

# Discussion Document # 1: Asking the Right Questions?

Comments prepared by:

Inuit Tapiriit Kanatami



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## Introduction

Inuit Tapiriit Kanatami represents Canada's Inuit on matters of national concern. There are approximately 50,000 Inuit living in 53 communities. The Inuit territory of Canada is divided into four main regions: The Nunavut region (further divided into the Kitikmeot, Kivalliq and Qikiqtaaluk regions), the Inuvialuit region (the western Arctic), Nunavut (northern Quebec) and Nunatsiavut (Labrador).

ITK is the national voice of the Inuit of Canada and addresses issues of vital importance to the preservation of Inuit identity, culture and way of life. One of the most important responsibilities of ITK is to promote Inuit rights and to ensure that Inuit are properly informed about issues and events that affect their lives, and that processes purporting to address Inuit interests are properly informed by Inuit knowledge, perspectives and vision.

The ITK Department of Environment has the responsibility of protecting and advancing the place of Canada's Inuit in the use and management of the Arctic environment. It acts on this responsibility in close cooperation with Inuit regional organizations.

ITK's comments on NWMO's Discussion Paper #1 are intended as a supplement to the on-going dialogue with Inuit that has been initiated on the long-term management of nuclear fuel waste in Canada.

## Background

Canada's Inuit have a long history of exposure to radionuclides. This history is thoroughly documented in the Canadian Arctic Contaminants Assessment Reports (I & II). Historically, anthropogenic radionuclides in the Canadian north originated from atmospheric testing of nuclear and thermonuclear weapons between 1955 and 1963 and the radioactive fallout from the Chernobyl accident in 1986.

Cesium levels in Arctic biota have generally declined since 1963 and fallout from Chernobyl has imbedded itself in soil and lake sediment. Other possible, yet small, sources include the burning-up of nuclear powered satellites upon re-entry to the atmosphere, discharges from nuclear power plants and reprocessing plants, and nuclear waste dumping directly into the Arctic Ocean. The impact of ocean disposal remains unmeasured.<sup>1</sup>

A large portion of the homeland of Canada's Inuit is situated in the Canadian Shield. As a backdrop to ITK's comments is the concern that location, remoteness of communities and small populations, make Inuit and their lands vulnerable as a choice for the siting of nuclear waste disposal facilities. Canada's north is also experiencing a mining boom and

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<sup>1</sup> Chris M. Furgal and Robbie Keith, Canadian Arctic Contaminants Assessment Report: Overview and Summary, Northern Perspectives V25 no.2, Winter 1998.

a renewed interest in exploring and developing the north's mineral potential, including uranium, increasing the overall sense of vulnerability.

The preliminary results from the Inuit Dialogues draw attention to a fundamental difference in approach to nuclear issues generally – one that has its origins in mandate of the NWMO. ITK understands that the NWMO was not instructed to take a position on the future role of nuclear energy in Canada, but rather to examine options for managing existing and future waste.

However, when seeking to involve and better understand the views of Inuit in this process it is important to know that representatives of the Inuit regions to the Dialogues share the common position that the ultimate goal of any nuclear debate in Canada should be focused on reduction and eventual elimination. Further they agree that Canada's northern region should not be an option for any form of nuclear waste facility, transport or production. Indeed, the Board of Directors of Nunavut Tunngavik Incorporated, the organization created pursuant to the 1993 Nunavut Land Claims Agreement to represent all Inuit beneficiaries in Nunavut, adopted a resolution in 1997 stating its objection to any storage of nuclear or other hazardous materials in the arctic.<sup>2</sup> ITK has verified that this resolution continues to stand today.

Further, as early as 1977, the Inuit Circumpolar Conference, an organization representing Inuit of the circumpolar region, adopted a resolution concerning peaceful and safe uses of the Arctic Circumpolar Zone, including a prohibition on the disposition of any type of nuclear waste.<sup>3</sup>

### Asking the Right Questions?

ITK has thought long and carefully about how the role of Aboriginal peoples in the NWMO process has been characterized and constructed. This is the starting point for understanding if the right questions have been asked, from an Inuit perspective. The *Nuclear Fuel Waste Act* requires that Aboriginal peoples be consulted in the process for establishing a long-term approach for the management of used nuclear fuel. The NWMO has further refined this instruction by seeking to consider the traditional knowledge and understanding of Aboriginal peoples.

In developing the ten questions set out in this Discussion Paper, the NWMO sought the views of Canadians through a variety of techniques. These included:

- **Early Conversations:** We note that the Far North was explicitly excluded from the consultation effort (see report on Discussion Findings, January 2003)
- **Envisioning the Future:** No Inuit involvement in the Scenarios Team. Report by the

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<sup>2</sup> Nunavut Tunngavik Inc., Resolution No. B97/08-24, Arviat

<sup>3</sup> Inuit Circumpolar Conference, Resolution 77-11

Global Business Network, November 2003 (we note First Nation involvement)

- **Exploring Concepts:** No Inuit involvement?
- **Alternative Perspectives:** A traditional knowledge workshop was held in September 2003 with Inuit involvement. The purpose of the workshop was to provide Aboriginal peoples with an opportunity to participate in developing guidelines for the management of nuclear waste in Canada.

From ITK's perspective, one of the most important discussions during the Traditional Knowledge Workshop led to the statement: "Recognize that a people's 'world view' can determine sustainable use or environmental degradation'." (pg.9)

Given this, ITK was pleased to see Q-3 as an overarching question. By this, ITK assumes that Inuit (and other aboriginal) perspectives and insights will be sought and will inform consideration of the social, environmental, economic and technical aspects. Having said this, ITK is concerned by the absence of a specific reference to knowledge and information in the question itself. Inuit have far more to offer the process than simply their 'perspectives' and 'insights'. Inuit have detailed information, broad knowledge, and understanding of northern ecosystems. If ever, storage in Canada's northern regions were considered, Inuit would have to be directly involved in assessing the viability of such an option.

ITK does have some concern, however, that Inuit (and other Aboriginal peoples) may be 'compartmentalized' by having identified a separate question attempting to create inclusion. Ideally, one would equally read in 'aboriginal' in all of the other questions. From ITK's perspective, when exploring the other questions, efforts must be made to involve Inuit.

Next, from the perspective of establishing an appropriate context for involving Inuit, the NWMO should also make explicit in this Discussion Paper (and others) that all of the Inuit regions in Canada are covered by land claims agreements protected by Section 35 of the *Constitution Act, 1982*. Each of these agreements set out the rights of Inuit, rules for accessing lands owned by Inuit and the powers and authorities of management institutions for lands, waters and wildlife. Any decision-making process contemplated by the NWMO for these regions must take into account the particularities of each land claim agreement. These agreements are:

1975	The James Bay and Northern Quebec Agreement (Inuit of Nunavik) <sup>4</sup>
1984	The Inuvialuit Final Agreement
1993	The Nunavut Land Claims Agreement
2004	The Labrador Inuit Land Claims Agreement

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<sup>4</sup> Negotiations are currently underway to recognize and affirm Nunavik Inuit rights in the offshore areas of Quebec and Labrador and in northern Labrador.

Inuit are not a special interest group. They are the owners of very large tracts of northern lands and are an Aboriginal people with constitutionally protected treaty rights. This sets up a series of requirements and obligations for involvement that go beyond the principles of good public policy.

Finally, very legitimately and importantly, the NWMO is situating its work in the context of other international processes. The rights, roles and authorities of indigenous peoples are also very much part of international processes. For the Inuit of Canada, this has special significance as they have actively participated in various international processes that have application to setting standards how northern lands and resources are used and developed. Of particular note is the work of the Inuit Circumpolar Conference, the Arctic Environmental Protection Strategy, the Arctic Council and the Northern Dimension of Canada's Foreign Policy. ITK urges that the NWMO consider these processes, and the role that Inuit play in each, as it moves forward.