



Mineral Exploration in Nitassinan:

A Matter of Respect:

Innu Nation Guidelines for the Mining Industry

The Innu used to call the place *Kaupuskats Shipish* (Burning Spot Brook) where the drills sites are at Voisey's Bay. I used to stay there in the fall. Then there was a fellow who used to stay there—Amos Voisey, a trader. That's when we started to call the place Emish. I see the beauty of the land. The only thing I'm worried about is the animals and rivers and I don't want to see a lot of hectares of land destroyed. I know there are some graveyards north of the drilling sites. It seems like the government has stolen our land. I began to realize the change in our way of life in the midst of poverty.

- *Tshenish Pasteen, Utshimassit Elder*



In 1995, the unprecedented pace of mineral exploration in Nitassinan following the announcement of the nickel find at Emish (Voisey's Bay) quickly overwhelmed the ability of the Newfoundland government to effectively regulate or monitor exploration activity. Over 280,000 claims were staked and several dozen exploration companies descended on Nitassinan in the space of a few months—all without Innu consent.

The Innu responded to this invasion of their land with an eviction notice to Arcean Resources and Diamond Fields in February 1995 for failing to obtain the permission of the Innu Nation before conducting exploration activities at Emish. The eviction led to a 12 day standoff between the Innu and 56 Royal Canadian Mounted Police at the site. Since then, the Voisey's Bay discovery has become a multi-billion dollar mining project.

The companies involved in the Voisey's Bay Project have now begun the process of building a respectful relationship with the Innu. But Innu are seeking to ensure that **all** mineral exploration and development in Nitassinan respects their land, culture and way of life.

Nitassinan - Our Land, Our History

According to Innu oral tradition, the world is an island created by Wolverine and Muskrat after a great flood. The Innu, however, came from another land, *Tshishtashkamuku*, situated to the southwest and connected to the world by a narrow bridge. The Innu and their ancestors have occupied Nitassinan (Labrador and eastern Quebec) for at least two thousand years. Their history is intimately tied to the place that is their home. Their ancestors are buried beside the lakes and rivers of Nitassinan, along the travel routes that continue to link the Innu to their land. Their oral traditions, mythology and histories tell the stories of this place and the relationship to the land and the animals that have sustained them.

At the time of contact with Europeans, the Innu had established an extensive trading network throughout the Quebec-Labrador peninsula. Ramah chert, a strong quartz which the Innu quarried in Ramah Bay, was exchanged with groups to the south for pottery and other products. The caribou herds of the peninsula supplied the Innu with tools, clothing, tent covers, rawhide for lacing their snowshoes, as well as meat. The caribou also nourished the Innu spiritually. To this day, *Utshinimatsheshu*, the Caribou Master, is the most important of all the spirits in the Innu ethos. Respect for the Caribou Master is shown in various ways including the communal feast known as *makushan* and the ritual disposal of caribou bones in the fire or on scaffolds.

Since the mid-1970s, the Innu Nation has been recording the history of their people on maps. These maps include travel routes, camp sites, burials, birth locations, harvest areas for caribou and other wildlife, locations of mythological significance and caribou migration routes. The maps also record Innu names for

many of the lakes and rivers in Labrador and eastern Quebec, many which are recorded on Canadian government maps. For example, Minipi Lake located south of Goose Bay, is an anglicised version of the Innu name Minei-nipi, meaning “Burbot Lake.” These names are further proof that Nitassinan is not a “wilderness” but a cultural landscape where the Innu have left their mark for countless generations.

To the Innu, the land is their history, their culture, and their future. It is like a bank, a storehouse of wildlife, that has sustained them for generations, and which, they hope, will continue to provide for them in future years. The Creator, *Tshishe-manitu*, gave the Innu a special custodial responsibility towards the territory and its resources, which partly explains why environmental protection features so strongly in the Innu Nation’s response to resource exploitation on their lands.

The arrival of Europeans disrupted Innu history in many ways. Their integration into the fur trade made them increasingly dependent on the Hudson’s Bay Company and other merchants. The traders tried to manipulate them so as to “attach” them to trading posts. Missionaries tried to manipulate them to get them to abandon their religion and to try to “civilize” them into the mainstream of Western society. In the late 1800s, non-Innu trappers invaded some of the best Innu trapping regions, contributing to the economic hardship of the Innu.

The worst impact of European presence, however, was disease. At the turn of the century, the Innu were still being hit by several European diseases. In 1918, 40 Innu died of smallpox and are buried in the Voisey’s Bay area. Spanish flu, tuberculosis, syphilis, scarlet

fever, whooping cough, and measles took a terrible toll and reduced the Innu population by as much as two-thirds. Frederick Waugh, a Canadian ethnologist, reported in the 1920s that the Innu population at Voisey's Bay had fallen from about 250 to 75 people in the space of 8 years as a result of disease.

By the 1940s and 50s, the Innu were in a desperate situation. The fur trade had collapsed, and the industrial society had expanded into more of their territory. The iron ore mines in Schefferville, Labrador City and Wabush, the shipping terminus at Sept-Iles, and the military base at Goose Bay alienated vast quantities of land from the Innu even though no treaty had been concluded with them. Tuberculosis was still a major scourge and starvation was a frequent threat. While the federal and provincial governments were eager to settle the Innu in coastal communities so as to assimilate them into the mainstream of Canadian society, the Innu "were ready for settlement" due to disease, starvation, and loss of land to European settlement and resource extraction.

Unfortunately, life in government-built villages turned out to be a major trauma for the Innu. Treated like children by missionaries and government bureaucrats, subjected to humiliating racism by their non-Aboriginal neighbours, and persecuted by Newfoundland hunting regulations, the Innu fell into a quagmire of rock-bottom self-esteem, alcohol abuse, family violence, and other manifestations of cultural collapse.

In the late 1970s, the Innu began to turn the tide. They obtained funding to transport their people out to the country again so that harvesting skills, knowledge of the land, and oral

traditions could be passed onto younger generations. Innu language and culture were introduced to the school curriculum to counter the negative messages conveyed to them in the provincial curriculum that relegated their culture to the dustbins of history.

In the late 1980s, the Innu began intensive alcohol treatment programmes so that they could heal the wounds inflicted upon them as a result of government policies and alcohol abuse. Since then, the Innu have been assuming increasing levels of control over their lives by taking over many elements of public administration, municipal services, and local government.

This is just the beginning for the Innu. They look forward to the day when their rights the territory are properly recognized, and when they will be equal partners in all decisions that affect their land.

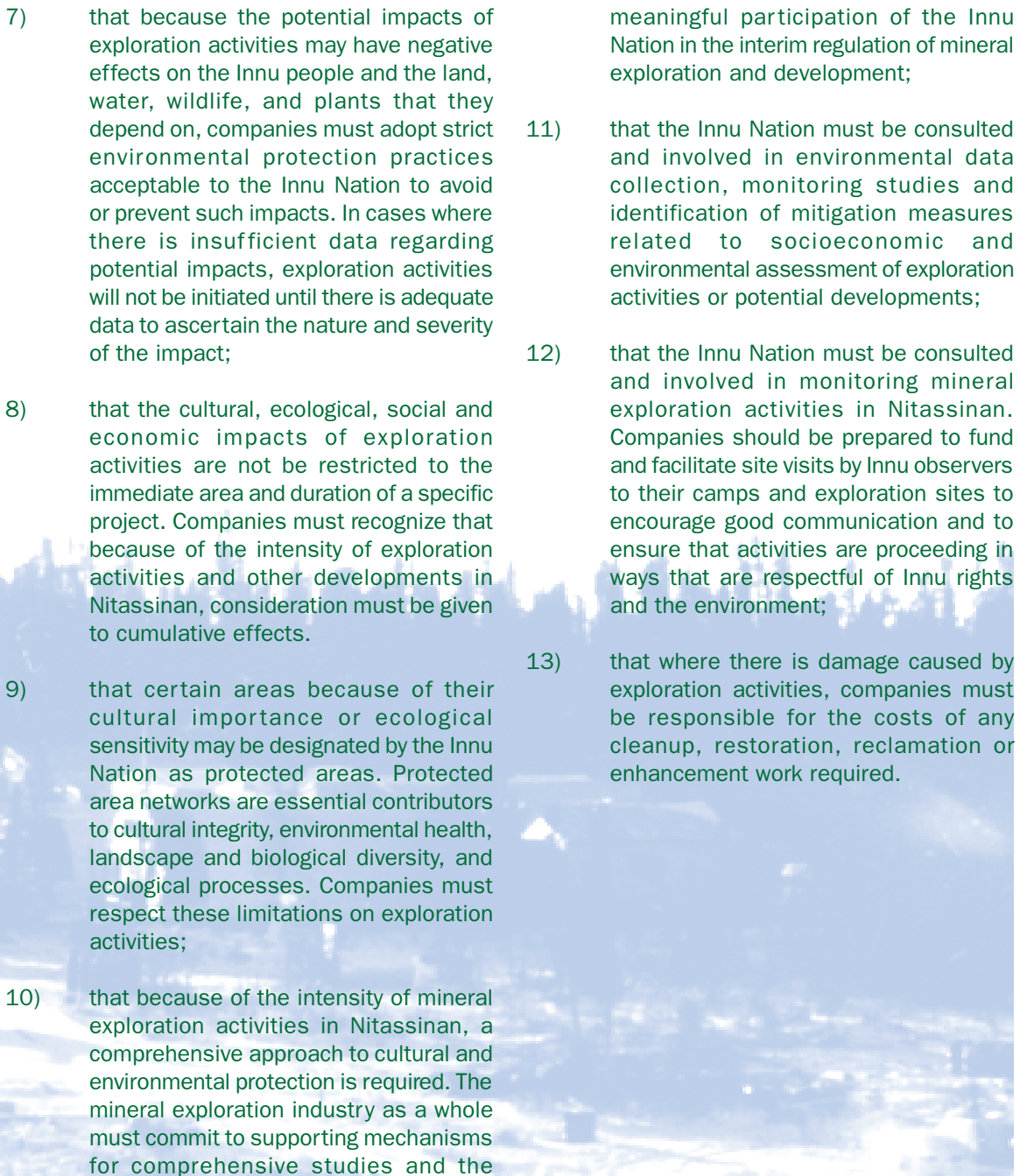
We never saw poisons happening in the country when I was young. My grandfather told us stories not just about the ground we stand on, but also the water, the berries, trees, hills, medicines. He said the first people in Canada were Innu. What has happened to our rights? It hurts us deeply when the animals and the land are destroyed. My grandfather's name was Ashini, which means "solid rock". We need to be just like him. Not everybody has to be the same. We don't have all the same needs. The land will always be here, but money can be here today and gone tomorrow. We want the same rights that other cultures have, like the Chinese or the French. I'm not saying we don't like you, the white people, that we hate you. We just want to be afforded respect which we will give back.

- Kathleen Nuna, Sheshatshiu Elder

Building a Respectful Relationship

A respectful relationship requires companies and individuals involved in mineral exploration activities in Nitassinan to recognize and incorporate these principles in their dealings with the Innu Nation:

- 1) that the Innu are the original inhabitants of this land with rights protected under the Constitution Act (1982), which include priority rights to lands and resources. These rights are the subject of ongoing land rights negotiations involving the Innu Nation, Canada, Newfoundland, and the Labrador Inuit Association. Mineral exploration which is carried out in Nitassinan without Innu consent is prejudicial to Innu rights;
- 2) that the Innu people continue to depend on land for foods, well-being, and spiritual and cultural values. The Innu Nation requires accurate, complete and timely information at all stages of exploration activities to determine if their rights are being affected and how they can be protected. Companies must commit to full disclosure of information about their activities and must be willing to provide assistance to ensure that Innu can undertake independent assessments of these activities;
- 3) that the Innu people have the right to determine the social and economic future of their communities. There must be a commitment from companies to respect the aspirations of the Innu people, including their choices of employment and vocation, and the uses of their land. If requested by the Innu Nation, companies must be prepared to offer preferential training, employment and business opportunities to Innu people in a manner acceptable to the Innu Nation;
- 4) that Innu harvesting activities take precedence over other uses of Nitassinan and accordingly must be afforded first consideration in planning exploration activities and siting camps. This is consistent with the Sparrow line of cases in the Supreme Court of Canada;
- 5) that exploration activities may have a negative impact on Innu cultural, historical and spiritual sites. The Innu Nation must be involved in an archaeological survey of any areas that may be affected by exploration activities prior to the commencement of such activities to ensure that historic or cultural resources will not be affected prior to siting a drill or camp site, cutting grid lines, etc. In the event a burial or archeological site is identified during operations, companies must suspend operations and contact the Innu Nation to determine what action is appropriate;
- 6) that there is very little available environmental baseline information for most of Nitassinan, but that Innu people have knowledge about the environment and ecology of Nitassinan which is based on thousands of years of collective experience. Innu ecological knowledge must be incorporated into planning, management and operational decisions in a manner acceptable to the Innu Nation;

- 
- 7) that because the potential impacts of exploration activities may have negative effects on the Innu people and the land, water, wildlife, and plants that they depend on, companies must adopt strict environmental protection practices acceptable to the Innu Nation to avoid or prevent such impacts. In cases where there is insufficient data regarding potential impacts, exploration activities will not be initiated until there is adequate data to ascertain the nature and severity of the impact;
- 8) that the cultural, ecological, social and economic impacts of exploration activities are not be restricted to the immediate area and duration of a specific project. Companies must recognize that because of the intensity of exploration activities and other developments in Nitassinan, consideration must be given to cumulative effects.
- 9) that certain areas because of their cultural importance or ecological sensitivity may be designated by the Innu Nation as protected areas. Protected area networks are essential contributors to cultural integrity, environmental health, landscape and biological diversity, and ecological processes. Companies must respect these limitations on exploration activities;
- 10) that because of the intensity of mineral exploration activities in Nitassinan, a comprehensive approach to cultural and environmental protection is required. The mineral exploration industry as a whole must commit to supporting mechanisms for comprehensive studies and the meaningful participation of the Innu Nation in the interim regulation of mineral exploration and development;
- 11) that the Innu Nation must be consulted and involved in environmental data collection, monitoring studies and identification of mitigation measures related to socioeconomic and environmental assessment of exploration activities or potential developments;
- 12) that the Innu Nation must be consulted and involved in monitoring mineral exploration activities in Nitassinan. Companies should be prepared to fund and facilitate site visits by Innu observers to their camps and exploration sites to encourage good communication and to ensure that activities are proceeding in ways that are respectful of Innu rights and the environment;
- 13) that where there is damage caused by exploration activities, companies must be responsible for the costs of any cleanup, restoration, reclamation or enhancement work required.

The Innu Response to Mining Activity

Bombarded by mining activities in its territory, the Innu Nation decided to set up a Task Force on Mining Activities in November 1995. The Task Force was mandated to provide information on mining issues to the two communities and gather public opinion on how to respond to mining activities in Nitassinan. Through interviews, questionnaires, bilingual newsletters, workshops and open-line community radio and TV programs, the Task Force disseminated information and gathered voices. The results are documented in a report, *Ntesinan, Ntshiniminan, Nteniunan: Between a Rock and Hard Place*, a collage of opinions and analysis on the proposed nickel mine at Voisey's Bay (Emish) and other mineral exploration activities.

According to the Report, the Innu expect to pay the highest price and gain the least from the mining developments. Most Innu are opposed to a mine at Emish or elsewhere in their territory, which they have never ceded through a treaty or land rights agreement. The Report outlines extensive traditional and ongoing Innu land use at Emish. Generations of Innu have grown up, had children, and buried loved ones there. The Report also provides a scathing indictment of how governments and industry persist in ignoring and violating Innu rights.

The Report defines Innu concerns over the anticipated environmental and cultural impacts of a mine at Emish. They expect the land to be destroyed and fear the impacts of pollution from tailings and acid mine drainage. Wildlife will be harmed or driven away, and Innu will lose the use of this important hunting territory. Many respondents are worried that sacred burial grounds and archaeological sites will be disturbed.

Jobs were mentioned most frequently as a potential benefit for the Innu, but many Task Force participants thought that only a few labourers jobs would go to the Innu, while the well-paying, long-term jobs would go to outsiders. Respondents also expected a rise in social problems, including an increase in alcoholism, family violence, child neglect, suicide, crime, racism and community strife. Ongoing disintegration of Innu culture was also cited as a major problem.

Finally, the Task Force prepared 24 recommendations for the Innu Nation, the mining industry, and government, including the recommendation that the Innu Nation enter into Impact-Benefit Agreement (IBA) negotiations with the Voisey's Bay Nickel Company with extreme caution given the level of opposition and concern within the communities. An IBA must be achieved along with a land rights settlement before the mine is developed. Protests, media campaigns, and legal action are recommended if negotiations don't result in substantial benefits for the Innu. Other recommendations called on mining companies to go beyond government regulations for environmental protection, and addressed the need for training and support to assist Innu to take advantages of opportunities within the industry, and the requirement for programs to mitigate against negative social effects.

Anger permeates the Task Force Report. While the Innu of Utshimassit continue to live in poverty without basic amenities such as clean drinking water, millions of dollars pour into the development of the Voisey's Bay Project. Billions of dollars have been reaped by shareholders who have never seen the place, while the real risks are being faced by the Innu and Inuit people.

The Innu Nation is committed to working with mining companies who are prepared to respect our rights, our land and our way of life. The Guidelines for a Respectful Relationship can be implemented by taking the following steps:

Obtaining Innu Consent

Companies operating in Nitassinan will be contacted directly by the Innu Nation. Companies are requested to acknowledge and reply to the letter prior to the commencement of exploration activities.

The Innu Nation contact person is: Daniel Ashini
Director of Innu Rights and Environment
Innu Nation
PO Box 119
Sheshatshiu, Labrador AOP 1M0
tel: (709) 497-8398 fax: (709) 497-8396

The Innu Nation requires companies operating in Innu territory to enter into a Memorandum of Understanding with the Innu Nation. This agreement will govern the conduct of exploration and development work and define the relationship between the company and the Innu Nation. The Memorandum of Understanding will include:

Community Consultation and Information

Companies are required to keep the Innu Nation informed about their activities. This includes details on the location and duration of operation of base and fly camps, nature and scale of proposed exploration activities, as well as future plans. Detailed maps and aerial photographs of potential sites should be included. Companies are also invited to provide annual reports and other corporate information. Companies may be requested to meet with Innu Nation officials or make open-house presentations in Innu communities.

The rights of Innu hunters, fishers and trappers must be given priority at all times. Companies are advised to contact the Innu Nation to obtain up-to-date information about the location of Innu camps. In cases where the potential for interference with Innu activities, the Innu Nation will facilitate a meeting between the company and affected Innu harvesters to obtain their consent and determine appropriate avoidance and mitigation measures.

Archaeological Surveys

Prior to siting a camp or conducting any activity with the potential for ground disturbance (eg drilling or trenching), the Innu Nation requires companies to conduct an archaeological survey of the area. The purpose of the survey is to ensure that the historic resources of the Innu people are properly documented and protected, and to further our knowledge about the history of human habitation in Nitassinan.

Archaeological work must be governed by a Memorandum of Understanding with the Innu Nation. Several companies have already entered into these agreements, which contain a number of provisions including:

- the requirement to obtain a professional archaeologist;
- the requirement to retain an Innu co-researcher to work with the archaeologist;
- confidentiality provisions and compensation for access to and use of Innu land use and ethnohistorical data;
- peer review of survey methods;
- the reporting of results to the communities;

Companies contemplating archaeological surveys are advised to also contact the Newfoundland government's Historic Resources Division prior to undertaking the work. A list of approved archaeologists is available from the Innu Nation.

Environmental Concerns and Monitoring Requirements

Companies are required to meet and exceed government environmental regulations and guidelines in all aspects of their operation. In addition, companies must demonstrate respect for Innu environmental concerns by observing the following:

- Helicopters and aircraft must avoid raptor and waterfowl habitat from break-up in early spring to freeze-up in the late fall by maintaining altitudes of at least 600 meters above ground level or a 5 km buffer around the habitat area. River valleys are not to be used as travel corridors, and camps should not be sited in these locations.
- Caribou must be avoided at all times. If caribou are identified in an area of operation, aerial survey work or helicopter support must cease until the caribou have moved at least 5 km from the site. Overflights of caribou below 600 meters are not permitted.

The Innu Nation requests that companies facilitate visits by Innu environmental monitors to their sites. Environmental monitors are in place at Voisey's Bay, and have been invaluable in developing a good working relationship with the companies at that site. Monitoring is required before, during and after siting a camp or undertaking exploration activities with the potential for ground disturbance.

Mining companies in Labrador have been making a lot of claims.

They claim that they are committed to protecting the environment. They claim that they respect aboriginal people. They claim that they want to keep us informed. They claim that they want to help our communities benefit from the mineral exploration and development activities.

They have also claimed over 60,000 square kilometres of Innu and Inuit land. While the Innu and the Inuit are attempting to negotiate with Newfoundland and Canada, the Province is giving mineral rights precedence over aboriginal rights by allowing mining companies to explore without our consent.

Government policies and regulations are no excuse for failing to build respectful relationships with aboriginal people. With few exceptions, the companies exploring in Labrador have shown little regard for our rights, our culture, our heritage and our land.

It is a matter of respect.

Respect means informing us about exploration activities and obtaining our consent before proceeding to explore on our land. It means doing archaeological surveys before setting up camps and drill sites. It means learning and using the Innu and Inuit names for lakes and rivers instead of giving them new ones.

We want companies to live up to their claims. We want to see them conduct their activities in ways that do not disturb wildlife or damage habitat. We want to ensure that they take measures to prevent pollution of our pristine lakes and rivers. We want the mining industry to commit to support monitoring and research in order to better understand the effects that their activities have on the environment.

Claims mean nothing unless you work them.

Innu Nation - Main Office

PO Box 119
Sheshatshiu, Labrador
AOP 1M0
tel: (709) 497-8398 fax: (709) 497-8396
internet WWW site: <http://www.web.net/~innu>

Innu Nation Office - Utshimassit

General Delivery
Davis Inlet, Labrador
AOP 1A0
tel: (709) 478-8943 fax: (709) 478-8833