

Discussion Document # 2: Understanding the Choices

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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 #2 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. In commenting on Discussion Paper # 2 it is also important to note that, at this time, ITK is not purporting to present the Inuit view point on the process set out to select the assessment methodology nor its application to the disposal options. ITK is facilitating the Inuit Dialogues, but cannot report on behalf of the Inuit regions in advance of the final results from this process. These comments, therefore, are necessarily limited to the implications of the NWMO having proceeded to the stage of selecting and applying a methodology in the absence of more detailed Inuit input.

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.⁵

⁵ Chris M. Furnal and Robbie Keith, Canadian Arctic Contaminants Assessment Report: Overview and Summary, Northern Perspectives V25 no.2, Winter 1998.

A large portion of the homeland of Canada's Inuit is part of 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 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.⁶ 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.⁷

It is also important to recall, as was discussed in ITK's comments on Discussion Document # 1, that all the Inuit regions are now governed by constitutionally protected land claims. The subject of 'consultation' is an important feature of these treaties. Consultation with Inuit (and other Aboriginal peoples) has been litigated in Canada and legal jurisprudence now exists. We make this point because a very large portion of Canada's Arctic region is covered by Inuit land claims, including large tracts of land owned by Inuit. These treaties create legal obligations and processes that must be respected.

For example, in the Labrador Inuit Land Claims Agreement, the most recent of Inuit treaties, consult is a defined term:

"Consult" means to provide:

⁶ Nunavut Tunngavik Inc., Resolution No. B97/08-24, Arviat

⁷ Inuit Circumpolar Conference, Resolution 77-11

- (a) to the Person being consulted, notice of a matter to be decided in sufficient form and detail to allow that Person to prepare its views on the matter;
- (b) a reasonable period of time in which the Person being consulted may prepare its views on the matter, and an opportunity to present its views to the Person obliged to consult; and
- (c) full and fair consideration by the Person obliged to consult of any views presented.⁸

Understanding the Choices

In reviewing Discussion Document # 2, as well as the Assessment Team's report, ITK is particularly concerned that the NWMO process is moving forward ahead of the parallel process established to engage Inuit.

While the *Nuclear Fuel Waste Act* sets out a requirement for the NWMO to consult separately with Aboriginal peoples, there remains the question of how the results of these consultations are being incorporated into the broader values being assigned by NWMO to Canadians at large. Discussion Document # 2 sets out six core values, drawn from the National Citizens' Dialogue, that direct the long-term management of used nuclear fuel.

- **Responsibility** – we need to live up to our responsibilities and deal with the problems we create
- **Adaptability** – continuous improvement based on new knowledge
- **Stewardship** – we have a duty to use all resources with care, leaving a sound legacy for future generations
- **Accountability and Transparency** – to rebuild trust
- **Knowledge** – a public good for better decisions now and in the future
- **Inclusion** – the best decisions reflect broad engagement and many perspectives; we all have a role to play

The preliminary results of the dialogues with Aboriginal peoples, however, appear to be limited to how traditional knowledge will be included in the development of a long term management approach and to be “responsive to their emphasis on planning within very long time horizons”. There is further engagement that “to the extent that the NWMO is able, these principles [of Aboriginal Traditional Knowledge] will be carried forward as part of the values foundations on which the study will proceed”. These are set as:

⁸ Labrador Inuit Land Claims Agreement, initialled on August 29th, 2005 by the Inuit, the Government of Canada and the Government of Newfoundland and Labrador, signifying their intent to recommend this agreement for ratification.

- **Honour:** the wisdom that can be garnered from speaking to elders in both the aboriginal and non-aboriginal communities
- **Respect:** the opinions and suggestions of all who take the time to provide insight into this process
- **Conservation:** particularly as it applies to the consumption of electricity, must be a major part of the solution, not just a footnote in the NWMO process
- **Transparency:** is essential to the process when NWMO (the producer of the problem) has to suggest the solution
- **Accountability:** must be part of the fabric of any solution so that those responsible (whether for the concept or the delivery) are held to high account by the public for their actions, given the nature of the problem.

As discussed in ITK's comments on Discussion Document # 1, there is a risk of isolating Inuit and their values from mainstream Canadian values. This identified risk appears now to have evolved into reality. Discussion Document # 2 makes it clear that the six core values articulated through the National Citizens' Dialogue, (where recall there was no Inuit involvement) will direct the long-term management of used nuclear fuel.

ITK is currently facilitating Inuit-specific Dialogues and a final report will soon be available. Through this process, Inuit are developing their own policy framework for addressing the management of nuclear fuel waste. It is essential that the NWMO await the results of this process before committing to an option.

Discussion Paper # 2 goes on then to describe the development of a methodology for assessing the various disposal methods based on a set of criteria constructed in the absence of results from the Inuit (and other Aboriginal) Dialogues. It would appear that the NWMO process is moving faster than the parallel processes established for Aboriginal peoples. Nowhere in Discussion Document # 2 is it made clear if and then how these processes will converge.

The Assessment Team that was assembled to select and apply a methodology for rating the selected options did not include any Inuit representation. Nor from our reading of the "Assessing the Options: Future Management of Used Nuclear Fuel in Canada" were Inuit referred to other than acknowledging that they, as Aboriginal peoples, have a particular role to play in setting establishing public acceptance by providing input into the decision-making process.

From ITK's perspective, it is important to note the following statements in the Assessment Report, as this report formed the basis for the views presented in Discussion Document #2:

A key characteristic of multi-attribute utility analysis [the selected methodology] is its emphasis on the judgments of the decision-making team that the analysis is intended to serve. This is sometimes interpreted as a weakness, in the sense that applications may appear overly subjective. (pg.21)

To take advantage of all inputs as the foundation for its work, the Assessment Team developed a synthesis of Canadian values drawing from all available inputs including early insights from the Dialogue and the Roundtable on Ethics. (pg.64)

These clarifications on the foundations for the Assessment Report compound our concern over the timing of the parallel processes and if there can be a serious opportunity for the results of the Inuit-specific Dialogues to meaningfully influence the decision-making process.

Later in the Assessment Report, the Objectives Hierarchy developed by the Assessment Team is plotted against the original ten questions from Discussion Document #1. The Assessment Team concluded that Question 3 concerning Aboriginal Values was a generic question that would inform all the objectives. While this is laudable, once again, we are concerned about timing. The only input that the Assessment Team had to work with was the report on the Traditional Knowledge Workshop. While this is a valuable product, from ITK's perspective it cannot be considered as capturing the full scope for how Inuit should be involved in the decision-making process.

We move on in the Assessment Report to Section 5.6 where the eight objectives are described in more detail. We note with some alarm a statement in Objective 4: Community Well-being:

... Many groups may feel that their shared interests are affected regardless of whether they live physically close to used nuclear fuel management facilities. Depending on the sites that eventually are proposed for consideration, Canada's Aboriginal peoples may have a particularly significant stake... (pg.71)

As reported in ITK's comments on Discussion Document # 1, Inuit have made it clear they do not want to see nuclear waste disposal facilities in their regions.

The Assessment Report then goes on to describe, in detail, how the assessment methodology was applied and summarizes the results.

Within the limits of the analysis, not only did the deep geological repository generally score better than the other alternatives, but it also generally scored at a level that suggests it will perform well in meeting the eight objectives not only in comparison to the others but also on its own merits, particularly over the long term. The favourable results for the

deep geological repository derive largely from advantages realized over the long time period during which any management approach must perform. (pg.105)

Finally, the Assessment Report sets out an implementation scenario "in the event that the Government of Canada agrees with and accepts the deep geological repository as the preferred technical approach."

Our intent in highlighting the Assessment Report is not to critique the report itself. We leave that to others with expertise in assessment and valuation methodologies. Our point is that a group of credible experts was established as an Assessment Team to select and apply an assessment methodology to the three disposal options without the benefit of any formal Inuit input other than ITK's participation in the Traditional Knowledge Workshop.

Discussion Document #2 then goes on to say that the Assessment Team "agreed that the geological repository would create the least adverse community impact. No significant long-term operations are required under a geological repository, making it likely that the facility would be largely forgotten in the long term. (emphasis added). From an Inuit perspective, this is a huge value judgment indicating an absence of sensitivity and understanding for how Inuit value their lands and environment.

Discussion Document #2 then acknowledges that ...

"While the importance of factoring in and addressing the concerns of Aboriginal peoples is recognized in general, and specifically concerning [community well-being], the Assessment Team did not feel capable of anticipating the perspectives of Aboriginal peoples. The perspective of Aboriginal peoples will need to be understood and brought into the assessment in regard to assessment the methods on community well-being, as well as on each of the other objectives identified in this assessment". (pg.64)

The question remains: When and how?

ITK has worked very efficiently, given the shortened timeframe for the Inuit Dialogues. In conducting the Inuit-specific Dialogues, ITK is operating under the assumption that the results will be timely and able to influence adjustments to the framework developed by the Assessment Team. ITK seeks assurance from the NWMO that this will be the case. Otherwise, the commitment to involving Inuit will become a sidebar to decisions already taken.