



MEDIA RELEASE

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NIIWIN WENDAANIMOK CONDUCTS CONDITIONAL CONSENT CEREMONY FOR PHASE 1 OF THE TWINNING OF TRANSCANADA HIGHWAY

The leadership of Wauzhushk Onigum First Nation, Washagamis Bay First Nation, Shoal Lake 40 First Nation, and Niisaachewan Anishinaabe Nation, collectively known as the **NIIWIN WENDAANIMOK PARTNERSHIP** and the Government of Ontario (represented by the Ministry of Transportation) entered a sacred ceremony today, conducted under the law and guidance of the *Manito Aki Inakonigaawin*. This ceremony confirms the parties' understandings and solemnifies conditional consent from the Niiwin Wendaanimok Partnership to Ontario to enter Anishinaabe territory under Anishinaabe guidance to undertake construction of Phase 1 of the TransCanada Highway 17 Twinning Project. Ontario also received a copy of the unique Harmonized Impact Assessment.

Rooted in the *Manito Aki Inakonigaawin* (Great Earth Law), the Harmonized Impact Assessment is based on a ground-breaking model developed by the Niiwin Wendaanimok Partnership that continues to receive national recognition for its innovation in bringing together Anishinaabe understandings and processes with western science to assess impacts and mitigation. "This document tells the story of the Anishinaabeg, the history of our relationship to the land, the skies, the soils, and the waters, but most importantly it was done through ceremony", said Elder and Protocol Advisor George Kakeway. "Under our laws, our ceremonies, we do things right, we are never afraid, we take our time, and we always listen, and that is what we did. It is our consideration of the proposed project, done in our way and according to our laws. This document is the result."

Given the COVID 19 stay-at-home order and strict restrictions on gatherings, the representatives of the respective governments participated in the ceremony virtually.

Over the last several months, the Niiwin Wendaanimok and representatives of the Ministry of Transportation Ontario have been in discussions focused on rebuilding a broken relationship they are confident will be sustainable. "The past relationship was very destructive. It did not work for anyone. It has left generations of damage. But we have now followed our laws, and done things our way, with our principles", said Chief Marilyn Sinclair, Washagamis First Nation. "When we conduct ourselves with respect, honour, love, courage, humility, wisdom, and truth, we know we can have good outcomes".

While significant work is yet to be done, this commitment in ceremony marks a critical step in cementing the trust to carry us forward through the commitments. "Our process, where, as partners we all share responsibility, has produced several innovative, creative



ways of working together in a continuing relationship. We've conducted a groundbreaking, award-winning harmonized process for understanding environmental impacts and mitigation measures. We're establishing an Anishinaabe Guardians Program and contracts and opportunities that set the foundation for the economies of the Anishinaabeg", said Chief Vernon Redsky, Shoal Lake 40 First Nation. "We have revived a process that we know works, an Anishinaabe approach we have always known can work for the benefit of all."

Phase 1 will see twinning of the TransCanada Highway from Manitoba/Ontario border to Highway 673 and is anticipated to start fall of 2021. "By entering into ceremony with us today, MTO is demonstrating that it is possible for us to work together. While we still have a very long way to go, we know we can make the journey together", said Chief Chris Skead, Wauzhushk Onigum First Nation "Our Elders have given MTO moccasins to remind them of this journey we must stay on together." Phases 2 and 3 are planned to extend from the Highway 673 to Kenora, but consent from the Anishinaabeg for Phases 2 and 3 is still pending.

"From time immemorial, our Elders have relied on the *Manito Aki Inakonigaawin* – our Great Earth Law to guide decisions in our territory. When we follow the laws of the Earth, the laws of the Creator, when we make decisions through ceremony, we know these are good decisions", said Chief Lorraine Cobiness, Niisaachewan Anishinaabe Nation. "Its time to do things right, its time to rebuild our economies".

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Backgrounder

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

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

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

Project Background

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

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

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

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



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

The overall Project is split into three phases:

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

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

Manito Aki Inakonigaawin

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

Memorandum of Understanding

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



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

Harmonized Impact Assessment Process

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

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

Conditional Consent

Per the Sacred law of MAI, the nations of Shoal Lake 40, Washagamis Bay, Niisaachewan, and Wauzhushk Onigum have given **Conditional Consent** to Ontario for Phase 1 of the Twinning Project. This conditional consent was solemnified in Ceremony April 30, 2021. Should Ontario breach any of the Commitments made, the Niiwin Wendaanimok Partnership will revoke this conditional consent and will hold Ontario accountable for the breach in accordance with the sacred law of the *Manito Aki Inakonigaawin*.

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