Manito Aki Inaajimowin

Our name “Mitaanjigamiing” refers to the place where there is a shallow part of the lake and the water flows from one lake to another larger lake.

“You need to take care of the land like the way you take care of your own body. You take care of the land and it takes care of you.”
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Ga Onji Izhichige ing (Why we do this)

Mitaanjigamiing First Nation believes that as a community, we have developed a clear process for internal and external consultation to protect our Aboriginal, Inherent and Treaty Rights for the present and future generations. The application of Canadian Law in light of our traditions and culture (a respectful reconciliation) will outline the principles and legal safeguards for consultation and accommodation. The process will define consultation and accommodation “best practices” between Mitaanjigamiing First Nation, the Crown, and proponents with respect to any activity that is proposed to occur within or that may have an impact on Mitaanjigamiing’s traditional territory.

Mitaanjigamiing First Nation has an inherent right to govern itself under Wegimaawadizid (Our way of governance) and our traditional territory. These inherent rights flow from our relationship with the Creator and our system of Wegimaawadizid (Our way of governance) which has survived despite the creation of Canada. Canadian Law has evolved to recognize our Aboriginal and Treaty rights and has set out a legal duty to consult and accommodate where there is potential infringement of our rights. There are positive duties of the Crown to protect our way of life, found in the many records of Treaty negotiations for Treaty 3.

Mitaanjigamiing First Nation will negotiate with the Proponent/Federal and Provincial Crown to commence consultation whenever it is proposed that land management and/or resource development activity be undertaken. Moreover, we will make our needs and claims known to these Crown Governments in order to assist in the accommodation of our rights and interests in lands that have always sustained us. Impacts in our territory will affect our constitutionally protected rights, directly, indirectly, or cumulatively within our traditional territory.

Mitaanjigamiing First Nation respects Manitou Aki Inakonigaawin (Great Earth Law) and the reciprocal relationship with the Grand Council Treaty #3.

Activities that trigger consultation include, but not limited to;

1. Infringement of Treaty Rights and sacred resources
2. The approvals which may lead to the issuance of licences, permits, or leases
3. Changes in land status, legal or policy changes
4. Approvals which lead to the construction, expansion, amendment or decommissioning of any facility or associated infrastructure

Every effort will be given to reconcile any disputes in regards to overlapping jurisdictions with other First Nations, and the Ga Ogimagandawinangwa (Crown).
Key Definitions and Concepts in Manito Aki Inaajimowin

ANGWAAMIZIWIN
To proceed with caution, considering the values and elements of well-being.

ANISHINABE’IDOWIN
The way and teachings of the Anishinabe on how to live
Gikendaasowin (Wisdom)
Zaagi’idiwin (Love)
Manaach’idiwin (Respect)
Zoongide’win (Bravery)
Gwékwaadiziwin (Honesty)
Debaasendizowin (Humility)
Debwewin (Truth)

CHI ANGWAMITOWING AKI
Protecting the land

PAKE’ II GAWIIĐOOKAASOWAD
Proponent

GA MOONA’ABIKEWAD/GA BASAABKIZIGEWAD
Mining Company

GA’AGINZOD
Council Member

GA’AGINZOWAD
Council Only

GAGAKINAWADAGINZOWAD
Chief and Council

WE’GOONAAN GA ONJI IZICHIGE ING
Why we do this

GA OGIMAGANDAWINANGWA
Crown

GICHI’AYA’AG/GIGIDIZIIMIWAD
Refs to Elders

GA’ZHI DEBENDAGOZID
Member of Mitaanjigamiing

MITAANJIGAMIING
Refs to the place where there is a shallow part of
Of the lake and the water flows from one lake to
Another larger lake

GA’ZHI DIBENDAGOZIWAR
Membership of Mitaanjigamiing

GICHI’GE’GOO ANGWAMIIĐOWIN
Being careful about important matters

INAAKONIG’EWIN
The people making laws and making decisions for the people

IZHICHIGEWIN
Describes how we do things

WEGONEN GA’ONJI IZICHIGEING
Why we do this

KWEKSI CHIGEWIN
To review and make changes to make things right

MAMOWE INENDAMOWIN
A way of decision making where everyone’s views
Are listened to, everyone accepts and supports
The decision and understands the reasons
For making it following ANGWAAMIZIIWIN
Great Earth Law
Earth Teachings
Our sacred ceremonies with the traditional items
Roundhouse-a healing lodge
The good way to live life. This includes:
Anishinabemowin (The way we communicate through our
language)
Inendamowin (how we view the world)
Gikendaasowin (Knowledge)
Inaadiziwin (How we act)
Izhichigewin (How we do things)
Enawendizin (How we relate to everything)
Gidakiimainaan (Our connection and responsibility to the land
and our environment)
Resolving conflict by fixing things and making them right
Offer of tobacco for help and guidance
Spring, Summer
Autumn, Winter
Our way of governance
Working Together
Mitaanjigaming First Nation

Mitaanjigamiing First Nation is a small community within a larger Anishinaabeg Nation. Mitaanjigamiing First Nation is a community located on Rainy Lake with a population of 124 people and is located 56 km from Fort Frances. The government is determined by Custom Election and the Council is made up of a Chief and 2 Councillors as per Election Code.
Principles

Consultation principles define the rules or codes of conduct under how the consultation process will take place. The Crown is required to consult directly with and accommodate Mitaanjigamiing First Nation with respect to proposed activities in our Treaty # 3 Traditional territory – 55 thousand square miles when possible. It is acknowledged that the Proponent in a project may be responsible to deal with “procedural aspects” of the matter which will require a good working relationship with affected First Nations.

- All meetings must be face to face at the community, where possible.
- The Ga Ogimagandawinangwa (Crown) and third parties must come to the community with the willingness and mandate to be flexible and transparent.
- The Mitaanjigamiing First Nation shall have the opportunity to express their concerns and propose alternatives in relation to the proposed activity.
- Concerns and inputs should be recognizable in the project documents, plans – and attribution/acknowledgment to Mitaanjigamiing meetings is expected within the Project.
- Negotiations shall be conducted in good faith.
- All alternatives leading up to and including a “no activity” option shall be considered if this is the accommodation required due to severe impact or irreparable damage on Mitaanjigamiing First Nations traditional land use area, aboriginal and treaty rights.
- Decisions about activities shall be made on a government-to-government basis with the formal involvement of Mitaanjigamiing First Nation.
- Mitaanjigamiing First Nation understands that these processes must be completed in a timely manner (as per defined impact).

“The United Nations Declaration on the Rights of Indigenous Peoples (U.N.D.R.I.P.) sets out various government obligations to consult with indigenous peoples including several explicit requirements for governments to seek our free, prior and informed consent to certain proposed government decisions or actions”
Consultation Triggers, Indicators, Activation

Impact is any infringement on Treaty Rights.

1. No Demonstrated Impact
2. Low Impact
3. Moderate Impact
4. Intensive Impact

### First Nation Consultation Intensity Matrix

<table>
<thead>
<tr>
<th>Project or Activity</th>
<th>Level I Consultation</th>
<th>Level II Consultation</th>
<th>Level III Consultation</th>
<th>Level IV Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Disturbance or Impact</td>
<td>No Notification</td>
<td>Level I Consultation</td>
<td>Level II Consultation</td>
<td>Level III Consultation</td>
</tr>
<tr>
<td>Large Project or Large Impact</td>
<td>No Notification</td>
<td>Level I Consultation</td>
<td>Level II Consultation</td>
<td>Level II Consultation</td>
</tr>
<tr>
<td>Small Project or Small Area</td>
<td>No Notification</td>
<td>Level I Consultation</td>
<td>Level II Consultation</td>
<td>Level II Consultation</td>
</tr>
<tr>
<td>Previously Disturbed Area</td>
<td>No Notification</td>
<td>Information Sharing</td>
<td>Level I Consultation</td>
<td>Level I Consultation</td>
</tr>
<tr>
<td>Change to Existing Permit, License or Tenure</td>
<td>No Notification</td>
<td>Notification</td>
<td>Notification</td>
<td>Level I Consultation</td>
</tr>
<tr>
<td>No Demonstrated Impact</td>
<td>No Notification</td>
<td>Notification</td>
<td>Notification</td>
<td>Notification</td>
</tr>
<tr>
<td>No Interest</td>
<td>Occasional Use</td>
<td>Economic Use or Opportunities</td>
<td>Intensive Use</td>
<td>Lands Claimed as Traditional Territory</td>
</tr>
</tbody>
</table>

### First Nation Interests

This model measures proposed projects or activities against First Nation interests to determine what level of notification and consultation is required. This model was adapted from the First Nation Consultation and Accommodation: A Business Perspective Submission to The New Relationship Management Committee in British Columbia dated January 19, 2007.

The decision-maker should not operate in a vacuum and should understand that the prima facie claims of Mitaanjigamiing First Nation must be considered as evidence of the level of impact on this community.
## 1. First Nation Intensity Matrix Concept Definitions

<table>
<thead>
<tr>
<th>Concept</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project or Activity</strong></td>
<td></td>
</tr>
<tr>
<td>No Demonstrated Impact</td>
<td>The proposed project does not affect lands and resources.</td>
</tr>
<tr>
<td>Change to Existing Permit, License or Tenure</td>
<td>An authorization that is included in consultations on larger or broader activities. For example, a Cutting Permit that was contemplated in consultations on a Forest Development Plan.</td>
</tr>
<tr>
<td>Previously Disturbed Area</td>
<td>A project that will affect lands that have been disturbed by previous activities that would have rendered the First Nation interest un-exercisable.</td>
</tr>
<tr>
<td>Small Project or Small Area</td>
<td>A project limited in scope or affecting a relatively small geographic zone.</td>
</tr>
<tr>
<td>Large Project or Large Area</td>
<td>A project that impacts a large area or has impacts across several biophysical categories.</td>
</tr>
<tr>
<td>Major Disturbance or Impact</td>
<td>A project that will virtually or will completely make the area incompatible with other uses.</td>
</tr>
<tr>
<td><strong>First Nation Interests</strong></td>
<td></td>
</tr>
<tr>
<td>No Interests</td>
<td>A First Nation does not use or occupy the affected area.</td>
</tr>
<tr>
<td>Occasional Use</td>
<td>A First Nation traditionally used and continues to use the area from time to time, but such use is not incompatible with other uses.</td>
</tr>
<tr>
<td>Economic Use or Opportunities</td>
<td>A First Nation traditionally used and area and continues to use or intends to use an area for its own economic development purposes.</td>
</tr>
<tr>
<td>Intensive Use</td>
<td>A First Nation traditionally used and continues to use the area intensively or for uses that are incompatible with most other activities.</td>
</tr>
<tr>
<td>Lands Claimed as Traditional Territory</td>
<td>A First Nation traditionally used and continues to use the area intensively or for uses that are incompatible with most other activities and the First Nation is engaged in litigation, mediation or negotiations over those lands.</td>
</tr>
<tr>
<td>CONCEPT</td>
<td>DEFINITION</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Established Aboriginal or Treaty</td>
<td>An aboriginal right has been proven in court or a treaty is in place and that right or treaty deals with the lands and resources affected by the proposed project.</td>
</tr>
<tr>
<td>Right or Title</td>
<td></td>
</tr>
<tr>
<td>Consultation Intensities</td>
<td></td>
</tr>
<tr>
<td>No Notification</td>
<td>There is no mandated notification of First Nations about the project. However, project/activity proponents may choose to initiate contact with First Nations.</td>
</tr>
<tr>
<td>Notification</td>
<td>The First Nation is notified of the project, but First Nation input is not invited. Notification only occurs for those First Nations whose asserted traditional territories include the project area.</td>
</tr>
<tr>
<td>Information Sharing</td>
<td>Exchanging information about the proposed activity and First Nation uses that may result in modifications to return or enhance First Nation activities.</td>
</tr>
<tr>
<td>Limited Consultations</td>
<td>Engagements of a relatively short term that focus on specified First Nation interests and uses or to a specified limited geographic area.</td>
</tr>
<tr>
<td>Moderate Consultations</td>
<td>Consultations that may take three to six months and relate to several First Nation interests and uses/occupations or to a broad geographic area.</td>
</tr>
<tr>
<td>Intensive Consultations</td>
<td>Consultations that may take up to a year and relate to multiple First Nation interests and uses/occupations and to a use highly incompatible with other uses.</td>
</tr>
<tr>
<td>In Accordance with Treaty</td>
<td>Treaties should outline how consultations are to be conducted in specified circumstances. Where a treaty is not clear the consultation would be undertaken according to the other categories of the Matrix.</td>
</tr>
</tbody>
</table>
Procedure for Consultation

1. Where a proponent or third party is infringing on traditional territory or rights without consultation, a Ga’Izhidibendagozid (Member of Mitaanjigamiing) or another person can bring it to the attention of Gagakinawadiginzowad (Chief/Council) to ensure accommodation and consultation process is adhered to.

2. A written request for consultation will be addressed to Chief and Council of Mitaanjigamiing and copied to the Lands and Resources Coordinator/Manitou Aki Inaajimowin Committee.

3. A summary or copy of the letter or information will be distributed to Ga’Izhidibendagoziwad. (Member of Mitaanjigamiing)

4. A community meeting will be coordinated within 30 days.

5. Chief and Council, the Committee, and the Elders will convene at the Roundhouse to discuss the proposed activity be it low, moderate, or intense impact.

6. Invitation for the proponent or the Crown to come to a community meeting to present and discuss the proposed activity.

7. Gagakinawadaginzowad(Chief/Council) may be directed to seek Traditional Knowledge and/or Traditional Ecological Knowledge(TEK) expert and/or legal advice.

8. A community meeting is set to review and amend any new information and give Gagakinawadaginzowad(Chief/Council) direction to proceed or not. A facilitator may or may not be required.

9. The timelines will be determined by Mitaanjigamiing First Nation Gagakinawadaginzowad. (Chief/Council).

10. The Gitchi Aya’ag(Elders) will determine if traditional protocols are required.

11. The community (Ga Izhidibendagoziwad) will determine the next steps of project approval.

Even though the project may be under a regulatory regime, it is still the Law of the Anishinabeg that the proponent consults with Mitaanjigamiing First Nation as a matter of relationship-building.

Capacity Development

In order to be valid, Mitaanjigamiing First Nation must have the capacity for meaningful consultation/accommodation. This can only be achieved if the Mitaanjigamiing First Nation has the resources whether they are human, technical, or legal to enable full participation in consultation. This capacity must be negotiated and received by Mitaanjigamiing First Nation after the information sharing begins, but prior to the degree of infringement has been determined. Record-keeping is extremely important to this process for Canadian society, meetings and discussions— in an oral society is akin to such record-keeping in Anishinaabe law.
Funding

1. Time and expense of the Manitou Aki Inaajimowin Committee and/or other experts.
2. Travel and other honoraria costs for Elders and community resource people.
3. Coordination for planning, assessments, studies, and research, traditional ecological knowledge, ceremony, administrative costs, door prizes, catering, or community approval process.
4. Providing information sessions and/or workshops for Mitaanjigamiing First Nation Ga’zhi Dibendagoziwad (Membership).
5. Crown, Proponent and Third Parties will be required to contribute to Mitaanjigamiing’s capacity development and costs.

Definition of Accommodation

Respecting the ways of Mitaanjigamiing First Nation could include but not limited to the following:

1. Ability to continue traditional protocols and/or practices on the Traditional Land Use territory (See Appendix A for map of TLU area, Appendix B for map of Treaty Three).
2. Provide alternatives to the contemplated action that adequately addresses the interests on all sides.
3. Provide minor or major changes to the action being contemplated affects.
4. Provide modification of the proposed project.
5. Providing for Mitaanjigamiing First Nations participation in the action or project.
7. Providing for on-going consultation and accommodation of the Mitaanjigamiing First Nation with respect to the project.
8. Ensure follow-up mitigation and compliance monitoring activities during and after.
9. Mitaanjigamiing First Nations economic benefits such as compensation, royalties, profit sharing, equity interest, joint ventures, contracting, employment/training and consent and agreement to a new action modified to accommodate Mitaanjigamiing First Nations interests.
10. Provide for the cost of a facilitator or mediator as per degree of infringement.
11. Any future traditional practices, protocols, and actions by Mitaanjigamiing First Nation that were unforeseen shall be accommodated by the proponent, crown, or third party.
Miino Chigewin (Resolving conflict by fixing things and making things right)

In keeping with the purposes of *Wegimaawadizid* (Our way of governance) and *Miino Bimaadiziwin*, (The Good Life) Mitaanjigamiing will address the community conflicts with the crown, proponents, and third parties through a circle in the MANIDO WIIGIWAM - *Roundhouse*. Miino Chigewin (Resolving conflict by fixing things and making things right) will be utilized in resolving moderate to intense disputes. Every effort will be made to resolve the issues prior to arbitration and/or litigation.

It will involve GAGAKINAWADAGINZOWAD (CHIEF/COUNCIL) and GA’ZHIDIBENDAGOZIWAD (Membership of Mitaanjigamiing) whenever help is needed to resolve an issue. A mediator will be mutually agreed upon by Mitaanjigamiing First Nation, the crown, the third party, or the proponent.

The key principles in *Miino chigewin (Resolving conflict by fixing things and making things right)* are:

1) The community circle is a powerful process with the presence of the drum. The drum acts as a spiritual mediator and witness to the event.
2) Ensuring fair treatment, care, safety and equality for all concerned with a commitment to the core purpose and teachings of *Wegimaawadizid* (Our way of governance)
3) To be accessible to all of our Mitaanjigamiing Ga’zhidibendagoziwad (Membership of Mitaanjigamiing) and the Anishinabe Nation.
4) To be focused on *Miino bimaadiziwin* - The good life and way to live.
5) DEBWEWIN - *truth*: Traditional teachings suggest that people will always have different perceptions of what has taken place between them. The issue, then, is not so much the search for truth but the search for and the honoring of the different perspectives we all maintain.
6) INAADIZIWIN - *how we Act*. Traditional teachings tell us to use a gentle and honest approach that shows respect for everyone involved and affected.

Please refer to *Wegimaawadizid* Section 3.7.1 on how to conduct a circle.
CODE REVIEW, AMENDMENT AND APPROVAL

All Policies of Wegimaaawadizid (Our Way of Governance) will undergo Kweksi Chigewin - review by the Mitaanjigamiing Ga’zhi Dibenagoziwad - Membership during Njibin - summer, every four (4) years or as the need arises according to the following steps:

1. Gagakinawadaginzowad (Chief/Council) will initiate and support the process.
2. Gagakinawadaginzowad (Chief/Council) will mandate a Wegimaaawadizid (Our Way of Governance) Review committee to lead the review and consultation process as approved by Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership).
3. The Review Committee will seek input from the Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership).
4. Gagakinawadaginzowad (Chief/Council) will call a special meeting of the Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership) to decide on the acceptance of Codes and amendments.
5. The decision of Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership) is by way of Mamowe Inendamowin (Consensus) and an internal ratification process decided and consistently followed by Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership).

THIS DOCUMENT AND ANY AMENDMENTS WILL BE POSTED IN A PUBLIC AREA WITHIN THE MITAANJIGAMIING ADMINISTRATION OFFICE.

Affirmed by a Special Vote of Mitaanjigamiing Ga’zhi Dibenagoziwad (Membership) on the 4th day of April, 2013

[Signatures]

Ogimakaan (Chief)

Ga’aginzod (Council)  Ga’aginzod (Council)
Appendix B