

**Nuclear Waste Management Regional Forum
Prince Albert, Saskatchewan
November 30, 2004**



Submitted to:
Nuclear Waste Management Organization
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EXECUTIVE SUMMARY

The major themes that arose from discussions at the Western Canada Nuclear Waste Management Regional Forum were consultation and autonomous First Nation involvement, insufficient timeframes to obtain First Nations' views, First Nations' need for their own independent scientific review and advice, the limits of the *Nuclear Fuel Waste Act* on the scope of discussion and the need for First Nation representation within the Nuclear Waste Management Organization (NWMO).

Participants stated clearly that the AFN process and First Nation involvement with the Nuclear Waste Dialogue is not a 'consultation' but an information sharing session only. The participants stated that their views are not the views of their communities; one First Nation view cannot be interpreted and applied to views of all First Nations.



INTRODUCTION

The Western Canada Nuclear Waste Management Regional Forum was held on November 30, 2004 in Prince Albert, Saskatchewan as part of the Assembly of First Nations (AFN)'s Nuclear Waste Dialogue on Nuclear Fuel Waste Management. The purpose of this and other Regional Forums was to bring together interested First Nations representatives to share information and have discussions on the current process being undertaken by the Nuclear Waste Management Organization (NWMO) and other issues surrounding the management of nuclear fuel waste.

OBJECTIVES

The objectives of the Western Canada Nuclear Waste Management Regional Forum were to bring together regional representatives with an interest in nuclear fuel waste management and the environment; to network and share information; to identify and articulate key issues surrounding nuclear fuel waste management; and to have participants provide suggestions and direction for the AFN dialogue on nuclear fuel waste management.

METHODOLOGY

There were a total of eighteen participants at the Western Canada Nuclear Waste Management Regional Forum. They represented a wide range of demographics including; youth, Elders, community leaders, post-secondary students and environmental technicians.

Initially, the AFN contacted Tribal Councils, the AFN Youth Council, Provincial/Territorial Organizations and independent/unaffiliated First Nations in the Nuclear Waste Dialogue Region of Western Canada. First Nations in close proximity to uranium mine sites, who had prior involvement in nuclear fuel issues, or who have previously requested involvement in the AFN Nuclear Waste Dialogue were also invited.

Participants were provided with AFN fact sheets on the Nuclear Fuel Waste Dialogue and Nuclear Fuel Waste Management, as well as a summary of the AFN submissions to the *Nuclear Fuel Waste Act* (formerly known as Bill C-27), the first and second AFN Working Group on Nuclear Waste Report, a copy of the *Nuclear Fuel Waste Act* as well as additional reference materials relating to nuclear waste management.

After a presentation by the AFN Regional Dialogue Coordinator for Western and Northern Canada, participants engaged in an introductory roundtable, and then an open discussion on what they felt should be key issues for further analysis. The Regional Coordinator for Western and Northern Canada facilitated the discussion and recorded key issues on a flipchart visible to all participants.



In the afternoon, participants identified practical strategies that could be undertaken by the AFN and raised concerns and questions surrounding nuclear fuel waste management issues and the current processes. Responses were recorded in the method described above and the Regional Coordinator compiled these findings and has summarized them in the following section. Participants were provided with a draft of this report for an opportunity to review and to ensure accuracy and respect for the messages contained within.

RESULTS

Consultation and AFN Involvement

The first issue that was raised by participants was consultation and the AFN's involvement in the current process being undertaken by the NWMO. Participants stated explicitly that they viewed the Regional Forum as an information sharing session only; otherwise they would not participate. Reasons for this statement were based on the legal implications of the word 'consultation'. Participants felt that consultation must occur in a meaningful, government-to-government forum, with mechanisms in place to ensure that their views are not disregarded. Furthermore, several participants stated that they could not speak on behalf of their communities as an individual, because there was no time or resources to properly study and discuss this issue with them. The AFN reaffirmed its objectives for the dialogue and agreed that consultations must occur on a nation-to-nation basis and therefore can not be conducted by the AFN.

Participants also questioned the AFN's involvement in the NWMO-led process, and expressed concern that the AFN had accepted funds from the NWMO to host the Western Canada Regional Forum. It was suggested that by accepting money from the Federal Government and/ or the NWMO, the AFN was being used to discharge the Federal Government's legal responsibility to consult with First Nations on issues that affect Aboriginal and treaty rights. There were further concerns pertaining to the use of the information that would come out of the Regional Forum; participants felt strongly that without a mechanism to ensure that the Federal Government hears their views and properly addresses issues and concerns that are raised, the results of this Regional Forum (and the AFN process in general) would be ignored and forgotten.

Participants also stated that the process being led by the NWMO would be limited in its scope and would not address First Nation rights and concerns because Aboriginal and treaty rights were not explicitly stated in the *Nuclear Fuel Waste Act*. Participants repeatedly declared themselves as autonomous First Nations and reinforced the notion that the AFN can not negotiate or consult on their behalf.

Timeframes

Participants felt there was insufficient time to develop the necessary capacity to engage effectively on this issue due to the inadequate timeframes put in place by the *Nuclear Fuel Waste Act*. Participants felt strongly that the *Act* was designed by the government to



fast track the process and find a “solution” to justify its interest in the nuclear industry (i.e., Atomic Energy of Canada Limited). From past experiences with government, they felt that First Nation views and concerns would not be integrated into the final decision. From their perspective, the “ball is already rolling” and with the decision being made in less than one year; First Nations will not have the opportunity to be properly involved. Moreover, First Nations were not incorporated in the planning stages and history, thereby undermining the legitimacy of the process.

Participants felt that the timeframes imposed were industry and government driven, and not conducive to proper involvement by First Nations. Participants felt that a process as important as this should not be limited to a three year time frame. Additionally, it was felt that there was an imbalance of power and capacity between First Nations and Government and the nuclear industry, and that this imbalance seriously compromised the integrity of the current process.

Independent Scientific Review & Advice

Participants clearly stated that First Nations need their own, adequately funded, independent scientific review and advice in the area of nuclear fuel waste to make properly informed decisions. Participants requested more information sessions and more education on nuclear fuel waste management issues and suggested that education should also occur at Elementary and Secondary schools. Youth need to be properly educated on the nuclear fuel waste issues because they will be the ones that will be affected in the future. Participants felt that substantial time and resources should be allocated to educating the youth of tomorrow.

Participants also wanted to learn more about first hand experiences of American Indian Tribes in the United States that are considering storing nuclear fuel waste on their traditional lands. They strongly believed that First Nation people in Canada could learn from other indigenous peoples from around the world who have dealt with nuclear waste issues.

Some of the participants mentioned that they only recently learned about nuclear fuel waste management and the issues it entails. They did not know that such a problem existed and repeatedly stated that it is an enormous amount of information to comprehend in such limited timeframes. First Nation people need more time to comprehend Western scientific technology with respect to nuclear waste issues and the possible detrimental effects it will have on future generations.

Participants expressed great concern that the government and the nuclear industry began to produce nuclear waste without a management plan. It was also expressed that industry still doesn't really know how to deal with its nuclear waste, but that they are trying to create the impression that the current situation is under control by finding a “solution”. Participants felt that industry should be more open about the risks and uncertainties in managing nuclear fuel waste.



Mother Earth

Participants questioned why the nuclear industry and government allowed high-level nuclear fuel waste to be produced in the first place, without considering the effects it will have on Mother Earth and to human beings. This raised the need for a full and public debate on energy policy and the production of nuclear generated electricity. It was also questioned why low and intermediate level nuclear fuel waste could also not be considered when it is also hazardous to Mother Earth and humans. Participants felt that it was a mistake to not consider all the impacts of the nuclear fuel chain.

Participants repeatedly stated that when the environment is damaged, they can no longer hunt or fish. Everything is connected to water and if water or other elements of the environment are contaminated, then their cultural practices are compromised.

Participants emphasized that renewable energy sources should be pursued aggressively when looking to energy needs. Mother Earth should not have to be the one who sacrifices for the nuclear industry's wants and desires. The consequences of taking resources from Mother Earth should be of paramount importance when considering the impacts of the nuclear industry on the environment and human health. Participants felt that the integrity of Mother Earth should not be compromised for short-term financial gain. Some risks are simply not worth taking.

It was noted that although First Nations are employed directly and indirectly by the nuclear industry in Saskatchewan, the benefits are relatively small (e.g., a few jobs) compared with the millions of dollars that are earned by large corporations and taken away from communities. If the nuclear industry is to operate on First Nations traditional lands, participants expressed that First Nations must be equal partners and derive real and substantial benefits from these activities.

Participants strongly opposed any notion of uranium mining sites becoming storage facilities for high-level nuclear fuel waste. Participants stressed that communities in Northern Saskatchewan are viewed as "remote" areas that are somehow less important and expendable. Given the NWMO's fondness for "remote areas" for deep geological disposal, this added concern that Canada could become host to an international repository for high-level nuclear fuel waste.

Importation of Waste

Participants expressed that the export and importation of waste to and from other countries is not acceptable. Participants felt this should have been explicit in the *Nuclear Fuel Waste Act*. There was concern that Canada could become a potential international repository for high-level nuclear fuel waste, given the trend towards international trade agreements.



CONCLUSIONS

The AFN heard that proper and meaningful consultation with First Nations is of paramount importance. There must be meaningful communication between governments (Federal and Provincial), the nuclear industry and First Nations. First Nations must share decision-making authority for activities on their lands and derive appropriate benefits from these activities. There is also a need for more education, more awareness, independent scientific review and advice and independent legal advice for First Nations. This is a necessary precursor for First Nations to effectively engage in nuclear fuel waste management issues.

The current process being undertaken by the NWMO and federal government does not adequately address the rights, needs and concerns of First Nations. The timeframes and parameters for discussion as set out in the *Nuclear Fuel Waste Act*, as well as the close relationship between government and the nuclear industry, precluded an impartial discussion of the issues surrounding nuclear fuel waste management. This creates a stumbling block for First Nation involvement since many First Nations do not want to legitimize a flawed process by taking part in it.

Renewable forms of energy and energy conservation should be pursued diligently as an alternative to nuclear energy sources. First Nations have a responsibility to protect Mother Earth, which includes stopping the production of nuclear fuel waste.

First Nations need independent research and data collection to make informed decisions. If First Nations choose to become involved in the management of nuclear fuel waste, it must be done with equal power and say in all aspects of the planning stages and implementation.

Participants felt that the nuclear industry has not openly acknowledged the uncertainty about the proposed options and the technology for storing high level radioactive waste – and that this is an important precursor to discussions. Past First Nation experiences with the nuclear industry need to be communicated openly to promote unity and awareness on these important issues.

NEXT STEPS

The information gathered at this meeting will contribute to the development of a strategy to protect the long-term social, environmental, legal and cultural interests of First Nations” as per AFN resolution 51/2003. This strategy will be put forward to Chiefs-in-Assembly at the AFN’s 2005 Annual General Assembly (AGA) for approval, and will then be utilized to advocate for First Nations on these issues. A copy of this report will also be submitted to the NWMO.

Participants requested a follow-up to this Regional Forum, which will likely be scheduled for spring of 2005, after the NWMO releases its Draft final discussion document and prior to the AFN’s AGA.

