

Implementing an Indigenous-led Regional Assessment in Ontario's Ring of Fire

SUMMARY REPORT BASED ON THE [SYNTHESIS REPORT OF MAY 2020](#)

12 JAN 2021

For many years, Indigenous community leaders and analysts have been calling for a regional process in order to broadly assess the expected impacts of the proposed mining developments in the Ring of Fire. They have noted the complexity of the contemplated infrastructure decisions, the potential for lasting negative impacts, and vast cumulative effects on social and ecological systems. And yet, without this framework in place, provincial and federal environmental regimes are currently proceeding to assess individual road proposals that threaten to open the region up to mining.

PRINCIPLES

The following principles should be applied to the design of a model for Regional Assessment:

- The people in the communities are the real authority; the grassroots and the elders must be heard for any process to be legitimate;
- The process must be led by an Indigenous Governing Authority (IGA) made up of the interested and affected remote and downstream First Nations (on the basis of ecological connectivity, watersheds, and socio-cultural impacts related to probable infrastructure locations);
- An Elders Advisory Council should be an integral element at all stages of decision-making;
- The ongoing state of social emergency must be addressed first, before new projects can be adequately considered. Communities must be satisfied that any potential new projects or infrastructure will mitigate the crises, and enhance long-term social, cultural and ecological sustainability; and,
- Any regional approaches need to provide a framework that can effectively guide project-level assessments and approvals, which in turn lead into community-level consent processes, in line with local protocols.

KEY ELEMENTS OF THE RECOMMENDED MODEL

Stage 1

- a (semi)permanent **Commission on the Ring of Fire** established by “agreement” under s.114(1)(e) of the Act between the Minister and an appropriate Indigenous Governing Authority (IGA) as a partner jurisdiction under s.93(1)(a);
- the IGA will be comprised of a collective of the most-affected First Nations considering both ecosystemic/watershed boundaries and socio-economic and cultural factors related to infrastructure routes;
- the Commissioners will be knowledgeable experts appointed from a roster nominated by and mutually-acceptable to all partner jurisdictions;
- the Commissioners will work in parallel to an Elders Advisory Council made up of a representative from each affected community;
- Both the Commission and the Elders Advisory Council will be supported by a Secretariat comprised of independent commission counsel, a community liaison officer, and researchers;
- The Commission will conduct in-community hearings (in the Anishnaabe or Anishini language, with ceremony, and without cross-examination).

The Commission’s mandate will be to develop the terms and conditions for access to the Ring of Fire region for mining and/or infrastructure and to set a structure for decision-making on future IAs, including:

1. A **cumulative effects framework**, including how traditional knowledge (TK) will be incorporated;
2. **Baseline data**, including on community well-being and the social emergency;
3. A **positive contribution to sustainability test** (including criteria, and a consideration of how various options and alternative visions for the region may demonstrate a potential to improve well-being, protect valued components, and mitigate the social crises); and
4. A **regional plan** and policy guidance derived from comparing future scenarios.

The Commission’s report must be approved by the Elders Advisory Council and will be released publicly.

Stage 2

- All individual projects proposed in the region will then go through a Joint Panel review process (with 3 members appointed that are mutually acceptable to the partner jurisdictions of Canada, ON and the IGA);
- The Joint Panel review process is nested under the framework developed by the Commission and must apply the terms and conditions developed there and approved by the Elders Advisory Council;
- The Joint Panels will conduct hearings in the affected communities, and in the south, and will hear submissions from all interested parties;
- The Joint Panels will render a report and recommendations for each governing authority to make a final decision on – Canada, ON and the IGA; and;
- The IGA will implement a process through which each affected community can decide for itself whether it will provide or withhold “consent” to the project.

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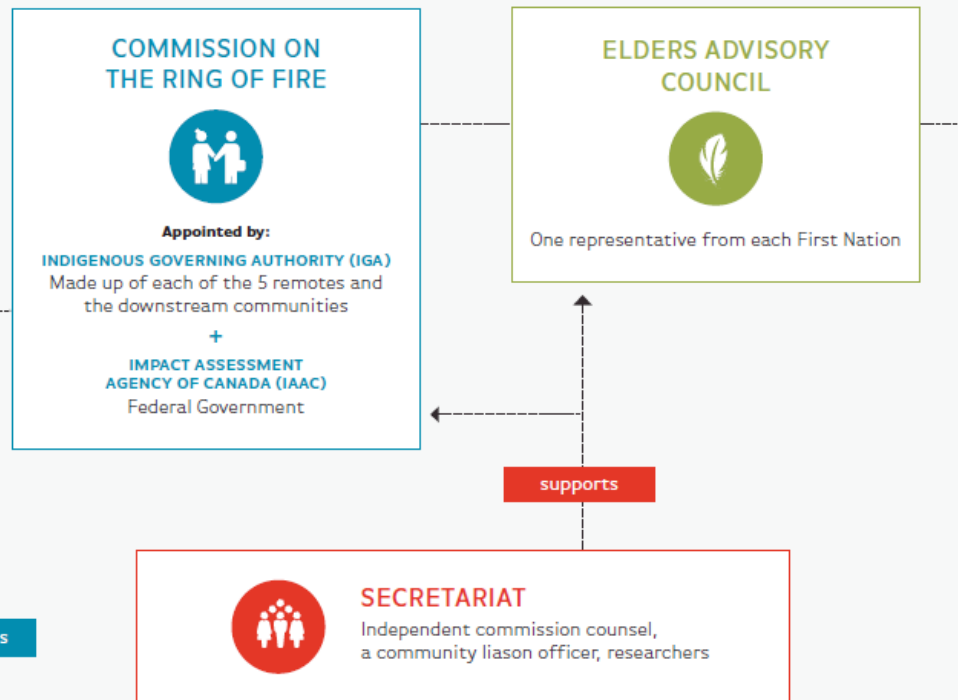
STAGE ONE

Ring of Fire Commission

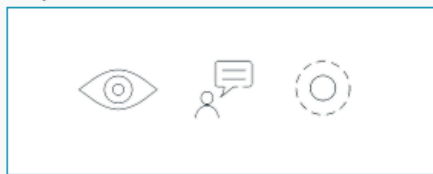
A.

Composition

The Commission and the Elders Advisory Council work in parallel, and the Secretariat provides support to both.



conducts



B. Hearings

The Commission will conduct in-community hearings in language, with ceremony, and without cross-examination.

provides input for

to develop



has to approve

C. Terms and Conditions for opening up the North

The Commission will develop:

- i) a **cumulative effects framework**, with thresholds;
- ii) **baseline data**, including on the social emergency;
- iii) a 'positive contribution to sustainability test' that outlines criteria for how projects will demonstrate that they will **enhance social and ecological sustainability**; and
- iv) a **regional plan** derived from the comparative evaluation of future scenarios.

STAGE TWO

Impact Assessment Process in the Ring of Fire Region

