the Northern Table proceeds. The NT is dealing with a large, complex and detailed scope of issues concerning First Nation homelands and traditional territories within Treaty No. 9 and Treaty No. 5 (in Ontario). First Nations will ultimately make the decisions about whether they wish to abide by Northern Table MOUs or MOAs. They will need to be kept up to date on the progress of the issues and the outcomes, as well as give input so that the process is driven by the communities.

## ***Treaty Implementation Framework***

Bentley Cheechoo – Treaty Education Advisor

Update on community treaty Education and awareness which has been brought to 80% of the NAN communities. Due to lack of resources, we are not able to complete the work with the other 20% of the communities. We have been working with treaty forum and INAC seeking resources to complete the work which would enable us to provide a report on the findings. The Treaty Five First Nations are seeking similar type of a treaty education and awareness process.

To provide a final report at this time is not feasible because we have not been to all of the communities.

### **Recommendation:**

The NAN Chiefs support the completion of this work.

## ***Treaty Strategic Plan***

The latest draft of the Treaty Strategic Plan presented to March 2206 NAN Chiefs-in-Assembly was adopted in principle. The final draft of Treaty Strategic Plan was supposed to be presented at the Sachigo First Nation 2006 Keewaywin. This presentation was not possible because constraints in the agenda would not allow for adequate time to debate the plan thoroughly.

### **Recommendation:**

The NAN Chiefs convene a Treaty Conference in 2008 with objective of completing work that has started on the Treaties.

## ***Deputy Grand Chief Alvin Fiddler Report***



Chiefs, Elders, Women and Youth, Citizens of Nishnawbe Aski, Booshoo, Wacheya

When our ancestors signed Treaties with the Crown, they did so as a matter of faith. They trusted that the new settlers and their governments would keep their word. We have witnessed through many different processes how this has not happened. The collective directive from Chiefs and community members is to make certain that these governments are accountable for their treaty promises. This is the underlying principle for all the issues the staff and I continue to address.

Before making comments about our activities on various fronts I would like to pay due respect to some exceptional individuals. I would like to acknowledge my parents, wife and children for their unwavering support. I could not do it without them. As I have said on many occasions – the work I do is to build a better future for our children. I would also like to thank the NAN Chiefs and Councils for their patience and their support. Finally, I would like to acknowledge the health, special projects and communications staff for their work and commitment to the issues, to your communities and to our people.

This past year our Treaty partners have often failed to honour their obligations under the Treaty. Legislation affecting our communities is drafted, considered and enacted without due consultation or accommodation to First Nations. On many occasions we are invited to participate in pan-Aboriginal tables that relegate our communities and our leaders to the status of “special interest group.” This is not acceptable. On all fronts we continue to demand only a nation-to-nation relationship, an equal standing. This is the bare minimum required of us in order to uphold our obligations under the Treaty. This underlies our position and actions regarding new regulations, programs, initiatives and policies that are mostly created unilaterally by our Treaty partners.

With respect to well-being we have yet to enjoy the high standard of physical and mental health most Canadians take for granted. Houses in Fort Albany have become riddled with toxic mould and harmful bacteria. Once again families are being evacuated. Nursing stations and hostels are asbestos and mould laden. No one wants to breathe an air that causes disease and premature deaths. We present these crises squarely in terms of treaty rights and self-determination and demand community control of quality health care as a treaty and human right.



We continue to have a distinctive spiritual relationship with our lands. It is our sacred responsibility to protect our lands for future generations but this is now being challenged in the courts at Kl.

Kl is being driven to bankruptcy by an Ontario government that ignores the United Nations Declaration on Indigenous Rights that provides for the free prior informed consent of communities to decisions about their lands and resources.

Rather than recognize our laws, traditions, and customs related to lands, territories and resources we are being asked by Ontario to sign MOUs abandoning our ways and protocols in order to fit neatly into Ontario's jurisdiction.

We have the right to maintain, control, protect and develop our culture and traditional knowledge.

Self-government is the process that enables us to maintain and strengthen our institutions, cultures and traditions, and to promote our development in accordance with our aspirations and needs. Without a government-to-government relationship with our Treaty partners, all development is determined for us and without us. This is intolerable and the effort to stop this injustice is what underlies our efforts. I urge our Treaty partners to take heed that our involvement in a variety of processes and activities is grounded squarely on this principle. First Nations people are resilient and adaptive having survived many hardships. And I believe we will flourish, with effort and determination, in a society that too often regards us as irrelevant. This is my hope and inspiration.

Alvin Fiddler  
Deputy Grand Chief

## ***Health Policy & Planning***

Melanie Goodchild-Southwind, Director of Health Policy & Planning  
Wendy Caruk, Executive Assistant  
Ellen Nowgesic, Health Planner  
Natalie Binguis, Health Policy Analyst

### **Health and Special Projects Department Staffing**

NAN has made some major changes to the health department since March 2007. Our Health Director position has been changed to the Director of Health Policy and Planning, with the Health Policy Analyst and Health Planner working directly under this senior manager position. The new Director of Health Policy and Planning is Melanie Goodchild- Southwind.

Community health programs, including Healthy Babies/Healthy Children, Fetal Alcohol Spectrum Disorder (FASD), HIV/AIDS and Healthy Lifestyles and the Responsible Gambling Program, are now under the Community Programs Manager, Wendy Trylinski.

Carol Rowland will be leaving as the manager of the Special Projects Department, which includes Residential Schools, Crisis Teams, Rowe Survivors Network, the Intergovernmental Table on Youth Suicide and Community Development. Sandra Brown will be taking the Manager position, with Brenda Sedgwick becoming the lead for the IGC, and Christine McKay is taking on the Community Development Officer role.

The Decade for Youth and the Family Healing Initiative are now under the portfolio of Deputy Grand Chief RoseAnne Archibald.

### **Aboriginal Healing and Wellness Strategy Renewal**

The AHWS phase III sunsets in March 2009. The initiative is currently in renewal and First Nations PTOs are respectively rejecting the status quo pan-Aboriginal approach to the initiative by the Province, and are demanding a First Nations-specific approach to design, delivery, implementation and governance of the next phase of the program. First Nations are developing a separate process and guidelines for rolling out the next phase of the initiative, including addressing outstanding issues such as government/partner micromanagement, pan-Aboriginal approach and restructuring of the governance body. COO/HCU will be addressing this at the regional level.

## **Aboriginal Health Human Resources Initiative (AHHRI)**

This pan-Canadian Aboriginal initiative, part of Health Canada's upstream investments, is being rolled out across regions via a regional (provincial) workplan for 2007/08. A unilaterally created workplan by FNIH Ontario region was presented to HCU for feedback. NAN submitted a formal response to the workplan indicating that the Government had failed in its duty to consult and accommodate First Nations in this initiative because the workplan did not reflect a community-centred approach. PTOs are submitting a revised workplan to FNIH Ontario Region with substantial changes made to resource allocations. The workplan covers three fiscal years. NAN communities completed planning templates which have been consulted to draft NAN's input to the revised plan. This plan is being submitted to HQ by the end of August 2007.

## **Upstream Investments**

On June 26, 2007 community members from Ontario First Nations participated in a training session in London, Ontario designed to roll out the Aboriginal Diabetes Initiative (ADI), Maternal Child Health (MCH), and National Youth Suicide Prevention Program dollars for this fiscal year. The suicide prevention dollars only will be allocated via a proposal process. Deadlines for submission of respective workplans/proposals are midsummer. In addition to community contribution agreements (CAs) there is a pooled allocation of dollars totalling \$1 million for cross training. A working group composed of PTO and FNIH representatives is producing a plan to spend these dollars in areas of need.

Roll out of the ADI, MCH and NAYSP contribution agreements to communities, as per the funding formula ratified by the Political Confederacy, will take place after individual workplans are submitted to FNIH in August. The NAYSP is proposal-driven and decisions will be made this fall as to funded projects. ADI is universal while MCH is per-capita based on demographics. Community representatives were all invited to attend an information session on roll out in London in June. Upstream funding was announced in 2004 however it has taken several years to prepare funding models, funding formulas and reporting requirements. Through First Nations advisory committees the upstream programs have been developed with community input. A total of \$1 million has been set aside for cross-training. A Regional Training Advisory Committee, composed of representatives from the ADI, MCH, and NAYSP advisory/working groups, will oversee the creation of a workplan to administer the cross training dollars.

## **Non-Insured Health Benefits**

NAN, together with Chiefs of Ontario Health Coordination Unit, is working on the creation of a joint workplan to address major gaps in service and problematic approaches to health benefits coverage by this national program. Persistent concerns with transportation, jurisdictional issues, denials of drug benefits, dental, etc., will be included in the workplan which is expected to be tabled this fall.

## **Pandemic Planning**

COO/HCU has been working on the creation of a cross-jurisdictional agreement for Pandemic Influenza Planning and Preparation. When the MOU is finalized each First Nation in Ontario will be invited to be a signatory party to the MOU, not PTOs. Some of the activities contemplated in the MOU would permit provincial medical officers to enter into First Nation communities and exercise their provincial jurisdiction on reserve. Because there is not a statute that would grant this authority, each Chief and Council would have to consent and thus sign the MOU if desired. A tripartite meeting with PTOs, the province and federal representatives is scheduled for September 07 to review the MOU. Chapter 20 of the Ontario Health Plan for an Influenza Pandemic December 2006 overviews roles and responsibilities reflected in the MOU.

Working closely with Health Canada, NAN has supported the completion of community based pandemic influenza plans for the NAN communities. NAN also participated in regional planning which included Health Canada, Chiefs of Ontario, and the Ministry of Health and Long Term Care. At the regional level, a First Nations planning document was jointly developed and annexed to the Ontario Pandemic Plan. Particular attention was placed on planning surveillance activities, antiviral and vaccine distribution, supplies and equipment stockpiles, and identifying influenza centers and alternate care sites. In Ontario, it is estimated that 160,000 First Nations people will be impacted should this pandemic occur. Therefore, clear roles and responsibilities as well as ongoing communications and First Nations participation in a pandemic information cycle are key areas which have been identified and will continue to be developed.

## **Telehealth**

A total of 25 NAN communities participate in Telehealth/Telemedicine. NAN is working with Keewaytinook Okimakanak and COO to develop a regional approach to developing Telehealth/Telemedicine Policy for Ontario First Nations. To this end a jointly drafted resolution was considered at the AFN AGA in Halifax and was passed calling for a national First Nations Telehealth Strategy. NAN is also working with KO to expand Telemedicine into all NAN communities. The funding for this initiative sunsets in March 2008 so lobby efforts include a demand for resources to be committed to and increased for the Telehealth/Telemedicine infrastructure already existent through KO.

## **NAN Health Planning Group**

The NAN Health Planning Group in accordance with resolution 04/94 undertook activities this past year which continue to focus on supporting a NAN wide health system. Key activities included health data system planning, pandemic influenza planning, and NAN health act development. In addition, the Health Planning Group also participated in the planning of the Health Canada Upstream Investments Initiative which is expected to be implemented in the 07/08 fiscal year.

## **Local Health Integration Networks (LHINs)**

Local Health System Integration Act (LHSI), 2006, received royal assent on March 28, 2006, which is the legislation accompanying the Local Health Integration Networks (LHINs). The LHINs are responsible for the planning and funding of health care in their respective LHINs catchment area and as of April 1, 2007, the LHINs became fully operational, two of which provide services to NAN communities: the North West and North East LHIN. The legislation has specific Aboriginal and First Nations provisions in the preamble and sections 14 (2) (a) where the Minister is to establish an Aboriginal and First Nations Council and 16 (1) and (4) the LHINs must engage the Aboriginal and First Nations health planning entity for the geographic area of the LHIN. In February 2007 the Province invited interested parties to comment on the proposed regulation under the LHSI, Aboriginal Health Council which NAN submitted its comments regarding the Council and provided its recommendations for the pending regulations under s. 16 (1) and (4) Aboriginal and First Nation health planning entity. NAN continues to assert a treaty right to health care; a government-to-government relationship with the Province and community consultation is required with all the NAN First Nations, planning authorities, tribal councils and organizations within the respective catchment areas of the North West and North East LHINs.

## **Ministry of Health Promotion – Health Promotion Protocol**

On July 20, 2006 Nishnawbe Aski Nation (NAN) and the Ministry of Health Promotion (MHP) signed a protocol called the “Interim Administrative Protocol” and on August 4, 2006 at Keewaywin Conference XXV the Chiefs-in-Assembly ratified resolution 06/53 “Health Promotion Protocol.” The protocol is a direct relationship between NAN and the MHP and is based on transparent, cooperative working relations between NAN and MHP. The protocol will allow both parties to discuss issues with regards to health promotion and health prevention strategies that will not create, define, limit, prejudice, abrogate or derogate from any rights, interests or jurisdiction of NAN.

## ***Community Programs***

Wendy Trylinski, Community Programs Manager  
Gwen Medicine, HIV/AIDS & Healthy Lifestyles Coordinator  
Jane Cheechoo, Health Arrangements Office  
Kathy Adcock, Responsible Gambling Strategy Coordinator

### **Aboriginal Healthy Babies/Healthy Children**

AHBHC was created as a way to support families in celebrating and honouring new and young life. The program focuses on providing holistic support to children and families to ensure Aboriginal children have the best opportunity to grow up healthy and resilient. Services are aimed for pregnant women and families with children 0-6 years.

Highlights for 2006/07:

- The AHBHC working group developed the AHBHC Field Guide which was distributed to AHBHC workers' at the Provincial Conference in January. The guide was designed to assist home visitors in recognizing family strengths and provide guidance to challenges the family may be facing.
- Best Start Aboriginal Advisory group developed the resource *A Sense of Belonging: Supporting Healthy Child Development in Aboriginal Families*. The manual was developed to improve service delivery to Aboriginal families in Ontario. The manual was distributed to AHBHC workers' along with training in October.
- AHBHC workers' attended the 1<sup>st</sup> Provincial Conference in January. Several workshops and resources were offered.
- NAN AHBHC Conference was held in October. Workshops included Diabetes and Pregnancy, Meals for Good Health, Aboriginal Child Development, A Sense of Belonging, Birth, Health and Status card applications.
- Resources were provided to workers'.
- 6 AHBHC workers' sit on a Conference Planning committee to provide direction and guidance on planning to ensure training is relevant to NAN communities.
- 6 AHBHC workers' were sponsored to attend the Best Start Conference in Scarborough on leading research in child development.
- Increase in AHBHC worker's assisting families in registering their children.
- Development of quarterly newsletter with articles submitted by AHBHC workers' intended to share ideas and information and build networks.

Future Activity:

- NAN AHBHC Conference is scheduled for October.
- Continue support and training on revised tracking forms.

- Develop a reporting template using data from the tracking forms that will generate a report that communities can use.
- Continue to provide support, resources and training.
- Develop an orientation manual to support new staff and develop mentors within the communities.
- Focus on promoting/supporting breastfeeding.

## **Fetal Alcohol Spectrum Disorder (FASD)**

Prenatal exposure to alcohol is the leading cause of preventable birth defects and developmental delays. Individuals born with Fetal Alcohol Spectrum Disorder face a wide range of learning and social challenges.

The FASD program continues to raise the awareness of FASD through various community activities, such as, workshops, presentations, health fairs, posters, brochures, cultural teachings and ceremonies.

As of April 2007, the FASD and AHBHC program will work together to share resources, knowledge and support as both programs have similar outcomes. Most of the community workers' are under both programs.

### **Future Activity:**

- Include the FASD workers' in the annual AHBHC Conference.
- Provide training and support on the development of work plans and reporting.
- Continue to provide resources/training and support to increase workers' knowledge and capacity to effectively support families and children living with FASD.
- Include FASD information in quarterly newsletter.
- Include FASD staff on the Conference Planning Committee.
- MCYS Annual Conference – September 18 – 20, 2007 in Toronto

## **Chiropody**

Highlights for 2006-07:

Keller Chiropody Professionals Inc. contracted to provide services to NAN communities. The chiropodist was able to travel to 12 communities and provided service to 690 patients- 17 people received services in their home due to mobility issues and 52 people had nail surgery. On average the chiropodist is spending 2-3 clinic days in communities.

In December, Chiropodist, RN for Feet for Life program and Infection Control presented to the Health Planning Group on the work being done and the challenges faced.

The use of telehealth will be implemented to provide follow-up support to patients and to provide support/training to front-line staff. The use of telehealth will allow more access to patients and timely follow ups as travel to communities is limited.

The Chiropodist will provide on site training to front line staff while in the community. Infection control can also provide training to communities as requested.

## **Aboriginal Diabetes Initiative**

Highlights for 2006-07

- Due to the FNIHB upstream training across the province a specific training event for NAN workers' was not held but 4 ADI workers' were sponsored to attend the KSDPP training program in Diabetes Education in Quebec in August. The National Aboriginal Diabetes Association's bi-annual conference was cancelled.
- SOADI and NADA pamphlets and video resources were distributed to communities.
- The following resources were purchased and distributed- Meals for Good Health cook books, new Canada Food Guide, exercise equipment/videos, Pedometers, water bottles, blood glucose monitors and strips.
- Sponsored summer camp in Sandy Lake for children 8-13 at risk of getting diabetes or who have family members with diabetes.
- First Nations Advisory Group for the Prevention Resource has been working on developing a manual for ADI staff. The manual will consist of community mobilization, health promotion, general diabetes information, Mental Health and addictions, nutrition. The manual will be informative with practical applications to use on a day to day basis. The manual has had input from aboriginal people across the country. Once the manual has been completed-there will be plans for a future training component.

Future Activities:

- FNIHB will be providing upstream funding directly to communities starting in 2007.



## **HIV/AIDS and Healthy Lifestyles**

The NAN HIV/AIDS Program continues to: educate NAN communities and organizations upon request; develop education resource material; train and encourage NAN member community workers to facilitate increased awareness; provide youth peer education HIV/AIDS training; promote awareness of HIV/AIDS by developing resources in collaboration with the Ontario First Nations HIV/AIDS Education Circle; and develop a Youth Peer Education Training Manual for all of Ontario First Nations produced.

The NAN Healthy Lifestyles Program submitted a poster abstract which appeared at the 2006 International AIDS Conference held in Toronto, August 2006.

To increase communications to NAN Communities on issues dealing with HIV/AIDS the NAN HIV/AIDS Program continues to provide training directed toward youth to promote healthy lifestyles; Increase education to Elders and Church Leaders in communities; Increase awareness in communities that HIV/AIDS is a concern for all ages; Increase participation of all community members in learning and sharing of HIV/AIDS information and issues.

The NAN HIV/AIDS Program continues to develop resources and education tools for NAN Communities such as the Healthy Lifestyles annual calendar - anticipated completion Fall 2007; Education Curriculum – grades 1-8 to be developed this fiscal year and a proposal to produce a video from the recordings of the Youth Peer Education Training Session on HIV to be held tentative Fall of 2007.

## **Responsible Gambling Strategy**

Supporting Communities in their efforts to reduce the harm associated with problem gambling, this program was transferred to the new Ministry of Health Promotion.

The hi-lights for 2006/07 included the development of the Community Fundraising Ideas Guide; National Addictions Awareness Week; Creative Circles Projects; Phase 2 Gambling Addictions Certification Training and Problem Gambling Awareness Month. One time funds were received to develop Grades 1 – 12 Gambling Addiction Curriculum for the schools; to develop a problem gambling survey and host 48 community focus groups and for the development and distribution of promotional materials. The program assisted with numerous requests for community special projects, youth programs, community gatherings, radio shows, staff training and resource bundles.

2007/08 will include the distribution of the (March) Community Problem Gambling Surveys; the Community Fundraising Contest; the Annual Gambling Addictions Training and the implementation of the Draft Grades 1 -12 Gambling Addictions School Curriculum.

## ***Special Projects***

Carol Rowland, Special Projects Director  
Sandra Brown, Crisis Teams Funding & Training Coordinator  
Brenda Sedgwick, Community Development Advisor  
Donna Seguin, Administrative Assistant (SPJ)  
Francine McKenzie, Administrative Assistant (CT)  
Vacant, Residential School Project Coordinator

## **Residential School Settlement**

On March 8, 2007 the nine judges gave their final approval to the Residential School Settlement Agreement (IRSSA) package. Starting in April, 2007, the “National Notification Process” began, asking residential school survivors if they agree with the package or want to “opt out”. The deadline for the “opt out” period is August 20, 2007.

Pending approval of the IRSSA by the former IRS students, applications for the Common Experience Payment, Independent Assessment Process as well as the Truth & Reconciliation Commission & Healing and Commemoration programs would be available after September 20, 2007. Applicants would not expect to receive their money until November 2007 at the earliest.

Notices and information about the settlement package and legal rights of survivors have been posted on the Official Court website, with additional information on local newspapers and radio. A worker hired by the AFN has been visiting each First Nation community to provide survivors with information as well. For more information contact [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) or call 1-866-879-4913

## **Lobby to ensure the Mennonite Schools as part of the Residential School Settlement**

NAN has been in ongoing communication with Resolutions Canada, asking the government to include the Mennonite residential schools in the NAN territory (Cristal Lake and Stirland Lake) in the residential school settlement package. To date, Resolutions Canada has been firm in indicating that the schools do not fit the criteria due to the funding flowing through a First Nations board which directed the activities of the schools. NAN is also working with a lawyer and doing additional research to see if we can have this decision overturned. We hope to have all this work completed by the end of August when the payout process related to the other schools will likely begin.

## **Ralph Rowe Survivors**

On July 9 2007, Ralph Rowe, a former Anglican Minister and Scout leader who worked in the NAN territory for 17 years, was found guilty of sexually sexual abuse and sexual indecency involving three of five alleged victims. He was sentenced to 3 years in prison. During the trial, Rowe also plead guilty to 20 other counts, but was not required to serve any additional time for these cases as they are covered by a plea bargain connected to the time he did in prison from his 1994 conviction.

NAN has been supporting ongoing "Survivor Network" meetings with all interested NAN men who where abused as children by Ralph Rowe. The purpose of this group is to provide information and support to the men on the trial processes and to provide an opportunity for networking, support, and access to services. These men include both those who have taken Rowe to trail in the past, those who are a part of the current case, those interested in a civil case, and those who were abused by Rowe but are considering which approach is right for them and their families. The main goal of the group is to support healing for the men, their families and communities.

In August 2007 NAN hopes to hold a larger community gathering in Wunnumin Lake First Nation for all interested Rowe survivors and NAN community members. The purpose of the meeting is to learn what people think needs to happen next for healing in this situation that has brought so much pain to many people. For more information contact Don Hewitt through the NAN office.

## **Crisis Team Funding and Training Program**

Nishnawbe Aski Nation (NAN) has received funding from Aboriginal Healing and Wellness Strategy (AHWS) since the 1994/95 fiscal year. We are now in the 14th year of funding and the fourth year of Phase 3. The Crisis Team Program has had many challenges during Phase 3. Among them was the program description.

Through discussions with AHWS we have revised the program description to read as follows:

"The Crisis Team Program is a First Nation /community based program that receives additional coordination and intervention support from the Tribal Council Crisis Intervention Coordinator and NAN. The Crisis Team Program provides an effective, coordinated response to people who are experiencing incident related trauma, with a primary focus on suicide and family violence. The vision and goal is that over time, the services provided through the Program will reduce the incidence of family violence and suicide. The Crisis Team Coordinator is responsible for coordination of a well organized, well trained, well equipped crisis team that can intervene efficiently and effectively to traumatic incidents with a primary focus on suicide and family violence. The Crisis Team will work to lessen the impact of traumatic stress, prevent suicide and family violence within their communities and promote healing for individuals who experience any traumatic incident." Discussions for changes to Phase 4 are in progress.

## **Crisis Team Program – On-going Training Strategy**

Nishnawbe Aski Nation (NAN) has received funding from Aboriginal Healing and Wellness Strategy (AHWS) since the 1994/95 fiscal year. We receive financial assistance to provide ongoing training that will improve the skills and abilities of Crisis Teams.

The budget allocation for 2007/2008 is \$180,279. Our priority is to improve NAN trainer capacity which then improves general access to affordable training. The focus for Crisis Teams is Intervention and Prevention skills related to reducing the impact of traumatic incidents. We are increasing the number of NAN trainers in the following areas:

1. First Aid/CPR
2. Suicide Prevention/Intervention
3. Non-violent Crisis Intervention
4. Peer Helping

We also support individual requests from communities.

Our challenges are to financially support certificates on an annual basis and maintain trainer activity and interest.

## ***Communications & Information Technology***

Jenna Young, Director of Communications  
Colleen Berry, Communications Assistant (one year maternity leave for Kristy Hankila)  
Angela Crozier, Systems Administrator

The NAN communications department produces, communicates, and distributes information regarding events taking place within NAN territory or issues affecting the people and communities of Nishnawbe Aski. Department staff work to ensure the messages and perspectives of NAN are properly communicated and understood throughout NAN territory, among other Political Territorial Organizations, media, and the general public on a local, regional, national, and international level. The communications department provides ongoing strategic internal and external communications support to the Grand Chief and Executive Council and to NAN Chiefs, Tribal Councils, and members as issues arise.

The communications department includes the NAN Information Technology Unit lead by Systems Administrator Angela Crozier who manages the NAN network, including our Administration and Timmins offices and offers recommendations, staff training and network/software updates on an ongoing basis.

### **Priorities for 2006-2009**

Enhancing the NAN Communications Strategy to include priorities outlined in the 2006-09 Workplan is the top priority of the communications department. This includes enhancing employee communications, communication with NAN members and organizations, maintaining effective media relations, and maintaining/upgrading information technology services.

### **Employee Communications**

The communications department works with NAN staff to develop and encourage effective information sharing strategies within the organization. Some of these initiatives include Monday Memo, Daily Media Monitoring and Distribution, Fact Sheets/Backgrounders, Intranet, and supporting the ongoing development of a standardized general filing system and digital resource library. Additional priorities to improve employee communication include the development of a central filing system and employee recognition strategies.

### **Communications with NAN Members and Organizations**

The communications department has worked closely with NAN Executive Council to develop and implement key messages regarding NAN's purpose, role, priorities, and plans with respect to

political advocacy, organization/structural, and the initiatives of individual First Nation communities.

One of the priorities in this area includes a public awareness campaign addressing key issues within NAN territory and relating them to specific departments and programs within NAN. This poster campaign will improve the NAN presence in communities, boosting the awareness among members and visitors to NAN territory. Additional promotional and informational items (ie: information kits, newsletters, posters, etc.) will assist this campaign to enhance public awareness within NAN territory and across the region, province, and country.

Specific publications and communication materials produced in the past year include an updated information kit which includes background on NAN – the people and political organization, Governance News Spring 2007, and The People and the Land Summer 2007. Information kits are distributed as backgrounders during news conferences, meetings with politicians, stakeholders, and general public. Governance News and The People and the Land is distributed to NAN communities via Wawatay News.

## **Media Relations**

In coordination with NAN Executive Council and leadership, the NAN communications department utilizes media relations to advocate on behalf of NAN First Nations or to support the initiatives of NAN First Nations. Through consultation with NAN Executive, Chiefs, community representatives, and NAN departmental staff, the Communications department ensures accurate information is utilized during strategic planning stages.

While taking a proactive approach to current political and community issues to raise NAN's profile, the communications department strives to highlight "good news" stories (ie: youth mentoring program, literacy initiatives), while positively addressing community issues that make for "bad news" stories (ie: suicide, drinking water).

Since August 2006 the Communications department has produced and distributed 30 news releases, hosted 8 news conferences, and assisted in the coordination and promotion of over 15 events.

Since the development of the Communications department and as a result of an increased profile, Nishnawbe Aski Nation has been covered in the news an average of 163 times per year (based on statistics retrieved February 2006). This includes news coverage on various issues spanning local, regional, national, and international media sources, including newspaper, radio, television, magazine, and web.

## **Communications and Information Technology**

The IT Unit is working on various projects to upgrade web services to better meet the needs of NAN staff and NAN members. In June 2007, a new web site was launched offering various features to improve communication to and from NAN members and the general public. Public

forums have been developed to promote discussion on important topics and better use of space and graphics have been utilized to improve information retrieval.

Ongoing priorities with regard to information technology include supporting advanced technology and applications across NAN territory, including the enhancement of video-conferencing systems and other interactive components such as discussion forums and comment sections available on the NAN web site.

The NAN internal network has grown to a mid-sized business network. The network is undergoing a restructuring to better utilize the current infrastructure and upgrade necessary components.

The Thunder Bay Aboriginal Broadband Network has been upgraded to enable more Thunder Bay organizations to better service and communication with NAN member First Nations.

The NAN corporate website has been upgraded to provide better security and more functionality as well as provide better communication opportunities for NAN departments and projects.

The internal NAN network has started to undergo a restructuring. The website has been outsourced to World Wide Web professionals which will allow current resources to be utilized for other purposes. New antivirus software has been purchased which will allow email services to be brought totally within NAN network. This will allow for streamlined access for staff to receive their email while traveling. The NAN internal network has also undergone an audit which will be used as the basis for future upgrades.

Now that the Thunder Bay Aboriginal Network upgrade is complete, administration of the network is being transferred to Matawa First Nations Management for future development.

The NAN corporate website has been re-designed and unveiled. New features include a search engine, discussion board and a stats feature which will provide information about how often the website is being accessed. Better security measures are in place that still allows for program staff to update their own information in real time. While the hosting for the site is outsourced, NAN still maintains complete management over the site and foresees future development of the site.

## ***Justice***

### **Coroner and the Goudge Inquiry**

NAN engaged with the Chief Coroner to meet and discuss what we view as an inquest system that is not sensitive to the specific needs of NAN First Nations. We are seeking a protocol with the Chief Coroner and have partnered with Aboriginal Legal Services to request standing in the public inquiry (Goudge Inquiry) into child deaths in Ontario.

## ***Deputy Grand Chief RoseAnne Archibald***



First, let me express my gratitude to the Chiefs for their ongoing support and encouragement over the last year. Certainly, the cooperation and collaborative effort among my fellow Executive Council members has contributed to my successes of the last year. As a result, I have found my work to be extremely meaningful and fulfilling. I also have to acknowledge the amazing and hardworking staff that work with me daily – they have taken our hopes, visions and goals and turned them into reality and innovative projects.

As you may be aware, I have made efforts to focus on positive-based processes and uplifting language to deal with the long-standing issues that have affected our communities. I truly believe that a positive approach is required at this stage in our healing and development. With the help of my dedicated staff, we have undertaken a language and perspective shift in all my portfolio areas. My portfolio responsibilities include: Health & Special Projects in Social Health (jointly held with DGC Alvin Fiddler), Social Services, NAN Women's Council, NAN Decade for Youth Council, Recreation, Arts, Policing and War Veterans. I will provide a summary of the most active areas within the last year.

*NAN Women's Council* - This year, I focused a lot of energy and resources on women's issue and women's development. Moreover, I worked collaboratively with the NAN Women's Council on the areas they identified as priorities. I'm pleased that the NAN Women's Council have become active in policy and project direction within the NAN organization. Further, the women are now an oversight body that have provided direction on the following projects: the Family Healing Initiative (formerly the INAC Family Violence Program), the Major NAN Women's Development Project and INAC's Matrimonial Real Property consultations. I anticipate that the NAN Women's Council will continue to grow in its capacity to provide support and advice to other NAN programs that affect women, children and families.

Recently, I took over portfolio responsibility for Indian and Northern Affairs Canada Family Violence Program. Women's issues have been framed in a negative and disempowering manner through the use of the language in itself. For example, more energy is given to family violence responses instead of what women really want, which is family healing and healthy family relationships. Therefore, we have changed the INAC program to the NAN Family Healing Initiative with the intent of addressing and implementing initiatives that will contribute to family healing. The new project goals will promote peace, safety, harmony and family unity for women, youth, children and families in the NAN Territory.



In March 2007, NAN received funding from Health Canada to coordinate a NAN Women's Conference that occurred March 16<sup>th</sup> – 18<sup>th</sup> in Thunder Bay with approximately 100 NAN Women in attendance for the three-day conference. The women created a Socio-Wellness Health Plan.

In June 2007, Nishnawbe Aski Nation has successfully secured funding to begin a major NAN Women's Development project. The project will run three years and will undertake a groundbreaking and strategic approach to building healthy and vibrant Nishnawbe Aski Nation communities through the specific development and empowerment of women as agents of positive social change, using four main components: integrated participatory research, leadership development training, capacity building workshops and the establishment of NAN women's circles.

Additionally, the Nishnawbe Aski Nation Women's Council has been able to influence national policy on the issue of matrimonial real property (MRP). In November 2006, we obtained a one-time grant from INAC to have a focus group on the MRP issue. Our focus group findings also mirrored the concern by the Chiefs across Canada stated that the consultation process was not a "true" consultation process in their view. The NAN Women's Council recommended a moratorium on legislation and that a valid consultation process to be established with adequate resources provided.

Finally, I was appointed to the Assembly of First Nations Women's Council that is also a policy and program advisor to the AFN Executive on issues that affect women, children and families. I have been attending all of the AFN Chiefs meetings and some special AFN meetings as a result of my appointment.

*NAN Decade for Youth* - In the year ahead, I will dedicate more time to youth development. So far, I have been consistent in my message to youth. I want them to use their gift of positive energy and their "now" potential. There have been many great leaders who have spoken about the future potential of the Youth. I believe youth have the power to make positive change NOW. In the past year, I have encouraged youth to find and use their voice through digital filmmaking. I undertook a short film project with four NAN Decade for Youth members. Using their poetry, we co-Directed four short films which became "The Four Directions Project." This compilation short film debuted in Moose Factory in March 2007.

In addition, I have been working toward shifting our focus to youth resiliency. I believe that the messages we give to our youth impact their well-being. I refuse to regurgitate negative statistics about our youth and will be working toward more projects and programming that encourages our youth to choose, embrace and celebrate life through the development of their resiliency.

In the next year, our goal is to raise at least \$1,000,000 for the Decade for Youth trust fund to ensure the continuation and expansion of Youth initiatives across the NAN territory.

*Arts* - This is a new portfolio area created to promote arts within the NAN territory. At this time, I am putting my efforts toward filmmaking as a means of expression and healing. Very much connected to the youth portfolio are the Arts initiatives that I will be undertaking in the next two

years. As mentioned above "The Four Directions Project" was the first of three phases of a major filmmaking initiative. Phase two will entail a 26-week digital film-training program for 8 youth aspiring filmmakers. The third phase will be to establish a film school for future NAN filmmakers.

**Social Services** - The Social Services Unit continues to work with the development Social Assistance and Child Welfare in the Nishnawbe Aski territory. In Social Assistance NAN is in discussion with Ontario Works Branch of the Ministry Community and Social Services for the development of a Regional Services Service Commission for the delivery of Social Assistance as per resolution 05/59.

In terms of Child Welfare, NAN is involved on several initiatives on child welfare including: the development of First Nations Legislation, the designation of Kunuwanimano Child and Family Services, and committees on the NAN Territorial Coalition on Child Welfare and the Chiefs Committee on Child Welfare.

*Policing* - Policing is the most challenging portfolio item that I deal with. I am an ex-officio non-voting board member of the Nishnawbe-Aski Police Service (NAPS). I am pleased that the NAPS Board is moving toward more transparency and accountability. What has helped tremendously is the hiring of the Board Liaison who has worked jointly with the NAPS Board and the NAPS Chief of Police to find both short term and long-term solutions to outstanding community policing concerns. One of the major initiatives that I've undertaken is a documentary on the conditions of our detachments and the working conditions for our officers. We want the result of this documentary to be increased funding and support for the Nishnawbe-Aski Police Service.

It has been a very busy and productive year and I look forward to making more positive changes in the work that I am undertaking on behalf of the Chiefs and communities in the NAN territory. Again, Gitchi-Meegwetch for your continued support as I contribute to the healing and development of our communities.

RoseAnne Archibald  
Deputy Grand Chief

## ***Social Services***

Lawrence Baxter, Manager

### **Regional Social Services Commission**

The development of regional social services commission for the delivery of a flexible Ontario Works program in the NAN communities

NAN met with Madeleine Meilleur, Minister of Community and Social Services on January 23, 2007 and NAN gave an overview of the Regional Social Services Commission. Minister Meilleur has recommended that NAN continue to work with Senior Ministry Staff. Subsequently, NAN met with the Ontario Works Branch to discuss next steps for the development of a delivery system for social services.

NAN continues to work with the Ontario Works Branch for the development of the Regional Social Service Commission Model. In addition, NAN is also pursuing a process agreement with the Ministry. Since the Ministry has agreed to review the proposal they have also asked NAN to develop a work plan and budget.

### **Support for Sixties Scoop Legislation**

NAN Chiefs in Assembly agree and support the First Nations people and communities, including Marcia Brown, aka Sally Mathias in their efforts to support with litigation proceedings.

Jeffrey Wilson (Lawyer) is drafting the statement of claim. Once this is complete it will be filed with the court. When this will happen is not known at this time.

### **First Nations Child Welfare Legislation**

This is a brief report on the status of First Nation Legislation on Child Welfare. Chiefs of Ontario Resolution 06/49 mandate Grand Council Treaty No. 3 and Nishnawbe Aski Nation to take the lead role in the development of First Nation Legislation, with input from other PTOs.

NAN and Treaty #3 have resumed working toward the development of the First Nations Legislation. The primary focus at the moment is to access funds to support the activities of the project steering committee and the technical working group.

There will be no further work on the drafting of the legislation, unless the province provides funding for the project. NAN and Treaty#3 are trying to get a meeting with the Ministry to deal with proposal.

Once the proposal is approved and money is place the NAN and Treaty will re-establish the technical working group. The technical group is the group that will draft the legislation.

NAN and the three affiliated child welfare agencies (Tikinangan, Payukotayno and Kunuwanimano are mandated to form a Coalition, which will represent the interests of NAN First Nations on child welfare through a single voice.

The Coalition has being working with Treaty #3 to develop First Nations Legislation on Child Welfare. NAN and Treaty 3 have jointly resubmitted the funding proposal to the Ministry of Children and Youth Services. A meeting with the Ministry is planned to discuss the proposal, budget and to set timelines on the deliverable.

## **Kunuwanimano Designation**

NAN Chiefs in Assembly support the designation of Kunuwanimano and support their desire to have jurisdiction over its catchment area both on and off reserve.

The designation of Kunuwanimano is on-going; part of the work is the development of the terms of reference and the development of the MOU.

Kunuwanimano and the Ministry of Children and Youth Services have signed the Terms of Reference and the work plans and budgets that were submitted by Kunuwanimano have been approved by the Ministry of Children and Youth Services.

NAN and the Ministry also have agreed to a senior working group consisting of Deputy Grand Chief, Social Services Director and Deputy Minister and Assistant Deputy Minister. This group holds a monthly teleconference to review the progress and to address any issues that may arise on the designation.

NAN will continue to convene meetings with Ministry of Children and Youth Services to deal with issues that may arise during the designation process, including jurisdictional issue in the Kunuwanimano catchment area.

NAN will continue to support Kunuwanimano to obtain their designation by working very closely with Kunuwanimano and the Ministry of Child Youth Services Deputy Minister.

## ***Women & Youth***

Donna Simon, Social Policy Director  
Christine Simard, Women's Development Advisor  
Catherine Cheechoo, Decade for Youth Coordinator  
Christine MacKay, Family Healing Coordinator

### **NAN Women's Council**

The Nishnawbe Aski Nation Women's Council has been very busy this past year under the leadership and guidance of Deputy Grand Chief Archibald. The NAN Women's Council has been successful in having the following occur this past year:

- Were able to have dedicated staff to work on women's issues, strategic planner, conference coordinator and conference assistant;
- Had a strategic planner contracted to assist with women's council development and proposal writing;
- Had a proposal successfully funded from Health Canada for a NAN Women's Conference;
- Coordinated a "Reclaiming our past Glories and Gifts to Share with our Families" Nishnawbe Aski Nation Women's Conference in March 2007;
- Developed a socio-wellness health plan based on the evaluations and focus groups discussions from the Women's Conference;
- Had a proposal successfully funded to the Ontario Trillium Foundation for a major NAN Women's development project;
- Currently in hiring process to obtain a NAN Women's Development Advisor and Data Entry/Administrative Assistant.

The NAN Women's Council has been fortunate enough to have 4 face to face meetings since last August. These meetings occurred in November 2006, February 2007, March 2007 and July 2007. These meetings dealt with Matrimonial Property Rights, strategic planning, conference coordination, family healing initiative, major women's development project and the first inaugural meeting with the NAN Decade for Youth Council.

The focus will continue to be on the major NAN Women's Development project. Nishnawbe Aski Nation was notified in early July of the success of this application to the Ontario Trillium Foundation. This project will be a three year initiative and will be coming to the 49 First Nations of NAN within this timeframe. The goals of this project is Integrated Participatory Model, Personal Capacity Building, Leadership Development, Women's Circle Development and to have a documentary showcasing the results and participants of this project

## **NAN Decade for Youth & Development**

For the 2006/07 fiscal year, the Decade program received core funding from First Nations Inuit and Health, and Ontario First Nations Limited Partnership. For the 2007/08 fiscal year, funding was once again received from First Nations Inuit Health for core programming. Securing core funding to operate the Decade program continues to be a challenge, and most funding sources occur through special projects carried out by the coordinator and Decade youth council. One notable project will be the revitalization of Girl Power programming, with funding provided by the World Primate Relief Development Fund.

The focus of activities implemented by the Decade program has been on the development of resiliency among NAN youth. Key areas of development in the program include resource support, partnership development, and activities promoting the theme of 'celebrating life'. In the area of resource support, the NAN Decade department continues to offer resource manuals for Girl power programming and Recreation leadership support. This year, work has started on the development of a Wolf Spirit training manual, and the Decade youth council

Toolkit will become apart of a larger youth council toolkit developed by the Ontario First Nation's Young People's council.

With the development of new partnerships, the NAN Decade youth council has been working on a new campaign to promote the message of 'celebrating life' to the youth of NAN. The Decade Youth council has been working with Voices for Children and Wawatay on the Seventh Generation project to enhance the communication among youth in NAN through newsletters and networking through online contact. The Decade youth council had its inaugural meeting with the NAN women's council in July 2007, and will continue to work with the council to further each other's objectives and goals.

One of the major activities of the NAN Decade program has been hosting the Seven Sacred Teachings Youth Gathering. The conference was well attended by youth and community members from across NAN territory, and the event will occur again in the winter of 2008. One of the new program components of the Decade has been the introduction of cultural instruction. This involves supporting youth to attend traditional gatherings and ceremonies.

## **Family Healing Initiative**

The Nishnawbe Aski Nation Family Healing Initiative this year is focusing on the achievement of three main goals. The first goal is to promote peace, safety, harmony and family unity for women, youth, children and families in the NAN Territory. This will be accomplished through supporting community action to promote family healing and healthy sexuality and through rebuilding cultural values. The Family Healing Initiative is to be directed by the NAN Women's Council which will act as an oversight body to address and implement family healing.

The second goal is education and awareness on family healing and healthy sexuality through training sessions in communities and through supporting two major conferences - The NAN Women's Conference and the NAN Youth Decade Celebrate Life Conference.

The third goal is to have families and communities supported to promote healing, recovery and to ensure the continuum of care is maintained. This goal will be carried out through supporting Traditional Healing Projects and providing assistance to community proactive family healing activities

## ***Deputy Grand Chief Terry Waboose***



I would first like to begin by recognizing the people of Nishnawbe Aski Nation: Elders, women, men, youth, and children. I would also wish to acknowledge and thank the Chiefs for their support. It is my great pleasure to bring forward for your review my first annual report in this inaugural year of my election. This past year has been a positive experience both professionally and personally.

Over the past year I have undertaken to acquaint myself with the key players and the systems in which our issues are to be addressed. I have worked to identify priority areas in the portfolio's for which I have responsibility, with Chiefs and Councils, staff members in First Nations, tribal councils, PTO's and the national organization. I feel that the great support systems that we have in place in Nishnawbe Aski Nation and brother and sister organizations are reflective of the skilled, dedicated and visionary people in this territory.

The first year of my term has solidified the vision for a better quality of life for our people in Nishnawbe Aski Nation. This has been a learning curve for me and this has afforded me greater insight. However, I see not only the challenges that lie ahead, I see also opportunities. Time has been spent on identifying a plan forward into the future. This is presented to you in the overall three year plan. The new initiatives that have been identified over the past year, and the work that has been undertaken to date, ensure that this vision reflects the reality today, and has been the priority of my work to date. I look forward to spending the next two years ensuring that visible progress is made on the objectives and deliverables that have been identified as we continue to exercise our own governance and self-determination.

The Governance Secretariat continues to negotiate with the Government of Canada and is nearing the initialing of AIP's in both Governance and Education. The work that is to be undertaken in the next two years is crucial. The agreements in principle will go out to you, the leadership, requesting your support through Band Council Resolution. These are your negotiations, and through your support the mandate will be given to enter into final agreement negotiations.

In education we continue to work with all levels of the education system both First Nation and mainstream. The current government needs to acknowledge the challenges our communities face order to properly resource our education system. Through the NAN Education Committee and community based input into the NAN Education Strategic Plan the priority areas in education have been identified. It is important that we start to work on an assessment of the current education system, including programs and services in the NAN territory. If we are going to make a change in the education of our children it is going to come from hard data and working



together. We also need to lead the way in having education placed as a key priority on the political agenda. Our communities are in crisis in education: real change is needed and it is needed now.

Water, housing and infrastructure continue to be a monumental challenge, which is evident in almost every community across this territory. We have real needs in Nishnawbe Aski Nation that can not be addressed by current approaches identified by Government that may work in other parts of the country. This is once again an area where we need hard data if we are to see real change. Work is underway to develop a draft Housing Strategy and a draft Water Strategy. These strategies will provide the direction for addressing housing and water needs over the next two years.

Economic Development is the cornerstone of future prosperity for the people and communities in NAN. A study, completed by Dr. Lazaar, identified the vast resource potential across NAN traditional territory. Governance exists within our control over our traditional lands and resources. The potential both within Canada and through the global market is without limit if we work together. The fruition of current opportunities will stimulate further growth, development and opportunities. The Clean Energy Transfer Initiative is an example of the potential opportunities that will provide real economic benefit across the territory, if we work together.

I would also like to recognize Oshki Pimache O Win Education and Training Institute, Nishnawbe Aski Development Fund and Nishnawbe Aski Legal Services, these organizations are proof of our self-determination. I look forward to continue to work with each organization as the work they do is integral to the current and future success of our territory as a whole.

I want to close by thanking you for the opportunity to work to make the lives of the people in Nishnawbe Aski Nation stronger, healthier and prosperous. I look forward to working with you individually and collectively over the next two years to make this vision a reality.

Terry Waboose  
Deputy Grand Chief

## **Education**

Dobi-Dawn Frenette, Manager  
Nikki Louttit, Administrative Assistant

There are 57 Council Operated Education programs ranging from K-12, including school, classroom, radio and internet mediums. First Nations, through core and initiative funding are developing & implementing approaches based upon their individual community needs. Many First Nations include language, culture and land based programming in their curriculum and extra curricular activities.

Where access to on-reserve schooling is unavailable, First Nations purchase education services through provincial school boards enabling their students to attend schools in urban centers. Lifelong learning services are delivered through programs such as Aboriginal Head Start, Healthy Babies, Healthy Children, Early Childhood and Day Care programs, Elementary, Secondary, Alternative and Adult Education and training programs.

Oshki Pimache O Win Education and Training Institute, NAN's Aboriginal Post-Secondary Education Institute mandated through the NAN Chiefs in Assembly strives to provide education and training opportunities that meet the needs of the First Nations in the territory.

First Nations in the NAN territory continue to develop best practices, locally designed curriculum and programs, and deliver education services that are often under funded in adverse conditions to ensure that their students have access to quality education programs.

INAC Ontario Region identified in its Regional Priorities 2004-2007 that it would continue to address education gaps in the north. Although many issues contribute to the education gaps, funding continues to be one of the greatest challenges experienced by First Nations in the delivery of education programs and services.

It is NAN's position that First Nations in the territory are administering under funded education programs and services that greatly impact the quality of the programs and services being delivered. There is an urgent need to access funding to provide the tools that will enable NAN, in partnership with First Nations, Tribal Councils and Education Organizations to facilitate a process that addresses education issues within the territory.

Although INAC's Education Authorities are currently in the process of renewal, very little is known at this time in terms of what the new Education Authorities will include. On-going communication issues between INAC Head Quarters and the Assembly of First Nations continue to impact the renewal process. The current education authorities are scheduled to sunset March 31, 2007.

## **Education Strategic Plan**

Seven priority areas that have been identified in partnership with the Nishnawbe Aski Nation Education Committee are:

1. To ensure provision of appropriate special education funding and programming for NAN students.
2. Education Capacity Development in NAN First Nation Communities.
3. The availability of adequate, needs-based funding for education programs and services within NAN.
4. The availability of appropriate curriculum in NAN First Nation schools.
5. Education infrastructure including additions, renovations, new facilities and operations and maintenance.
6. Access to needs based Post-Secondary funding for both the Post Secondary Student Support Program and Indian Studies Support Program.
7. Education Jurisdiction negotiations and the codification of NAN education laws.

## **Capacity Development**

In order to support the Education Strategic Plan, and to assist First Nations with understanding and supporting their role in the implementation of the Strategic Plan, capacity development identified through the implementation plan would be required. During the overall assessment of Education Services within the NAN territory

## **Data Base & Statistics**

In order to coordinate education activities, advocate on behalf of First Nations and to implement a plan to address the above seven priority areas, Nishnawbe Aski Nation requires funding to create an education data base and an increase to core funding for a second education position that would focus on Capacity Development and planning.

## **Nishnawbe Aski Nation Education Policy Framework**

The Nishnawbe Aski Nation Education Committee is in the process of finalizing a draft Nishnawbe Aski Nation First Nations Education Policy Framework (NAN-EPF). As stated in the draft NAN-EPF the document “is intended to provide the strategic policy by which NAN First Nations will work together to develop and establish a separate and distinct education system from the province that will provide a comprehensive holistic education which will address and improve the academic achievement of First Nations students throughout the NAN territory”.

## Issues Being Worked On/Committees:

- Special Education: Ontario Special Education Working Group, Council Operated and Provincial programs, Provincial Advisory Committee on Formal Dispute Resolution Regarding Special Education Programs and Services
- Literacy, support for Lieutenant Governor's Literacy Camps
- First Nations Education coordination Unit
- Education Authority Renewals
- Preliminary discussions on a Education Research Project
- Systems and Jurisdiction
- First Nations support for Education Initiative Funding
- Aboriginal Management Council, Teacher Education Advisory Council, Lakehead University
- Lakehead District School Board, Aboriginal Education Committee
- Northern Ontario Education Leaders/ First Nations Working Group
- Intergovernmental Relationship, Human Services, Education-Observer Status
- Communication
- Tuition/Education Services Agreements
- Anti-Bullying
- Individual First Nation and family advocacy upon Request

## Ojibway and Cree Cultural Centre

The function of the Ojibway and Cree Cultural Centre is to provide language, education, and cultural programs and services to the First Nation communities within the Nishnawbe Aski Nation (NAN) area. As such, our mandate is to promote, support, and maintain the **languages** and culture of the NAN communities.

The Royal Commission on Aboriginal People (in *Gathering Strength, Volume 3, RCAP, 1996*, p. 602) describes the importance of language and culture as follows:

- *Culture [is defined] as the whole way of life of a people. Language is the principal instrument by which culture is transmitted from one generation to another, by which members of a culture communicate meaning to make sense of their shared experience. Because language defines the world and experience in cultural terms, it literally shapes our way of perceiving – our world view.*

**Ojibway, Oji-Cree, and Cree** are the main Aboriginal languages spoken in the majority of the 50 NAN communities. Speakers of the languages are found in communities scattered throughout northern Ontario with most being accessible only by air. The total population of the NAN area is estimated at over 40,000 people.

The Ojibway and Cree Cultural Centre receives its funding through Indian and Northern Affairs Canada under its Cultural Centres Program. Initially, the Federal government provided us with formula funding to carry out our mandate to the NAN people. This formula is still in place, however there needs to be serious adjustments to this funding formula if we are to continue being successful. Somewhere along the way, the funding formula went awry. The original per capita rate of \$28.82 decreased to \$19.70, while the catchment area population increased from approximately 19,500 to 40,000. In spite of these changes our present operating budget of \$416,600 is relatively unchanged since 1983. This amount is unrealistic with regard to current costs associated with meeting the language, education, and cultural needs of our communities. If we are to function adequately, we should seriously be looking at an operating budget based on the original per capita rate of \$28.82 and the present day population of 40,000. This would provide a total operating budget of \$1,152,400.

The centre's policy has always been to respond to all requests from any NAN community whether or not they were one of the original 21 signatories. We are trying to serve more communities and respond to more requests for assistance than was originally intended under the original operating budget. This creates a real dilemma for our centre because our language, education, and culture programs are highly valued and appreciated by all 50 NAN communities who were not figured into the original per capita level of funding. Furthermore, there has been no growth in our programs to allow for an expansion of services to cover an increasing population and for more specialized expertise in particular areas of concern, eg., **bilingual/bicultural education**.

Over the past 25 years, cultural and educational centres have played an important role in providing First Nations with a greater understanding and confidence in their role in education and sensitizing non-Aboriginal people and their institutions (including government agencies) to the complexity of First Nation's languages and cultures. With increased funding, the Ojibway and Cree Cultural Centre should be successfully continue its mandate in promoting, supporting, and maintaining the languages and culture of the NAN communities for future generations to come.

## ***Governance Secretariat***

Bentley Cheechoo – Director  
Melinda Sault-Coates – Administrative Assistant

The Process Coordination Unit (PCU) name was changed due changes in Government support funding authorities. The former PCU is now known as Governance Secretariat.

The NAN negotiating teams (two negotiators, Joint Steering Committee, legal counsel and the technical support) for self-government sectoral in Governance and Education have reached an agreement with Canada on the draft Agreements-in-Principle (AIPs) that has formed and will continue the form the basis for community consultation to seek community approval to enter into the next phase of negotiations.

This past 2006-2007 fiscal year experienced a one-time increase in funding level for community consultations, but due to delays in reaching agreement on the AIPs, some of that community consultation work was moved into this fiscal year.

Over the past several months, the Governance Secretariat has been negotiating with Canada for an appropriate budget to support an effective negotiation and community consultation process. Through a “LETTER OF OFFER” from Canada, we now have approvals for \$1,400,000.00 to support the self-government negotiations and community consultations, these monies are going to be distributed as per approved Steering Committee distribution system. The Grand Chief has written a letter to Canada accepting the funding offer.

In addition, we have a commitment to a supplementary budget for community consultations in amount of \$511,000.00; we are currently finalizing the details of those negotiations. Canada wants these funds to be made available once the AIPS have been initialed off by the negotiators.

At the Governance Secretariat, we are currently updating all our materials to provide to RGCs for once the resources are in place and they commence their community consultations. A plain English summary of the AIPs will be translated and made available to communities along with other communications materials. The Tribal Councils have developed consultation plans and will continue to implement these plans. Once the AIPs have been initialed-off by the negotiators they will be distributed to all of the communities in Nishnawbe Aski. After a period of time each First Nation Chief and Council with support of the members pass a resolution to enter into the next phase of these negotiations that been the final agreement. Approval of the AIPs is not a legally binding decision of the First Nation. It indicates the First Nation’s continued interest to carry on to the next stage of negotiations. It should be noted that only those First Nations that approve the AIPs will be involved in continued negotiations. No First Nation will be forced to participate because non-participating will continue to be under the auspices of the Indian Act.

Canada continues maintain the position, that they will not begin negotiations on any of the AIP subject areas until they can determine the level of support for the negotiations. They would like each First Nation pass two support resolutions; one on Governance and other for Education which will determine the level of support for the negotiations. There is no agreement on what level of support is satisfactory to continue with the negotiations.

One of the key issues in these negotiations is Fiscal Transfer Agreement (FTA), which

will set out how funding to support our government structures will be calculated under a final agreement. I refer to the FTA because it is a critical agreement which determines whether Canada intends to provide adequate resources to enable our First Nations to individually and collectively govern their communities. Once the AIPs have been initialed off then negotiations on FTA can commence.

Mandate: NAN Chiefs Resolution on Framework Agreements - 97/03; 97/11; 98/75

## ***Resolution Updates***

### **Portfolio: LANDS AND RESOURCES**

**Resolutions 04/73 (Ontario Parks and Protected Areas Legislation Review); 04/87 (Revenues and Management for First Nations Located in Parks and Protected Areas); 04/103 (Meaningful Consultation and the Ontario Parks Review); Resolution 06/08: The New Parks Act**

NAN has worked to advocate for the position contained in this resolution through various avenues such as the submission of a proposal to establish a technical committee and a Standing Committee submission to the Legislature (in conjunction with a number of NAN First Nations and the law firm Olthuis, Kleer and Townshend). Unfortunately, of the many proposed amendments made to the Standing Committee, only one was implemented (the “non-derogation” clause).

While many of the recommendations could not be implemented within the Bill itself, a commitment was made by the MNR Minister to deal with them a specific agreement outside of the Bill. In this regard, a draft MOU reflecting the original amendments in Bill 11 as well as direction provided by resolutions 04/73, 04/87 and 04/013 was drafted by NAN legal counsel and was provided to MNR as a point for future discussion.

The OMNR staff assigned to develop this MOU advised us that they could only deal with 5 out of the 22 issues identified in the MOU. The rest were beyond their authority to deal with. This impeded the discussions until December of 2006 when NAN approached the OMNR about some OMNR/NAN meetings to discuss the issues.

Community and tribal council representatives were invited to these meetings. One meeting was held in March, at which time the OMNR staff informed us that they could still not deal with jurisdictional issues.

In the spring, the NAN discussions were incorporated into the Northern Table discussions. Two more meetings were held; first in June and later in July. At the June meeting, the OMNR advised us that they could still not deal with either revenue sharing or jurisdictional issues. These issues would have to be negotiated by levels higher than the technical tables. Furthermore, there was concern expressed by some of the First Nation communities who, rather than discuss our concerns regarding Bill 11, wanted to pursue discussions that would remove the parks and protected areas. The removal of parks etc. was a dominant theme at the July meeting. It appears that First Nations will have to re-visit the directions provided by these resolutions, and, in consideration of those communities who would prefer to focus on removing parks and protected areas, re-define and clarify the direction that discussions should take on Bill 11.



### **Resolutions #06/46; #06/61: Support to Kitchenuhmaykoosib Inninuwug**

The call for support to Kitchenuhmaykoosib Inninug was meant to include political, technical and moral support in KI's efforts to seek a favourable court ruling in protecting their traditional lands from the mineral exploration activities of Platinex. Having been successful in securing a favourable court ruling that specifically stated that exploration could only proceed if there was a satisfactory protocol in place to govern consultations and an acceptable agreement concerning the same with the First Nation; KI is now facing serious financial challenges as a result of this legal defense of Aboriginal rights. Assistance provided to date has included the following: raising \$5,000 from a U.S. Foundation, letters of support from the Natural Resources Defence Council and other organizations and ongoing strategic public relation efforts and communications to maintain high public and international awareness of KI's Aboriginal rights in relation to resource development.

### **Resolutions #07/05: Ontario-Manitoba Interconnect**

N.A.D.F. along with an organized Chiefs Steering Committee has been involved in evaluative impact work concerning the potential development of a Manitoba-Ontario hydro-electrical transmission line impacting the territory of Nishnawbe Aski Nation. A previous NAN Chiefs in Assembly Resolution 06/30 directed NAN to notify Ontario that any involvement of the Chiefs Steering Committee in this evaluative assessment would not be considered direct consultation and consent on the MOU Ontario signed with Manitoba in 2005 on a Clean Energy Transfer Initiative. The primary feature of the work undertaken by NADF and the Chiefs Steering Committee has been to review, research and analyze the potential impacts of the line. No preferred route was identified in the evaluative report along. Furthermore, in association with the report there has been a project realization that the direct current line being pursued would not meet the future electrification needs required by NAN First Nations in the area because it is a straight transport of energy.

The most recent NAN Chiefs in Assembly Resolution directed NAN to work toward the realization of collective ownership of this potential project for the benefit of Nishnawbe Aski First Nations. The fulfillment of this directive will be discussed in a separate presentation and the submission of a specific report to the Chiefs in Assembly.

### **Resolution #07/38: Matawa First Nations Judicial Review Application**

Matawa First Nations is proceeding with their judicial review. NAN's forestry coordinator is currently assisting Matawa regarding the aspect of native values concerns on the Kenogami Forest.

### **Resolution #07/07: Wabikimi Park Boundary Change Whitewater Lake First Nation**

To date, the OMNR has not honored Whitewater's request to rescind the boundary of Wabikimi Provincial Park. Chief Slipperjack has continued to raise this issue, in NAN/OMNR meetings regarding the validity of Bill 11.

### **Resolutions #07/39: Land Use Planning in Far Northern Ontario**

The resolution calls for the rejection of land use planning processes in the Far Northern regions of Ontario not lead by NAN First Nations and the support of community based land use planning processes by First Nations. On June 19th, 2007, NAN communicated the following response to the Far North Planning Initiative announced by the Province government:

- community based land use planning is essential to development of the North
- northern Table establishes is an agreement among Ontario and NAN;
- far North Provincial Planning is not reflective of new relationship & Northern Table Process.

This topic will continue to be addressed under the Northern Table Process.

### **Resolution #07/41: Wahgoshig's Sacred Lands at Hospital Point**

The Resolution called for NAN to support Wahgoshig First Nation in their position that mining companies be directed to cease and desist their activities at Hospital Point and that the Ontario government ban mining exploration at Hospital Point. NAN called on Ontario government to ban mining exploration and act in the interests of protecting the sacred site of the First Nation. Mining companies have stopped their activities and an agreement is being negotiated between Wahgoshig and Ontario to support the process of having the land withdrawn from mining exploration activities.

### **Resolutions #07/73: Endangered Species Act**

Introduced in May 2007 this legislation sets out the categorization of the evaluation of any animal or plant species at risk, i.e. special concern, threatened, endangered, extirpated, and extinct. The act is set to come into legislative force on June 30, 2008. NAN has communicated to the Minister that NAN First Nations have not been meaningful consulted on the Act and that protection of endangered species must be balanced with the exercise of Aboriginal and Treaty rights. The Act has the potential to impact Aboriginal and Treaty Rights by legislating the mandatory protection of habitats and/or lands for the benefit of threatened or endangered species. The impacts of this proposed legislation in terms of the protection of lands may be examined in closer scrutiny with the Northern Table process relative to land use planning.

## **Portfolio: LAND RIGHTS & TREATY RESEARCH**

### **Resolution #06/27: Access to Records for the Purpose of Researching NAN Specific Claims**

Access to Information Act and Privacy Act requires First Nations or researcher to request records held by Canada or other government institutions. Often, delays occur that become problematic for meeting deliverables and commitments for reporting to access research funding. We provided copy of the resolution to ATIP staff at the Capital Region (INAC, National Archives etc.) where we get most of our sources. Although we can access information and specific files to undertake research, ATIP are still reluctant to provide documents and other sources without detailed BCR authorization. This tactic delays the access to information and the gathering of relevant sources to complete the claim submissions.

### **Resolution #07/22: Treaty Land Entitlement Resolution Process Conference/Workshop**

Canada and NAN had recommended a joint TLE Conference/workshop with NAN Chiefs to address land claims issues. Canada is currently seeking financial resources to fund the conference. Ontario has expressed an interest in taking part and may make a financial contribution. We are working with Canada and Ontario about the financing issue. We are looking at late fall (November) for this workshop and will provide an update when we firm up the budget and the draft agenda.

### **Resolution #07/27: Ontario Ministry of Natural Resources Interim Sundown Policy**

This resolution was deferred to 2007 Keewaywin Conference for more information.

## **Portfolio: HEALTH POLICY & PLANNING**

### **Resolution #06/54: NAN Wide Strategy to Address Drug and Solvent Abuse**

In October 2006, the NAN Health Planning Group met to begin addressing the issue of prescription drug abuse. Preliminary planning has begun, beginning with education and awareness about the prevalence and harmful effects prescription drugs can have on youth and the negative health and social impacts that may result. The urgency to address this issue has prompted the NAN Health Planning Group to begin a NAN wide education and awareness campaign. This educational campaign will target Elders, parents, and youth. Beginning with the Elders, the objective is to raise awareness and support communities in addressing this issue. In collaboration with NAPs, Equay-wuk, Keewaytinook Okimakanak Telehealth and local health

providers this campaign is the first step towards developing and implementing a NAN wide strategy. The development of the strategy is ongoing and will continue through out the year.

#### **Resolution #06/41: The Care and Handling of Fetal Tissue Remains**

Work is on-going and as more information becomes available it will be disseminated to the communities.

#### **Resolution #06/53: Health Promotion Protocol**

Discussions between NAN and the Ministry of Health Promotion (MHP) are on-going. In February 2007, NAN received monies in the amount of \$15,000 for the Seven Sacred Teaching Conference from the MHP. NAN will continue to seek resources from the MHP for health promotion and prevention activities.

#### **Resolution #07/18: Aboriginal Healing and Wellness Strategy Renewal**

As of March 31, 2009, Phase III of the Strategy will expire and renewal discussions are in-progress. The Policy and Planning Committee of the Strategy has convened a working group for the renewal process and NAN will work on this committee to evaluate previous and the current agreement to seek opportunities to improve and enhance programs and services available to the communities via the Strategy. Work is on-going and NAN will be seeking community input and direction for Phase IV.

#### **Resolution #07/36: NAN Treaty Approach To Local Health Integration Networks**

On May 7, 2007 NAN submitted to the Province as represented by the Ministry of Health and Long-Term Care (MOHLTC) their concerns regarding the Notice of Proposed Regulation under the Local Health System Integration Act, 2006, "Aboriginal Health Council". NAN affirmed once again to the Province that NAN is a treaty partner and a government-to-government relationship is required and all local health planning done at the community level, health planning authorities, tribal councils and service providers offering services to NAN communities be consulted to meet community engagement requirements in the North West and North East LHIN. NAN will continue to lobby and continue work already in progress, while moving strategically for future equitable health outcomes for NAN First Nations.

## **Portfolio: WOMEN & YOUTH**

### **Resolution # 07/33: Support for Major Women's Project**

Nishnawbe Aski Nation Women's Council was successful in the multi-year proposal submission that was sent to the Ontario Trillium Foundation.

The NAN Executive is continuing to lobby both federal and provincial governments to commit resources to support the implementation of this project.

## **Portfolio: EDUCATION**

### **Resolution #06/38: Bachelor of Education Support Resolution**

On-going support as requested for the Northern Nishnawbe Education Council Bachelor of Education program has been undertaken by the Education Department. The Ontario College of Teachers has informed NNEC that they will receive accreditation for the Bachelor of Education Programming August 2007. The first in-take of students will begin classes October, 2007. This is a major accomplishment. Further information can be found on the NNEC and Nishnawbe Aski Nation websites.

### **Resolution #06/40: Education Policy Framework**

In July 2006 a draft Education Policy Framework was completed. In August 2006 INAC halted the EPF process. The work being completed on the Education Policy Framework is not inclusive of First Nations or First Nations processes. The on-going relationship challenges with Head Quarters of Indian and Northern Affairs continues to prevent meaningful participation in the completion of the Education Policy Framework.

### **Resolution #06/42: Ontario Review of the Indian Studies Support Program**

Oshki Pimache O Win represented Nishnawbe Aski Nation on the Ontario Review of the Indian Studies Support Program. A Terms of Reference for the committee was prepared. Some committee members confirmed and participated in several meetings. Funding factors for the aboriginal institutes in Ontario was developed. However, the funding factors continued to favour the established Aboriginal Institutes and did not address the fundamental inequities in funding allocations as seen in the table below.

## Indian Studies Support Program Allocation in Ontario Region

RECIPIENTNAME	2002/03	2003/04	2004/05	2005/06	2006/07
Six Nations of the Grand River (Polytechnic)	390,000	450,000	100,000		
Six Nations Polytechnic			350,000	359,100	366,282
Mohawks of Akwesasne	150,000	150,000	150,000	153,900	156,978
First Nations Technical Institute	500,000	500,000	500,000	500,000	510,000
Union of Ontario Indians	800,000	800,000	800,000	820,800	837,216
Nda Gkenjge Gaming	200,000	200,000	200,000	205,200	209,304
North Shore Tribal Council	60,000	0	0	0	0
Seven Generations Institute	0	0	0	1,041,390	1,062,218
Pwi-di-goo-zing Ne-waa-zhing Advisory Services	900,000	900,000	975,100	0	0
Oshki-Pimache-O-Win	500,000	500,000	500,000	569,750	581,145
Ontario Native Education Counselling Association	60,000	60,000	60,000	61,560	62,791
Brock University					
Lakehead University					
Nipissing Universtiy					
<b>TOTALS</b>	<b>3,755,000</b>	<b>3,755,000</b>	<b>3,830,100</b>	<b>3,906,700</b>	<b>3,984,834</b>

A resolution adopting the funding factors was tabled at the Special Chiefs Assembly in Garden River in November 2006 based on a misinformation campaign. The resolution was withdrawn. The Chiefs of Ontario did not take any action until early July when they contacted the Oshki-Pimache-O-Win Education & Training Institute to find out their views concerning the Indian Studies Support Program. The recent activity was probably prompted by the government's response to the Standing Committee on Aboriginal Affairs & Northern Development Report, No Higher Priority – Aboriginal Post Secondary Education in Canada tabled in the House of Commons on February 2007 in which it states the recent (AFN/INAC ISSP) evaluation will be taken into account concerning aboriginal institutes. Ongoing due diligence will be necessary to ensure funding support inequities are dealt with for greater educational growth and success in Nishnawbe Aski Nation.

The Executive member with the Education Portfolio continues to work with Oshki-Pimache-O-Win Education & Training Institute to lend political support, advocacy and lobby for more investments to create capacity and human capital in the Nishnawbe Aski Nation.

**Resolution #06/43: Lakehead University (Aboriginal) Honours Bachelor of Education Support**

Through the Nishnawbe Aski Nation seat on Lakehead University's Aboriginal Management Council support has been given for the Lakehead University Aboriginal Honours Bachelor of Education. The target start date for this program will be fall 2008. Currently work is underway with Ontario College of Teachers for Accreditation.

**Resolution #06/47: Mish-Tech Support Resolution**

On-going communication with Indian and Northern Affairs Canada regarding education funding formulas, programs and opportunities.

**Resolution #06/52: Increases for Guidance and Counsellors in Schools**

Funding is determined by the Education Authorities that are granted by Treasury Board. The position of Indian and Northern Affairs Canada was that there is no additional funding available at this time and the issue was deferred to the National Education Authority Renewal process. In March 2008 the Education Authorities by which Indian and Northern Affairs Canada provides funding for the education of First Nations students expires. There was work underway at the National level between First Nations via the Assembly of First Nations and INAQ HQ that was intended to help inform the submission to Treasury Board for the new Education Authorities. Nishnawbe Aski Nation has secured a seat for a representative to participate in the Band Operated Funding Formula working group. However the on-going relationship challenges with Head Quarters of Indian and Northern Affairs has halted the meetings of the BOFF working group. At this time the AFN has informed First Nations that the Education Authorities may be renewed at status quo funding levels.

**Resolution #07/16: Standing Committee on Aboriginal Affairs & Northern Development Report, No Higher Priority – Aboriginal Post Secondary Education in Canada**

Few of the aboriginal post secondary education graduates (20% college and 7% university) are from Nishnawbe Aski Nation. Several committee members, including the Chair and Co-Chair, were informed that both Nishnawbe Aski Nation and Oshki-Pimache-O-Win Education & Training Institute look forward to a positive government response to the report that recommends more support to aboriginal institutes and to remove the funding caps to postsecondary funding assistance. Meetings were also held with Parliamentary officials: Anita Neville, Liberal Critic for Aboriginal Affairs; Jean Crowder, NDP Critic for Aboriginal Affairs, Gerry St. Germaine, Chairman of Senate Committee for Aboriginal Affairs; the Senior Policy Advisors to the Prime Minister and Liberal Party Leader, and; the Ontario Special Assistant to the Minister of Indian & Northern Affairs Development.

Letters encouraging positive government response were written to several cabinet members: the Prime Minister, Minister of Indian & Northern Affairs Development, Minister of Finance. Letters were also written to Member of Parliaments in northern Ontario: Roger Valley, Joe Comuzzi and Ken Boshcoff.

Indian & Northern Affairs Canada tabled the government response to the No Higher Priority Report that is unsatisfactory. It states for example, efficiencies with current funding provided to First Nations should be created instead of securing more funds from Treasury Board and that the responsibility for financing post secondary education be shared by learners and their families, according to their financial circumstances.

The government of Canada must respect our right to post secondary education and not be seen as a matter of social policy. Advocacy will continue to ensure the education gap of over twenty years between First Nations and mainstream Canada is addressed and to prepare our people for meaningful employment opportunities.

#### **Resolution #07/25: Accelerating of Funding to Rebuild the School at Cat Lake**

On-going communication with Indian and Northern Affairs Canada regarding education funding formulas, programs and opportunities.

#### **Resolution #07/30: Reaffirmation of Support for the Operational Funds for Ojibway and Cree Cultural Centre (OCCC)**

Deputy Grand Chief Terry Waboose sits as an Ex-Officio Board member on the Ojibway and Cree Cultural Centre board and supports the on-going efforts of the OCC in maintaining and preserving the culture, tradition and language of the Nishnawbe Aski Nation communities. The Education Department works with and supports the on-going efforts of the OCCC.

### **Portfolio: HOUSING & INFRASTRUCTURE**

#### **Resolution #06/17 – First Nation Housing Crisis**

NAN, through the office of Deputy Grand Chief Terry Waboose and staff continue to monitor all housing activities across Canada. The focus being on government housing policies that directly impact on First Nations of Nishnawbe Aski. As an example, the Deputy Grand Chief and the staff have attended a number of meetings (5) at various levels to get information and to advocate for increased housing dollars.

Recently, July 31 and August 1, 2, 2007, NAN sponsored a housing workshop in Thunder Bay to begin developing a Housing Strategy to address the First Nation housing situation. The



workshop was well attended and made recommendation on a draft housing strategic plan which will provided for the NAN Chiefs at 2007 Keewaywin conference in Aroland.

The NAN Chiefs in Assembly will be asked to adopt the draft housing strategic plan and the continued work required to complete the plan.

**Resolution #06/48: Support for North Spirit Lake First Nation on Housing, Police Residence and Policing issues.**

As indicated earlier, NAN recognizes the housing crisis in all the First Nations of NAN and continues to promote to need to address the housing needs of all NAN First Nation communities which includes North Spirit Lake First Nation. With support of the NAN Chiefs in Assembly and First Nation communities, we can proceed on a housing strategy that will address housing and related infrastructure needs which support North Spirit Lake First Nation.

**Resolution #07/11: Establishment of a Water Quality Unit, Safe Drinking Water**

A proposal to establish a water quality unit was submitted to Indian and Northern Affairs Canada in July 2007. NAN is waiting for a response from Headquarters and the local INAC office.

In the recent housing workshop held in Thunder Bay (July 31, August 1, 2, 2007), NAN did a drinking water presentation to the workshop participants. In the presentation some background on the government's initiative in addressing poor drinking in the communities was included.

The intent of the proposal and how this program was going to be achieved was presented to the participants.

**Portfolio: WINTER ROADS**

**Resolution #07/26: Kasabonika Lake First Nation Winter Road Issues**

INAC approved a portion of funding to cover airfreight of essential fuel; funds directed from the Winter Road Construction & Maintenance for the KLFN portion of winter road. Kasabonika Lake First Nation requests a meeting with Canada and Ontario to discuss winter roads and plans for 2008. Nishnawbe Aski Development Fund and Nishnawbe Aski Nation will continue to work with Kasabonika Lake First Nation upon request.

**Resolution #07/32: Wawakapewin First Nation Winter Road and Airport**

Past and continual communication with the Department of Indian and Northern Affairs Canada regarding Winter Road and transportation issues.