



September 1, 2022

VIA RESS

Ontario Energy Board
P.O. Box 2319,
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Marconi,

**Re: Enbridge Gas Inc. ("EGI")
Panhandle Regional Expansion Project Application
Board File Number: EB-2022-0157**

We are counsel to Three Fires Group Inc. ("**Three Fires**") in the above-noted proceeding. Please find enclosed the interrogatories of Three Fires to EGI, pursuant to Procedural Order No.1.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer", with a stylized, cursive script.

DT Vollmer

c. Dave Janisse, EGI
Tania Persad, EGI
Charles Keizer, Torys, LLP
Philip Lee, TFG
Chief Mary Duckworth, Caldwell First Nation
Don Richardson, TFG
Larry Sault, Caldwell First Nation

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended (the “**Act**”); and in particular section 90(1) and section 97 thereof;

AND IN THE MATTER OF an application by Enbridge Gas Inc. (“**EGI**”) for an order granting leave to construct natural gas pipelines in the Municipality of Chatham Kent and Essex County.

EB-2022-0157

INTERROGATORIES

OF

**THREE FIRES GROUP INC.
 (“THREE FIRES”)**

September 1, 2022

Question: 1-Three Fires-1

Reference: • Exhibit A, Tab 2, Schedule 2, p. 1

Preamble: EGI requests leave to construct (i) approximately 19 km of NPS 36 natural gas existing Enbridge Gas Dover Transmission Station in the Municipality of Chatham-Kent to a new valve site in the Municipality of Lakeshore, (ii) approximately 12 km of NPS 16 natural gas pipeline in the Municipality of Lakeshore, the Town of Kingsville, and the Municipality of Leamington, and (iii) ancillary measurement, pressure regulation, and station facilities within the Township of Dawn Euphemia, in the Municipality of Chatham-Kent, and valve-site station facilities within the Town of Kingsville and the Municipality of Leamington (the “**Project**”).

EGI indicates that the Project is “designed to reliably serve increased demands for firm service in the Panhandle Market, including, in particular, incremental demands from the greenhouse, automotive, and power generation sectors” as identified in EGI’s addendum to its Asset Management Plan.¹

- a) Please provide a detailed outline of EGI’s consultation with First Nations and Indigenous Communities on the alternatives to the Project that were studied and considered.
- b) Please indicate whether EGI has or will consider equity participation of First Nations, including Chippewas of Kettle and Stony Point First Nation (“**CKSPFN**”) and Caldwell First Nation (“**CFN**”) (together, the “**Three Fires First Nations**”), in relation to the Project. If yes, please discuss what equity participation means to EGI and how First Nations may participate. If no, please explain why not.

¹ EB-2021-0148, EGI Asset Management Plan Addendum – 2022, Exhibit B, Tab 2, Schedule 3, p. 8.

Question: 2-Three Fires-2

Reference:

- Exhibit C, Tab 1, Schedule 1, p. 5
- Exhibit F, Tab 1, Schedule 1, Attachment 1, "Environmental Report, Panhandle Regional Expansion Project" (the "**Environmental Report**")

Preamble: EGI has assessed the following facility alternatives:

- (i) Upsizing of the existing NPS 16 Panhandle Line or NPS 20 Panhandle Line west of Dover Transmission;
- (ii) Looping the existing NPS 20 Panhandle Line West of Dover Transmission and installing a Leamington lateral interconnect (ie. the Project); and
- (iii) A new liquified natural gas (LNG) Plant.

EGI identified and assessed the following Integrated Resource Planning Alternatives ("**IRPA**"):

- (i) Firm exchange between Dawn and Gateway;
- (ii) Firm exchange between Dawn and Ojibway, in combination with looping the NPS 20 Panhandle line west of Dover Transmission and installing a Leamington lateral interconnect;
- (iii) Trucked CNG deliveries to the Panhandle system; and
- (iv) Enhanced Targeted Energy Efficiency (ETEE).

- a) Please explain why only two facility alternatives, an upsize of existing pipelines and the construction of a new LNG plant, were considered and assessed, as opposed to other non-natural gas-based options?
- b) Please indicate whether EGI has considered hybrid solutions for the Project and the expansion of the Panhandle System. If yes, please provide details and indicate why these solutions were considered with respect to financial impacts on ratepayers, and why/how they were ruled out of inclusion for further consideration. If not, please explain.
- c) Has Enbridge sought any opportunities to work with IESO or any other electricity distributors to facilitate electricity-based energy solutions as part of the IRPA for the benefit of both electricity and gas ratepayers, and if not, why was this not done?
- d) Has Enbridge assessed the need for the project in relation to any rapid expansion of electricity infrastructure in the region, and overall impacts on both electricity and gas ratepayers?
- e) Would Enbridge expect any rapid expansion of electricity infrastructure in the region to impact the need for the proposed project?

- f) How does Enbridge determine whether the alternatives it has chosen to assess represent a complete picture of the viable alternatives to the Project? What criteria are used by EGI when selecting and assessing potential project alternatives and IRP's?
- g) Please explain how Enbridge assessed alternatives to the project with respect to short-term and generational financial impacts on ratepayers
- h) Please explain how Enbridge assessed alternatives to the project, specifically as they relate to impacts on each of the Three Fires First Nations.
- i) Please explain what project alternatives, including financial impacts on ratepayers, including First Nation ratepayers, were presented to each of the Three Fires First Nations.

Question: 2-Three Fires-3

Reference: • Environmental Report, Integrated Resource Planning (IRP), PDF p. 310

Preamble: IRP is a framework through which Enbridge Gas reviews alternative approaches to meeting energy needs, before building new infrastructure such as:

- (i) Delivering more energy without adding new pipelines using liquefied or compressed natural gas;
- (ii) Lowering energy use through effective energy efficiency programs; and
- (iii) Displacing conventional natural gas with carbon-neutral renewable natural gas and hydrogen.

- a) Has EGI considered whether the existing system could deliver more energy without adding new pipelines? If so, please explain and include reasons for why this alternative is not feasible.
- b) Has EGI considered whether energy efficiency programs could meet regional energy needs and possibly provide better financial cases for ratepayers? Please explain.
- c) Will alternative fuels like renewable natural gas and hydrogen blends be transported in the existing loop and new pipeline? If so, how has EGI considered the impacts on ratepayers for those alternative fuels?
- d) If alternative fuels will be transported, please comment on the measures taken to ensure pipeline integrity, and related integrity management costs to ratepayers. Please include short- and long-term measures.

Question: 3-Three Fires-4

Reference: • Exhibit C, Tab 1, Schedule 1, pp. 12, 24-25

Preamble: EGI notes that the Project provides many benefits and is the best alternative for meeting the identified needs as it, among other reasons, contains the lowest environmental and socio-economic impacts relative to all viable alternatives assessed.

- a) Please discuss whether EGI evaluated the proposed project as well as project alternatives using the social cost of carbon. For reference, the social cost of carbon is the cost of the damages created by one extra ton of carbon dioxide emissions. In principle, it includes the value of all climate change impacts, including (but not limited to) changes in net agricultural productivity, human health effects, property damage from increased flood risk, natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services.²
- b) Has EGI modeled the socio-economic costs by the proposed project, and compared these costs with proposed alternatives? If not, please explain.
- c) Has EGI considered how the proposed project will impact Indigenous economies and micro-economies including guided fishing tours and hunting in the project area? If yes, please provide documents associated with this economic analysis. If no, will EGI undertake to perform and provide this analysis?
- d) Has EGI considered the economic impacts of crossing waterbeds and the potential of contamination to disrupt local economies (specifically Indigenous economies)?

² Resources for the Future, "Social Cost of Carbon 101", online at:
<https://www.rff.org/publications/explainers/social-cost-carbon-101/>

Question: 4-Three Fires-5

Reference:

- Environmental Report
- Ontario Energy Board: *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (the “**Environmental Guidelines**”), Section 4.3.13 Social Impacts

Preamble: The Environmental Guidelines provides that Social Impact Assessment (“**SIA**”) is an integral component of environmental analysis and ensures that the extent and distribution of the Project’s social impacts are considered in an explicit and systematic way.

The Environmental Guidelines further note that pipeline construction is associated with both real and perceived health and safety risks which may affect people’s lives and how they feel about their homes and communities.

- a) Please discuss whether EGI has considered the social impacts of the proposed project on the Three Fires First Nations. If yes, please provide details and all related reports, presentations, or other documents specific to the Three Fires First Nations. If no, please explain why not.
- b) Please discuss whether EGI has considered the cultural heritage impacts of the proposed project on the Three Fires First Nations. If yes, please provide details and all related reports, presentations or other documents specific to each of the Three Fires First Nations. If no, please explain why not.
- c) Please discuss whether the required SIA considered the Project’s impacts on systemic social inequalities, including gender, gender diverse people, race, ethnicity, religion, age, mental or physical disability. If not, please explain why these identified types of social impacts were not considered as part of the SIA.
- d) Please discuss whether EGI has considered the safety risks of the expected construction workforce on the surrounding communities and vulnerable individuals, including the Three Fires First Nations, including as it relates to safety risks such as potential substance abuse, disproportionate impacts on women in communities, and impacts on the sex trade. If yes, please explain how EGI intends to mitigate the identified safety risks. If no, please explain why not and discuss how EGI intends to mitigate these types of safety risks of the Project in the surrounding communities.

Question: 4-Three Fires-6

Reference:

- Environmental Report
- Environmental Guidelines, section 4.3.14 Cumulative Effects
- CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory (see **Appendix A**)

Preamble: The Environmental Guidelines state that “[i]n many situations, individual projects produce impacts that are insignificant. However, when these are combined with the impacts of other existing or approved projects, they become important.”

Further, the Environmental Guidelines state: “[p]articular attention should be paid to environments of known sensitivity and high eco-value (as defined by provincial policies and public input), to situations where opportunities exist to remedy past negative impacts, and to situations in which a combination of actions may result in identifiable environmental impacts that are different from the impacts of the actions by themselves”.

The Environmental Guidelines also indicate that, “[c]umulative impacts may result from pipeline projects which loop existing systems and should be addressed. This may include an examination of areas of known soil erosion, soil compaction or soil productivity problems. It may mean the examination of impacts associated with continued loss of hedgerows and woodlots in the same area. As well, it could mean the increased loss of enjoyment of property because of disruptions caused by the construction of successive pipelines on a landowner's property. There may also be heightened sensitivities as a result of improper or ineffective practices and mitigation measures in the past.”

- a) Please outline what steps EGI has taken to address outstanding concerns from the Three Fires First Nations about the cumulative effects of gas infrastructure and expansion across each of their respective territory as it relates to the Project.
- b) Please provide and discuss EGI's instructions to its environmental consultants for assessing cumulative effects for this Project.
- c) Please discuss whether EGI has considered all past, present, and future conditions in the cumulative effects assessment, including existing projects, the current project, and any future projects.
- d) Does EGI agree that non-provincially significant wetlands should be included in the Environmental Report methodology alongside “Provincially Significant Wetlands” and unevaluated wetlands? If not, please explain why not considering CKSPFN's water assertion and the cultural significance of wetlands other than those deemed “Provincially Significant Wetlands”.

Question: **4-Three Fires-7**

Reference: • Exhibit F, Tab 1, Schedule 1, pp.3-4

Preamble: EGI notes that it will comply with all mitigation measures recommended in the Environmental Report, including the development of an Environmental Protection Plan (“**EPP**”) prior to construction” and that the EPP will incorporate recommended mitigation measures contained within the Environmental Report and those recommended by permitting agencies

- a) Will EGI’s EPP consider mitigation measures recommended by Indigenous communities including the Three Fires First Nations? If yes, please provide details of how these mitigation measures will be communicated to EGI and how they will be incorporated into the EPP.

Question: 4-Three Fires-8

Reference: • Exhibit B, Tab 1, Schedule 1, p. 10

Preamble: EGI notes that it “is aware of, has reviewed, and is working in conjunction with the municipalities within the Panhandle Market to determine whether the expansion of the Panhandle System impacts their ability to achieve the greenhouse gas emissions (GHG) reduction goals.”

- a) Please indicate whether EGI has considered whether the Project and the expansion of the Panhandle System will impact the ability for Indigenous communities to achieve a reduction in GHG emissions across the treaty territory. If yes, please provide details and indicate why this was not included in the Application. If not, please explain the difference in treatment between Municipalities and Indigenous Communities.
- b) To what extent does the proposed project align with the energy plans brought forward by municipalities and counties? Please identify which municipal energy plans were considered and indicate whether this Project aligns with municipality and county energy plans. If not, please explain.
- c) How does EGI plan to incorporate best practices to support the 35% efficiency gain in emissions sought by all municipalities in the Windsor-Essex region?

Question: 4-Three Fires-9

Reference: • Enbridge Inc. “Net Zero by 2050: Pathways to reducing our emissions”³
(The “**Net Zero Plan**”), pp. 2 and 9-11

Preamble: EGI notes that it “is aware of, has reviewed, and is working in conjunction with the municipalities within the Panhandle Market to determine whether the expansion of the Panhandle System impacts their ability to achieve the greenhouse gas emissions (GHG) reduction goals.”

In March 2022, EGI published the Net Zero Plan which includes targets of reducing the intensity of GHG emissions from their operations by 35% by 2030 and achieving net zero greenhouse gas (“**GHG**”) emissions from their business by 2050 (the “**Commitments**”).

- a) Please indicate and provide details of how Enbridge Inc. and EGI intend to reach the Commitments as it relates to the Project. Please comment on, and file any and all analysis EGI has performed in connection with, how the shipping and burning of methane gas across the traditional territories of the Three Fires First Nations will, or is anticipated to, affect the Commitments.
- b) Has EGI modelled the fugitive methane emissions that will be released by the proposed Project? If yes, please describe the modelling that was undertaken and provide all related results. If not, please explain.
- c) Please provide information on EGI’s leak detection, repair and reporting protocol for related infrastructure, including accounting for fugitive emissions.
- d) Canada has committed to developing a plan to reducing oil and gas methane emissions by at least 75 percent below 2012 levels by 2030, pursuant to the Global Methane Pledge (see **Appendix B**).⁴ Please explain EGI’s understanding of and describe how the Project contributes to or detracts from Canada’s commitments under the Global Methane Pledge.
- e) Please file any and all analysis EGI has performed to assess GHG emissions over the lifespan of the Project. If EGI has not undertaken any such analysis, please explain why no such analysis has been undertaken, in light of the Commitments.

³ Enbridge Inc. “Net Zero by 2050: Pathways to reducing our emission” (March 2022), available online at: https://www.enbridge.com/~media/Enb/Documents/About%20Us/Net_Zero_by_2050.pdf?la=en.

⁴ Government of Canada, News Release, “Canada confirms its support for the Global Methane Pledge and announces ambitious domestic actions to slash methane emissions” (October 11, 2021), available online at: <https://www.canada.ca/en/environment-climate-change/news/2021/10/canada-confirms-its-support-for-the-global-methane-pledge-and-announces-ambitious-domestic-actions-to-slash-methaneemissions.html>

Question: 4-Three Fires-10

Reference: • Environmental Report, Section 3.6.1, p. 19

Preamble: The Environmental Report notes that four additional comments were received from the public via the interactive mapping tool noting concerns over a species sighting (Western Chorus Frog [*Pseudacris triseriata*]) near the Leamington Interconnect.

- a) Is EGI aware that the habitat of the Western Chorus Frog is protected in Ontario by the Provincial Policy Statement (PPS) under the Planning Act?
- b) Please comment on the habitat surveys (conducted to date) on the Western Chorus Frog?
- c) Will future surveys (conducted by Enbridge and/or third-party contractor(s)) attempt to identify Western Chorus Frog and its associated habitat?
- d) Please comment on the measures taken (throughout the project's lifecycle) to ensure the protection of the Western Chorus Frog and its associated habitat

Question: **4-Three Fires-11**

Reference: • Environmental Report, Section 4.2.3, p. 23

Preamble: The Environmental Report notes that a segment north of Jeannettes Creek, approximately 5km in length, and the north end of the Panhandle Route lies within a Significant Groundwater Recharge Area and a Highly Vulnerable Aquifer.

- a) Please indicate and provide details of how EGI intends to protect the segment north of Jeannettes Creek (i.e., Significant Groundwater Recharge Area and Highly Vulnerable Aquifer), and the associated costs for this protection. Please comment on, and file any and all analysis EGI has performed in connection with, how the construction and operation of the pipeline will, or is anticipated to, affect the above-mentioned segment.
- b) Please explain how the integrity of the Significant Groundwater Recharge Area and Highly Vulnerable Aquifer will be protected and provide an assessment of associated costs.
- c) Please include relevant mitigation measures that will be taken (throughout the project's lifecycle) to ensure the longevity of the aquifer and its recharge zones and provide an assessment of associated costs.
- d) Please provide Three Fires with the permits EGI has obtained to construct nearby a Significant Groundwater Recharge Area and a Highly Vulnerable Aquifer. If these permits have not yet been obtained, please outline EGI's application timeline.

Question: 4-Three Fires-12

Reference: • Environmental Report, Section 4.3.1.1, p. 25

Preamble: The Environmental Report notes that there are twenty-nine watercourses that are crossed by the Panhandle Loop based on a desktop review of relevant aerial imagery and watercourse mapping. They include 11 named drains, 15 unnamed drains, Jeannettes Creek, Baptiste Creek, and the Thames River. Ultimately, these watercourses drain to the Thames River or Lake St. Clair.

- a) Please outline in table format, crossing methods for each of the twenty-nine watercourses impacted by the proposed project, and provide the associated costs for accommodating the crossing methods.
- b) Please outline in table format, how direct impacts to each of the twenty-nine watercourses will be mitigated, and the associated costs of this mitigation.
- c) Please explain whether EGI will seek consent of CKSPFN to cross each of the twenty-nine watercourses, in light of the CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory (**Appendix A**).

Question: 4-Three Fires-13

Reference: • Environmental Report, Section 4.3.1.3, pp. 26-30

Preamble: The Environmental Report notes that Jack's Creek Drain is categorized as a municipal Class D drain meaning it is permanent, has a fall or fall and spring restriction window, and contains sensitive fish. The drain was categorized in 2019 as containing Lake Chubsucker (*Erimyzon sucetta* – Endangered (END) under SARA, Threatened (THR) under Endangered Species Act (ESA)) and the recently downlisted Special Concern Mapleleaf mussel (*Quadrula quadrula* – Special Concern (SC) under SARA and ESA). The drain flows North-West for 2.5 km from the crossing before it meets another drain, merges, and then flows into Lake St. Clair. The following fish community is known as Jacks Creek from the LIO dataset (MNDMNRF, 2022). Jacks Creek provides habitat to an assemblage of 28 warmwater and coolwater fish species (Table 4-2) several species of mussels and is characterized overall as having a warmwater thermal regime.

- a) Please file any and all analysis EGI has performed to assess SAR fish and mussel species within Jack's Creek Drain over the lifespan of the Project. If EGI has not undertaken any such analysis, please explain why no such analysis has been undertaken.
- b) Please provide information on EGI's protection plan for related sensitive and SAR fish and mussel species within Jack's Creek Drain, and the associated costs of this plan. If EGI has not developed a protection plan, please explain why no such plan has been developed, in light of the sensitive ecosystem.
- c) Please provide TFG with all records, protection plans, and associated costs for sensitive or SAR fish and mussel species within the following:
 - i. Jack's Creek Drain (PSC28);
 - ii. Unnamed Agricultural Drains (PSC25, PSC24, PSC23) and Myers Pump Works Drain (PSC21);
 - iii. Thames River (PSC19);
 - iv. Jeanette's Creek (PSC14);
 - v. Unnamed Agricultural Drain and Olds Drain (PSC13, PSC12);
 - vi. Baptiste Creek (PSC11); and
 - vii. Leamington Interconnect – Aquatic SAR.

Question: 4-Three Fires-14

Reference: • Environmental Report, Section 4.3.2.1, pp. 30-31

Preamble: The PPS, implemented under the Planning Act (1990), protects Provincially Significant Wetlands (PSWs) from development and site alteration while regulations under the Conservation Authorities Act (1990) prohibit certain activities within wetlands (MNRF, 2010). The PPS further specifies that a wetland is considered provincially significant if evaluated as such through the OWES (MNRF, 2014). Until categorized by NDMNRF, wetlands are classified as “unevaluated”.

- a) Does Enbridge acknowledge that “unevaluated” wetlands are often the result of research gaps, and do not always indicate a lack of ecological importance or value?
- b) Will Enbridge commit to surveying and mitigating effects on both PSWs (classified through the OWES), as well as “unevaluated” wetlands?

Question: 4-Three Fires-15

Reference: • Environmental Report, Section 4.3.2.2.2, pp. 32

Preamble: The Environmental Report notes that one woodlot on County Road 8 will be crossed by the pipeline, which may result in some tree clearing.

- a) Please provide information on EGI's additive effects for woodlot cover losses due to tree clearing for pipeline construction, operation, and maintenance.
- b) Please explain why the additive effects of woodlot cover losses due to tree clearing for pipeline construction, operation, and maintenance were not included in the Environmental Report, as per OEB Environmental Guidelines?
- c) Please discuss whether there are any plans to identify species of interest and transplant vegetation accordingly? If no, please explain why not.
- d) Will EGI commit to replacing the loss of trees through its Tree Replacement Program? Please explain what age and species of trees will be removed and what age and species of trees will be replanted.

Question: 4-Three Fires-16

Reference: • Environmental Report, Section 4.4.7, pp. 45-46

Preamble: The Panhandle Loop and Leamington Interconnect are proposed to be constructed looping existing pipeline infrastructure (Panhandle Loop) or adjacent to or within existing road allowances on public or private property (Leamington Interconnect).

- a) Has EGI evaluated the impacts of controlled vehicle access routes on surrounding communities, many of which contain Three Fires First Nation band members who live off reserve? If no, please explain why not.

Question: 4-Three Fires-17

Reference: • Environmental Report, Table 5-4, p. 57

Preamble: The Environmental Report notes that if the pipeline route or an adjacent farm field is identified as having SCN all equipment and boots should be properly cleaned before moving to an area that has not shown to be impacted by SCN. This may involve thorough washing before moving equipment from an impacted field to non-impacted field.

- a) Please explain how Enbridge is testing for SCN along the pipeline route and adjacent farm field(s)?
- b) Does Enbridge have a SCN-specific best practice protocol? Are Enbridge contractors/consultants trained specifically in mitigating SCN spread?
- c) Where does “thorough washing” occur, to prevent field contamination?
- d) Please explain how potential downstream impacts are mitigated from washing contaminated equipment (including boots) with SCN?

Question: 4-Three Fires-18

Reference: • Environmental Report, Table 5-5, pp. 59-60

Preamble: The Environmental Report notes EGI should restrict construction equipment to designated controlled vehicle access routes to minimize the potential contamination and that it should control quantity and quality of stormwater discharge using best management practices.

- a) Please explain why dewatering mitigation measures were excluded from this Table?
- b) What mitigation measures will be taken (throughout the project's lifecycle), to maintain the biophysical features of the surface water whilst dewatering occurs?
- c) If surface water quality and/or quantity is altered post-dewatering, please explain how fish and invertebrate habitat will be restored.
- d) Please provide all vehicle routes for construction sites along bodies of water (rivers, streams, wetlands, etc.).
- e) Please provide a clear, visual map for all construction sites.
- f) Please provide information on EGI's stormwater discharge best management practices, in part, as it relates to changes in surface water quality and quantity.

Question: **4-Three Fires-19**

Reference: • Environmental Report, Section 5.3.2.2, p. 61

Preamble: The Environmental Report notes that a field investigation of each watercourse crossing will be conducted to determine if fish and/or fish habitat is present.

- a) Please provide information on EGI's field investigation protocol for determining fish and fish habitat, including accounting for various watercourses.

Question: **5-Three Fires-20**

Reference: • Environmental Report, Table 5-13, p. 76

Preamble: The Environmental Report provides obtaining any municipal approvals required for land restrictions and haul routes as a proposed mitigation measure.

- a) Please share land restriction locations. If EGI has not determined the location of restricted lands, please explain when these lands will be identified.

Question: **5-Three Fires-21**

Reference: • Exhibit A, Tab 2, Schedule 1, Attachment 1, p. 1

Preamble: Section 94 of the Act requires applicants for an order granting leave under the relevant part to file a map showing the general location of the proposed work and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed work is to pass.

- b) Please indicate whether there are any navigable waters impacted by the Project. If yes, please provide details and all analysis undertaken by EGI with respect to the impacts on navigable waters by the Project.

Question: 6-Three Fires-22

- Reference:
- Enbridge Inc. Indigenous Peoples Policy (the **IPP**), provided at Exhibit H, Tab 1, Schedule 2, Attachment 5
 - National Inquiring into Missing and Murdered Indigenous Women and Girls ("**MMWIG**") "Calls for Justice"⁵
 - Truth and Reconciliation Commission of Canada ("**TRCC**") "Calls to Action", see **Appendix C**⁶
 - United Nations Declaration on the Rights of Indigenous Peoples ("**UNDRIP**"), see **Appendix D**⁷

Preamble: The IPP provides that Enbridge Inc. recognizes "the importance of [UNDRIP] within the context of existing Canadian and U.S. law and the commitments that governments in both countries have made to protecting the rights of Indigenous Peoples."

The IPP notes that "[p]ositive relationships with Indigenous Peoples, based on mutual respect and focused on achieving common goals, will create constructive outcomes for Indigenous communities and for Enbridge"

Enbridge Inc. has committed to pursuing sustainable relationships with Indigenous Nations and groups and that it engages in forthright and sincere consultation with Indigenous Peoples about projects and operations through processes that seek to achieve early and meaningful engagement so the input of Indigenous Nations can help define projects that may occur on lands traditionally used by Indigenous Peoples.

Section 4(a) of the *United Nations Declaration on the Rights of Indigenous Peoples Act*,⁶ affirms UNDRIP as a universal international human rights instrument with application in Canadian law.

UNDRIP requires that Indigenous Peoples are consulted in good faith in order to obtain their free, prior and informed consent ("**FPIC**") (i) before measures are adopted that affect them (article 19) or (ii) when undertaking a project that affect their rights to land, territory and resources (article 32).

⁵ MMIWG "Calls for Justice" (June 2019), available online at: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf.

⁶ TRCC "Calls to Action" (29 March 2016), available online at: <https://crc-canada.org/wp-content/uploads/2016/03/trc-calls-to-action-english.pdf>.

⁷ UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly (2 October 2007), A/RES/61/295, available online at: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

The TRCC's Call to Action #92 calls upon the corporate sector in Canada to adopt UNDRIP as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.

- a) Please explain EGI's position on whether current industrial development – including this Project – continues to have destructive impacts on the social and economic wellbeing of Indigenous peoples.
- b) How does EGI identify common goals? Please explain how EGI navigates times when EGI's goals are not the same as a First Nation's goals.
- c) How does EGI determine constructive outcomes? Please explain whether EGI works with Indigenous nations to identify constructive outcomes and explain how EGI navigates times when EGI's preferred outcome is not the preferred outcome of the Indigenous nation.
- d) How does EGI's gas expansion across southwestern Ontario respect previous Indigenous generations and benefit future Indigenous generations?
- e) What has EGI learned specifically as it relates to relationship building with Indigenous communities and the proposed Panhandle Expansion?
- f) What is EGI's definition of sustainability?
- g) Please explain how EGI plans to adopt and implement the TRCC Calls to Action and MMIWG Calls to Justice.
- h) Will EGI commit to the MMIWG Calls to Justice for Extraction and Development Industries in relation to the safety and security of Indigenous women, girls, and 2SLGBTQIA people during all stages of the Project?
- i) Will EGI commit to the MMIWG Calls to Justice for Extraction and Development Industries in relation to providing increased social infrastructure to meet the needs of CKSPFN and CFN?
- j) Will EGI commit to full implementation of TRCC #92 "Business and Reconciliation", including adopting the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. If yes, please explain how EGI has met each of i. through iii. under TRCC #92, specifically as it relates to the Project. If no, please explain why EGI is not willing to fully implement TRCC #92 in relation to the Project.
- k) How has EGI included provisions in this project to address its impacts on vulnerable groups, including Indigenous women and girls?

- l) Please explain the contents of EGI's Indigenous awareness programs and who facilitated these programs.
- m) What agreements, authorizations, and or approvals with and/or from First Nation governments, including the Three Fires First Nations, does EGI envision needing or entering into to support the Project?
- n) Please discuss and provide any updates, as it pertains to each of the Three Fires First Nations, to the "Indigenous Consultation Report; Log and Project Correspondence" in tabular format.
- o) Did EGI provide a description to potentially impacted First Nations of other provincial or federal approvals that may be required for the Project to proceed?
- p) Please provide details of any analysis undertaken by EGI to assess and determine the impacts on Treaty lands, generally, and on the Treaty lands of each of the Three Fires First Nations as part of the (i) Application, generally, and (ii) the Environmental Report. Did EGI perform any analysis prior to contacting potentially impacted First Nations and Indigenous customers? If no analysis was performed, please explain why not.
- q) Please discuss whether section 3 of the Standard Conditions of Approval, includes the requirement to obtain the FPIC of affected Indigenous communities. If no, please explain whether EGI's determination that FPIC is not a "necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the project" is consistent with the IPP and the TRCC's Call to Action #92.

Question: 6-Three Fires-23

Reference: • Environmental Guidelines - Section 3.3 Indigenous Consultation

Preamble: The Environmental Guidelines provide that the procedural aspects of the duty to consult generally include, among others, “responding to questions and concerns raised by Indigenous communities and keeping the Crown apprised of rights assertions by communities”

- a) Has EGI responded to the questions and concerns submitted directly to EGI by CKSPFN on July 5, 2022?
- b) Has EGI kept the Crown apprised of CKSPFN's Declaration to the Waterways and Lakebeds within its Traditional Territory (**Appendix A**)? If not, why not.
- c) Please explain EGI's understanding of the CKSPFN's Declaration to the Waterways and Lakebeds within its Traditional Territory, specifically as it relates to any approvals EGI may need to obtain from CKSPFN in order to cross water within the treaty territory.

Question: 6-Three Fires-24

Reference: • Exhibit A, Tab 2, Schedule 1, p. 3

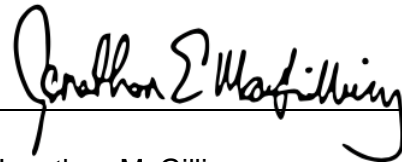
Preamble: EGI notes that parties affected by the Application include the (i) owners of lands, government agencies and municipalities over which the pipeline will be constructed and (ii) customers resident or located in the municipalities, police villages, **Indigenous communities and Métis organizations** served by EGI, together with those to whom EGI sells gas, or on whose behalf EGI distributes, transmits, or stores gas. [emphasis added]

- a) Please file any and all analysis EGI has performed, that is not already provided in the Application, in connection with how the Application will, or is anticipated to, affect residents and members, including off-reserve members, of each of the Three Fires First Nations:
- (i) that EGI serves;
 - (ii) to which EGI sells gas; and
 - (iii) on whose behalf EGI distributes, transmits, or stores gas.
- b) Please indicate whether EGI recognizes that the following groups are also affected by this application:
- (i) Indigenous nations whose Aboriginal and Treaty Rights are impacted by the continued expansion of gas infrastructure across Treaty territory and directly impacted by the increased ground level ozone caused by fugitive emissions; and
 - (ii) current and future generations who will face the challenges of accelerated anthropogenic climate change.

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
1st day of September, 2022



Lisa (Elisabeth) DeMarco
Resilient LLP
Counsel for Three Fires



Jonathan McGillivray
Resilient LLP
Counsel for Three Fires

Appendix A: CKSPFN Declaration to the Waterways and Lakebeds within its Traditional Territory



Chippewas of Kettle & Stony Point First Nation

6247 Indian Lane
Kettle & Stony Point FN. Ontario. Canada N0N 1J1

Wednesday, May 31, 2017

Minister Carolyn Bennett
Indigenous Affairs and Northern
Development Canada
Terrasses de la Chaudière
10 Wellington, North Tower
Gatineau, Quebec
K1A 0H4



Dear Minister Bennett:

Re: Chippewas of Kettle and Stony Point First Nation Band Council Resolution # 2851

Enclosed please find the Chippewas of Kettle and Stony Point First Nation BCR #2851 regarding the affirmation of the First Nation's declaration of ownership to the lakebeds and waterways located within our traditional land base.

Please direct inquiries to Chief Thomas Bressette at your convenience.

Sincerely,

Toni George
Council Assistant

Attach. (1)

c: Ministry of Indigenous Relations & Reconciliation
Ministry of Natural Resources
Ministry of Environment
Municipality of Lambton Shores



FIRST NATION COUNCIL RESOLUTION

REFERENCE NO. 2851

DATE OF DULY
CONVENED MEETING: 2017 / 05 / 29
(YEAR / MONTH / DAY)

PROVINCE OF
ONTARIO

THE CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION DO HEREBY RESOLVE:

WHEREAS the "Chippewas Nation of Indians and His Majesty King George IV as represented by the Superintendent of Indian Affairs" entered into the Provisional Agreement of 1825 and Treaty of 1827 regarding a certain tract of land in Southwestern Ontario and which surrendered certain parts of the tract and created the Reserves designated as Kettle Point #44 and Stony Point #43, and,

WHEREAS in neither agreement or Treaty was there a surrender of the waterways known as Lake Huron including the lakebed or any other waterways within the traditional territory; and

WHEREAS under Aboriginal and Treaty Rights, the Chippewas of Kettle and Stony Point First Nation assert ownership and jurisdiction over said waterways to the International Boundary and the land underlying the waterways (lakebed); and

WHEREAS the Chippewas of Kettle and Stony Point First Nation make DECLARATION to the waterways and lakebeds in its traditional territory including the waterway known as Lake Huron to the International Boundary, and including the lands under the waterway of Lake Huron known as the lakebed; and

WHEREAS the Lake Huron waterways are described as the point of intersection of the surrendered lands with Lake Huron as its most northerly point, extending directly out into Lake Huron to the International Boundary, then running along the International Boundary to the southerly limit of the herein described lands at the water's edge of the St. Clair River, and the land underlying this portion of Lake Huron (lakebed) and assert this waterway and lakebed has never been surrendered; and

THEREFORE BE IT RESOLVED THAT the Chippewas of Kettle and Stony Point First Nation hereby notify each government- Federal, Provincial and Municipal, company, individual, or groups of individuals, and any others who use or who plan to use any part or portion of this territory that they must disclose their use to the First Nation, and seek express permission from the government of the First Nation, namely the elected Chief and Council for the proposed usage; and

FINALLY THEREFORE BE IT RESOLVED the Chief and Council of the Chippewas of Kettle and Stony Point First Nation pass and affirm this "DECLARATION TO THE WATERWAYS AND LAKEBEDS WITHIN ITS TRADITIONAL TERRITORY FOR THE MANAGEMENT, USE AND ENJOYMENT OF THE FIRST NATION AND ITS PEOPLES" as confirmed within the First Nation's Aboriginal and Treaty Rights.

QUORUM 6

(CHIEF)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

(COUNCILLOR)

Appendix B: Global Methane Pledge

Government
of CanadaGouvernement
du Canada[Canada.ca](#) > [Environment and Climate Change Canada](#)

Canada confirms its support for the Global Methane Pledge and announces ambitious domestic actions to slash methane emissions

From: [Environment and Climate Change Canada](#)

News release

October 11, 2021 – Vancouver, British Columbia

Methane is responsible for around 30 percent of the global rise in temperatures to date and half a million premature death globally each year. It also accounts for about 13 percent of Canada's total greenhouse gas emissions. Slashing emissions from methane is one of the fastest and lowest cost ways to fight climate change and is one of the top recommendations made by climate scientists in the most recent report of the Intergovernmental Panel on Climate Change.

During today's Global Methane Pledge Ministerial Meeting, co-chaired by the United States and the European Union, the Honourable Jonathan Wilkinson, Minister of Environment and Climate Change, announced Canada's support for the Global Methane Pledge, which aims to reduce global methane emissions by 30 percent below 2020 levels by 2030. In support of the Pledge and the goals in Canada's climate plan, Minister Wilkinson also announced Canada's commitment to developing a plan to reduce methane emissions across the broader Canadian economy and to reducing oil and gas methane emissions by at least 75 percent below 2012 levels by 2030. Canada is the first and only country to support the Pledge and the 75 percent goal, and our approach will include regulations. Moving forward, Canada will mobilize and work with the energy sector, provinces, territories, Indigenous Peoples, and other stakeholders in developing our approach.

The International Energy Agency has made it clear that curbing methane emissions from oil and gas operations represents one of the best near-term opportunities for limiting the worst impacts of climate change and has called on countries and companies to reduce methane emissions from the sector by 75% below 2012 levels by 2030. At the Meeting, the Minister noted the importance of the 75% goal and called on other oil-producing nations to join Canada in adopting it.

The commitments announced today build on Canada's existing actions to curb methane emissions. In 2016, Canada set a target of reducing methane emissions from the oil and gas sector by 40–45 percent below 2012 levels by 2025 and has put in place regulations to help achieve it, making it one of the first countries in the world to regulate methane emissions from the oil and gas sector at the national level. Achieving this 2025 goal is an important part of the Government's efforts to meet its new Nationally Determined Contribution of reducing greenhouse gas emissions by 40–45 percent by 2030. Last year, the Government also launched the Emissions Reduction Fund, which will, in part, achieve methane reductions beyond those prescribed in the federal regulations.

Globally, agriculture and landfills are among the largest sources of methane emissions. The 2030 objective in the Pledge is expected to help prevent over 20 million tonnes of crop losses a year by 2030 by reducing ground-level ozone pollution, caused in part by methane. The Government of Canada is committed to supporting Canadian farmers and industry partners who are taking action to reduce emissions, sequester carbon and make their operations more sustainable, productive and competitive. This includes through investments in new programs, such as the Agricultural Climate Solutions initiative and

the Agricultural Clean Technology Program, which aim to help farmers adopt new, beneficial management practices and clean technologies to boost productivity and lower emissions—including from methane. The Government is also committed to developing an approach to increase the number of landfills that collect and treat methane, and ensure existing systems capture as many methane emissions as possible.

Internationally, Canada has played a leading role and is an active participant in global initiatives to reduce methane emissions, including as Chair of the Global Methane Initiative, and as a founding partner in the Climate and Clean Air Coalition and the Arctic Council. Moving forward, Canada will work with the United States, the European Union, and other early supporters of the Global Methane Pledge to encourage additional countries to support the Pledge and commit to ambitious action on methane. The Government will also continue to encourage other oil-producing nations to commit to its 2030 goal of reducing methane emissions from oil and gas by 75 percent below 2012 levels, and will work with partners to deliver on its existing and new commitments to slash methane emissions and fight climate change.

Quotes

“This is a critical year for climate action and Canada is proud to be among the early supporters of the Global Methane Pledge, a critical initiative that will increase global action to fight climate change. Climate change is accelerating, and Canadians expect ambitious action to address it. That means doing the hard work at home to set ambitious goals and develop concrete plans to get there. It also means working with international partners to increase the scope and scale of climate action around the world. Today’s announcement, coupled with Canada’s existing efforts to slash methane emissions and fight climate change, will bring us another step closer to securing a healthier planet and economy for decades to come.”

– The Honourable Jonathan Wilkinson, Minister of Environment and Climate Change

“Combatting climate change means tackling methane, and that’s what the Global Methane Pledge does. Canada’s oil and gas workers have the skills, ingenuity and determination to get it done, so we’re working with the provinces and territories to put those workers front and centre. They’re the ones who’ll get the job done.”

– The Honourable Seamus O’Regan Jr., Minister of Natural Resources

“A healthy environment goes hand-in-hand with a sustainable agriculture sector that continues to provide good jobs and healthy food for Canadians. Canada’s farmers and ranchers are good stewards of the land, and have made significant progress increasing production while lowering methane emissions. Our government will continue to help farmers adopt agricultural management practices and clean technologies to support sustainability and reduce emissions.”

– The Honourable Marie-Claude Bibeau, Minister of Agriculture and Agri-Food

Quick facts

- Methane is a potent greenhouse gas and short-lived climate pollutant that has eighty-six times the warming power of carbon dioxide over a twenty-year period after being released into the atmosphere.
- According to the Global Methane Assessment from the Climate and Clean Air Coalition and the United Nations Environment Programme, reducing methane emissions by 30 percent below 2020 levels by 2030 can prevent over 200,000 premature deaths, hundreds of thousands of asthma-related emergency room visits, and over 20 million tonnes of crop losses a year by 2030 by reducing ground-level ozone pollution caused in part by methane.
- Methane accounts for 17 percent of global greenhouse gas emissions from human activities, principally from the energy, agriculture, and waste sectors.
- The Global Methane Pledge is an initiative to reduce global methane emissions that will be launched at the UN Climate Change Conference (COP26) in Glasgow.
- On October 7, 2021, the International Energy Agency released a report on the need for countries and companies to commit to reducing methane emissions from fossil fuel operations by 75 percent below 2012 levels by 2030. The International Energy Agency's Net Zero by 2050 roadmap, released earlier this year, also envisions the 75 percent reduction. Canada is the first and only country to support the Global Methane Pledge and the 75 percent goal.

Associated links

- [Canada's strengthened climate plan: A Healthy Environment and a Healthy Economy](#)
- [Canada joins over 40 countries at final, formal multilateral opportunity to prepare for COP26](#)

Contacts

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Press Secretary

Office of the Minister of Environment and Climate Change

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819-938-3338 or 1-844-836-7799 (toll-free)

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[Environment and Climate Change Canada's Twitter page](#)

[Environment and Climate Change Canada's Facebook page](#)

Search for related information by keyword: [NE Nature and Environment](#) | [Climate change](#) | [Environment](#) | [Environment and Climate Change Canada](#) | [Canada](#) | [Environment and natural resources](#) | [general public](#) | [news releases](#) | [Hon. Jonathan Wilkinson](#)

Date modified:

Appendix C: Truth and Reconciliation Commission of Canada “Calls to Action”



Truth and Reconciliation Commission of Canada: Calls to Action



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2015

Truth and Reconciliation Commission of Canada, 2012

1500-360 Main Street

Winnipeg, Manitoba

R3C 3Z3

Telephone: (204) 984-5885

Toll Free: 1-888-872-5554 (1-888-TRC-5554)

Fax: (204) 984-5915

E-mail: info@trc.ca

Website: www.trc.ca

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and

publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

LANGUAGE AND CULTURE

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
 - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
 - ii. Aboriginal language rights are reinforced by the Treaties.
 - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
 - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
 - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

HEALTH

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
 - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.
40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
 - i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
 - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
 - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
 - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
 - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:
- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

NATIONAL COUNCIL FOR RECONCILIATION

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
 - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
 - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
 - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

- iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
 - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.
 - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled culture- and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
 - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
 - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
 - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
 - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
 - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
 - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
 - i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orontlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
 - ii. Ensure that its record holdings related to residential schools are accessible to the public.
 - iii. Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orontlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- i. The Aboriginal community most affected shall lead the development of such strategies.
 - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
 - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

COMMEMORATION

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
 - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

MEDIA AND RECONCILIATION

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
 - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
 - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
 - i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
 - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

SPORTS AND RECONCILIATION

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
 - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

BUSINESS AND RECONCILIATION

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
 - i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
 - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

NEWCOMERS TO CANADA

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Truth and Reconciliation Commission of Canada

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Appendix D: United Nations Declaration on the Rights of Indigenous Peoples



UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES



United Nations



UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES



United Nations



Resolution adopted by the General Assembly on 13 September 2007

*[without reference to a Main Committee (A/61/L.67
and Add.1)]*


61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006¹, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

¹ See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.



Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting
13 September 2007*

Annex


United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,



Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples




affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,



Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,


Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by

2 See resolution 2200 A (XXI), annex.

3 A/CONF.157/24 (Part I), chap. III.




virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,



Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,


Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all



human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

4 Resolution 217 A (III).



Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.



Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.



Article 9


Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.


- 
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future genera-




tions their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including




those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous




cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect



their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.



Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.



Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.



Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.



Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take



the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.




Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the




right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and



appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.



Article 35


Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and re-



spect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38


States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective



remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.



Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44


All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

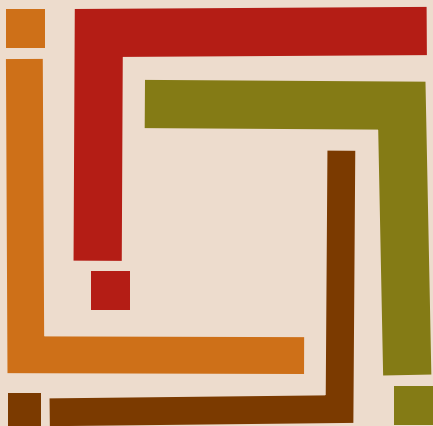
Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismem-



ber or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



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