

Final Report from Native Women's Association of Canada to NWMO - Proposed Process for Selecting a Site

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nwmo

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NATIVE WOMEN'S ASSOCIATION OF CANADA

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Introduction

The Native Women's Association of Canada (NWAC) is founded on the collective goal to enhance, promote, and foster the social, economic, cultural and political well-being of First Nations and Métis women within First Nation, Métis and Canadian societies. NWAC is an aggregate of thirteen Native women's organizations from across Canada and was incorporated as a non-profit organization in 1974. On behalf of Aboriginal women in Canada, NWAC has been engaged in discussions with the Nuclear Waste Management Organization (NWMO) since 2004 on the long term management of used nuclear fuel in Canada.

In 2007, the Government of Canada accepted the recommendation by NWMO for the Adaptive Phased Management of used nuclear fuel produced in this country. The NWMO is providing Canadians with an opportunity to have input into the proposed process for selecting an informed and willing host community for a deep geological repository.

In this effort, NWAC committed to having regional sessions with their Provincial/Territorial Associations in the provinces directly involved in the nuclear fuel cycle: Ontario, New Brunswick, Quebec, and Saskatchewan. As facilitator, I have been engaged to be involved in the sessions in Ontario, New Brunswick, and Saskatchewan. The goal of the three sessions was to engage and support Aboriginal women as active participants in the ongoing, long-term discussions on locating a site for a central storage facility for nuclear waste and to encourage Aboriginal women to use and adapt the "Environmental Toolkit for Aboriginal Women" to support their continued participation in environmental issues.

Nuclear Waste Management Organization

The Nuclear Waste Management Organization (NWMO) was created in 2002 under the *Nuclear Fuel Waste Act (NFWA)*. This legislation is a legal framework that enables the federal government to make a decision on the long-term management of used nuclear fuel. The legislation required major owners of nuclear fuel waste (Ontario Power Generation Inc., New Brunswick Power Corporation and Hydro-Québec) to establish the NWMO.

Currently, used nuclear fuel is safely managed in wet or dry storage facilities at the 21 reactor sites throughout Ontario, New Brunswick, and Quebec. However, these current storage practices are intended to be interim provisions and Canada is now considering the long term management approach for used nuclear fuel.

In 2002, the NWMO identified the priorities that would guide their operations:

- Full consideration of the ethical and social dimensions;
- Open, transparent dialogue;
- Expert Advice; and
- Guidance from the Advisory Council.

Of particular interest to the Aboriginal community is the commitment that:

“As an organization, we will seek an open, transparent dialogue with all concerned citizens and communities of interest. We will ensure that aboriginal peoples are involved and that their needs and expectations are addressed appropriately.”

In 2002, the NFWA set out three requirements specific to this dialogue:

1. The NWMO was to consult the general public, and in particular Aboriginal peoples;
2. The *NFWA*, at a minimum, required the NWMO to study the following technical methods:
 - a) Deep geological disposal in the Canadian Shield;
 - b) Storage at nuclear reactor sites; and
 - c) Centralized storage, either above or below ground.
3. The *NFWA* provided NWMO with a three-year period in which to complete the study and undertake a process of public engagement.

In 2002, it was acknowledged by the NWMO that finding a waste management solution was considered important, but difficult, and that there was a sense among the public in general that the complexity of the issues and the amount of technical information involved was a deterrent to participation. It was recognized that there was a low public awareness about the management of used nuclear fuel and people would need to be informed before they could be engaged in meaningful discussion.

The engagement process occurred in four phases from 2002 - 2005:

- Phase 1 – Conversations about Expectations
- Phase 2 – Exploring the Fundamental Issues – Asking the Right Questions?
- Phase 3 – Evaluation of Management Approaches
- Phase 4 – Finalizing the Study Report

In 2005, the NWMO recommended Adaptive Phased Management (APM) for the long-term care of used nuclear fuel to the Government of Canada. Adaptive Phased Management is a technical method and a management system. The technical method is isolation and containment of the waste deep underground at a central location, allowing the waste to be monitored continuously and to be retrieved if necessary for many years into the future. The management system is phased with explicit decision points along the way providing the flexibility to adapt to experience, new social learning and technological innovation over the decades.

In 2007, the Government of Canada accepted this recommendation and advised the NWMO to proceed to the next phase of its mandate – to implement the APM approach.

NWAC Engagement Process

NWMO made initial contact with the NWAC in 2003. In December 2004, NWMO signed an agreement in principle with NWAC to convene a workshop in 2005 to discuss the long-term management of Canada's used nuclear fuel. On June 14, 2005, the NWAC held a one day consultation session with the NWMO in Ottawa and invited participants from Provincial/Territorial Associations to attend.

The NWMO was looking for input on the following three (3) questions:

1. Is the recommended approach appropriate for Canada?
2. What are the conditions required to successfully implement the approach?
3. What special Aboriginal insights and /or concerns should be kept in mind by the NWMO as implementation proceeds?

How the women responded:

1. Is the recommended approach appropriate for Canada?

The recommended approach was not acceptable due to a number of factors: lack of knowledge of the issue, risks outweigh benefits; no plan to reduce waste into the future; no renewable alternatives to nuclear energy proposed; traditional knowledge could be ignored in favour of western science; and NWMO membership is suspect because NWMO is funded by the waste producers.

2. What are the conditions required to successfully implement the approach?

More awareness and education needed, more transparency in the process, clear definitions required, balance of traditional knowledge and western science, involvement of youth, and standards for safety and security defined by aboriginal groups utilizing their own experts.

3. What special Aboriginal insights and /or concerns should be kept in mind by the NWMO as implementation proceeds?

Although NWAC strongly disagreed with the recommended approach, they recognized that the issue of nuclear waste management must be dealt with, so with that stated, they put forth principles to guide further discussion: fairness, control of the aboriginal research agenda; respect for traditional ecological knowledge, culture, language, and rights; settlement of land claims; and a demonstrated willingness with NWMO to understand the spiritual connection to the environment.

Summary of additional feedback received:

The need to have respect for all, Aboriginal responsibility for future generations, mistrust and fear that has built up in our communities over the years, need for action now, consultation has to be a two way street, transportation is a concern, respect for aboriginal and treaty rights, continuing engagement, need to connect energy conservation to the issue of nuclear waste management, use aboriginal communities to demonstrate renewable energy options, and provide more resources to NWAC/PTMAs to educate communities and develop solutions.

In 2008, the NWMO began a joint initiative with the NWAC through its Environmental Roundtable to explore the development of a toolkit to assist Aboriginal women to become engaged in community issues as stewards of the environment and, in particular, in discussions on nuclear waste management. The toolkit was developed for NWAC through a graduate program in environmental studies at Dalhousie University and with support from the NWMO.

In 2009, NWAC contracted Diana (Dee) Campbell to provide coordination support and facilitation services for three regional sessions (New Brunswick, Ontario, and Saskatchewan) on the proposed process for selecting a site for the long term management of nuclear waste in Canada. In addition to engaging Aboriginal women in this discussion, women would be encouraged to use and adapt the environmental toolkit to guide their participation in decision-making around environmental issues in general that may impact their communities in the

future. Dee is a Masters of Resource and Environmental Management Candidate (2010) studying at Dalhousie University and is a Mi`kmaq from Nova Scotia. Dee was responsible for guiding a team of graduate students in the development of the environmental toolkit.

Throughout 2009, the NWMO has been inviting discussion and comments on a *proposed (draft)* site selection process. As part of the NWAC engagement process, three sessions were held - New Brunswick from August 21 – 22, 2009, Saskatchewan from September 11 – 12, 2009, and Ontario from September 19 – 20, 2009. All three session followed the same agenda with the exception that in the SK and ON sessions, the agenda provided that NWMO do their presentation on the first day, followed by a presentation of the toolkit on the second day. It was felt the women needed to have a better understanding of the nuclear waste issue



NWMO staff presenting proposed process.

before they could review the toolkit in terms of promoting discussion on this issue within their respective communities.

The NWMO was looking for input on the following questions in this phase:

1. Are the proposed siting principles fair and appropriate?
2. Are the proposed decision-making steps consistent with selecting a site and making a fair decision?
3. Do the proposed decision-making criteria address all the factors that are important?
Are there others that should be added?
4. Does the proposed process provide for the kinds of information and tools that are needed to support the participation of communities?
5. Are there important questions that should be answered by this document but are not?
What needs to be added? What changes, if any, should be made?

What follows is a summary from each of the three sessions.

New Brunswick

The Nova Scotia Native Women's Society (NSNWS) coordinated the meeting and Mi'kmaq and Maliseet women from both provinces attended. The NSNWS is mandated to assist native women in contributing ideas and skills to the social, cultural, and economic development of the Mi'kmaq society, to encourage native women to assume a more positive and active role in society, to stimulate Mi'kmaq culture and heritage, and to work with all levels of government to improve social, educational, and employment opportunities.

Consistent with statements made in 2005, the women reiterated that there is a lack of knowledge about the issue of nuclear waste management. The NWMO engagement process requires ongoing follow up in order for the women to comprehend the technical nature of what is being said. Women feel that communication efforts so far are not working, but people will take notice once a community has been selected. The consensus was that good information was provided, but there were still too many unanswered questions for the women to answer the specific questions posed by NWMO. A list of questions posed by the women during the 2-day session is attached as Appendix A. Although NWMO reviewed the questions with the women, it is recommended that NWAC provide an overview of the questions and responses as a follow-up to this session. The women were emphatic that this session was not consultation.



New Brunswick session with NWMO.

NWMO attempted to go through the list of questions posed on the *Proposed Process for Selecting a Site*. What follows is a summary of the responses provided:

1. Are the proposed siting principles fair and appropriate?

Not able to respond.

2. Are the proposed decision-making steps consistent with selecting a site and making a fair decision?

Not able to respond.

3. Do the proposed decision-making criteria address all the factors that are important? Are there others that should be added?

Not able to respond.

4. Does the proposed process provide for the kinds of information and tools that are needed to support the participation of communities?

No. If this is the toolkit, it is not enough - it is only the tip of the iceberg. Information provided on the NWMO website is not useful. Aboriginal women do not communicate that way, nor do they have time to be engaged this way. Many of the women may not have access to computers or the internet. Aboriginal women need time to talk and tell stories. Consideration has to be given to the fact that the aboriginal community is the poorest segment of society.

5. Are there important questions that should be answered by this document but are not? What needs to be added? What changes, if any, should be made?

Not able to respond.

NWMO posed two additional questions to try and understand better the issues with the process.

Does the process cover a community participating in Step 1?

The women responded that they have not seen any information on the nuclear waste issue published in any of the aboriginal papers. Additional time to review the proposed site selection process would be needed in order to answer this question. They wondered how many Canadians who are now hearing about this are running into the same problems as the women were having in understanding all of this information.

Does *Moving Forward Together: Designing the Process for Selecting a Site* provide enough information on next steps?

The women responded that there has to be more information on the pros and cons of the process, and the book outlining the process should provide more detail. The women were not comfortable that the nuclear energy corporations are funding and selling the process. They felt that this approach allows for the process to be one-sided.

The women were invited to reflect on the questions that were being asked and were encouraged, once they had a chance to review the materials that were distributed, to go to the

NWMO website, and fill out a survey, make a submission, complete a workbook, or email their thoughts.

Participation

There were seventeen Aboriginal women, two NWMO representatives, one NWAC employee, two members of NWMO Nigani Elders Advisory Committee, and 2 Youth members of NWMO Nigani Advisory Committee in attendance.

Saskatchewan

The Saskatchewan Aboriginal Women's Circle Corporation (SAWCC) is dedicated to promoting and enhancing the status of Aboriginal women and works to unite and involve women by addressing issues of concern through education, advocacy, research, and resource sharing. SAWCC takes a leadership role in responding to and addressing issues of interest and concern to Aboriginal women and their families. SAWCC members are very familiar with the nuclear waste issue and uranium mining in their province.

SAWCC members wanted to know how Saskatchewan benefited from nuclear energy in comparison to the other three nuclear provinces. There was much concern expressed with the technical nature of the information presented. The women felt that there might be an underlying assumption with the level of empowerment of aboriginal people to think that this technical information would be easily understood. Lack of participation in information sessions was expressed as a challenge for SAWCC. They also raised the issue that other Aboriginal organizations in the province have been provided money to engage their respective communities directly in this discussion.



Nigani Elder speaking to group.

SAWCC recommended that they be provided with funding support to engage the seven regions of their territory in order to start discussions and raise awareness about the nuclear waste management issue. SAWCC wants the seven regions trained in the environmental toolkit, so the next practical step for NWAC is to determine how the regional organization will be able to do this. SAWCC wants to be proactive and does not want to struggle to get organized when there

is an expression of interest put forth by a community who might be interested in hosting a potential site.

SAWCC was very specific about role of NWAC in these discussions going into the future. The NWAC should provide assistance with legal/jurisdictional issues, provide position papers on environmental issues, provide guidance on how to affect government policy, provide advice on the implementing Supreme Court of Canada decisions that impact rights, and provide advice on the Crown's duty to consult.

This group was also very interested in knowing more about the environmental assessment process. It was suggested that NWMO provide support to bring experts in from those countries that are dealing with this issue to share information.

NWMO did not ask the SAWCC members to answer the questions that they had prepared on the *Proposed Process for Selecting a Site*. However, SAWCC members were encouraged to ask questions of NWMO. A list of questions posed by the women during the 2-day session is attached as Appendix B. Although NWMO reviewed the questions with the women, it is recommended that NWAC provide an overview of the questions and responses as a follow-up to this session.

The women were also invited to reflect on the questions that were being asked on the *Proposed Process for Selecting a Site* and were encouraged, once they had a chance to review the materials that were distributed, to go to the NWMO website, and fill out a survey, make a submission, complete a workbook, or email their thoughts.

Participation

There were thirteen Aboriginal women, two NWMO employees, one NWAC employee, 2 members of NWMO Nigani Elders Advisory Committee in attendance.

Ontario

Ontario Native Women's Association was founded in 1972 to promote the betterment and equality of Native Women. The Association has 83 local organizations divided into four regions, and are located both on and off-reserve. ONWA encourages the participation of Aboriginal women in the development of federal, provincial, municipal/local government policies that impact their lives and ensures that issues affecting Aboriginal women and their families are heard at key government tables. NWA is committed to providing services that strengthen communities and guarantee the preservation of Aboriginal culture, identity, art, language and heritage. Ending violence against Aboriginal women and their families and ensuring equal access to justice, education, health services, environmental stewardship and economic development, sits at the cornerstone of the organization.

ONWA was very interested to know what the aboriginal engagement process had been to date. ONWA members reflected on the lack of knowledge about the issue of nuclear waste management and questioned why aboriginal engagement was seen as such a priority. ONWA was also concerned that what was not being heard in the presentation from NWMO was a plan for the reduction of nuclear waste going into the future.

NWMO did not ask the ONWA members to answer the questions that they had prepared on the *Proposed Process for Selecting a Site*. However, ONWA members were encouraged to ask questions of NWMO. A list of questions posed by the women during the 2-day session is attached as Appendix C.

Although NWMO reviewed the questions with the women, it is recommended that NWAC provide an overview of the questions and responses as a follow-up to this session.

The women were also invited to reflect on the questions that were being asked on the *Proposed Process for Selecting a Site* and were encouraged, once they had a chance to review the materials that were distributed, to go to the NWMO website, and fill out a survey, make a submission, complete a workbook, or email their thoughts.



Ontario women with Nigani Elders.

Participation

There were nineteen Aboriginal women, four Aboriginal men, one female youth, three male youth, four members of NWMO Nigani Elders Advisory Committee, two NWMO employees, and one NWAC employee in attendance.

Quebec

Although not part of this facilitator's terms of reference, NWAC made substantial efforts to establish a dialogue with the Quebec Native Women's Inc./Femme Autochtones du Quebec Inc., but were unable to do so to hold these discussions.

Appendix A

Questions from New Brunswick session:

How many facilities are there in Canada?

Is the US looking at Canada to store nuclear waste?

What is the waste and what does it look like?

Is waste more toxic than uranium in its natural state?

Can the waste be put back in the mine shafts?

Waste is here. If they don't put it in the ground, where do they put it?

If they don't go with the deep geological repository, is there a plan B?

Are there any ideas already about where the waste may go?

What about natural disasters?

What about nuclear bombs?

Was there no plan for the waste when the nuclear reactors were first built?

How political is this issue?

What is the US doing?

Are there any deep geological repositories in other countries?

What happened in Chernobyl?

What about alternative forms of renewable energy? (i.e. – wind, solar, tidal)

What would happen if the deep geological repository site caved in?

Once there is a safe way to handle the waste, will that mean more nuclear power plants?

What if organizations want another/more meetings?

Is this consultation?

Why is NWMO just talking to the four provinces?

Why, if the government created the issue, are they asking the public to make the decision on how to solve it?

How does word get down to the community level?

When this is buried underground, can people in the future fight over who has jurisdiction over this?

What if there was a war and there was a fight over this?

Can NWAC apply for more money to help the women use the toolkit?

How do we know geology will work?

What is Dee's role?

What if the deep geological depository concept is the wrong way to go?

We are focused on the waste. What about the plants themselves?

How long can it be stored where it is?

Does the waste mimic rock in the earth?

In terms of this being a train the trainer session, this cannot be achieved for a number of reasons: the toolkit was not available for distribution; learning curve before understanding content has to be taken into consideration; and the women are not familiar with the issue of nuclear waste management at all.

Appendix B

Questions from Saskatchewan session:

Where are these sites where waste is being generated and how many are there?

Is the water tested? Emissions tested? Where does the water go?

What is adaptive phased management?

How do you weigh the benefits of Saskatchewan against how other provinces benefit?

How were the benefits of the 4 provinces weighted? Pro-rated per capita (i.e. Ontario vs. Sask.)

Explain half-life of low, intermediate, and high-level waste?

If uranium is taken away, why is waste coming back when Aboriginals have benefited little?

Why would a community say yes?

Will they be highly regulated? How can we ensure that?

Does NWMO have to re-write licensing criteria? Do provinces have to re-write licensing criteria? Are there things we can put into provincial legislation to regulate?

What will demonstrate that a community wants to participate? (i.e. – plebiscite)

Can a community back out of a decision?

How can people express views without fear of retribution? How can they be sure?

What is the definition of community? Impacts that are greater than one community? (i.e. – transporting waste through communities)

How can we ensure leadership is making decisions reflective of community?

Who would make a decision for an unorganized territory?

Is there an assumption of people's levels of empowerment?

Was Meadow Lake Tribal Council interested? Beardy's?

Comment: Communities that share water sources, transportation routes, etc., have to be involved.

How will NWAC continue to be involved? Is there a plan for that?

Would resource people from other countries be available as resources to communities? (i.e. – Finland, Sweden)

Is there a possibility that criteria met today could change in the future?

Is there an international policy that regulates transportation of nuclear waste?

Why can the waste not stay where it is?

What about sending into space?

NWMO approached Métis NS and FSIN to provide money to hire someone to go into the communities. Will SAWCC be given the same opportunity, not to take money away from NWAC for the national effort?

Can NACOSAR/COSEWIC Aboriginal Traditional Knowledge Sub-Committee members and NWMO Elders Nigani members communicate and share information?

What is the ratio of men to women doing front line work?

What would happen if the process takes a long time? What would happen to the canisters?

If you took at Geiger counter and measured radioactivity over a deep geological repository site, and measured over an area where uranium naturally occurs, would it mirror the natural state?

Have many members in uranium mining? If we speak out, is there a chance they will be punished for that?

Maybe our generation thinks something is ok, but the next generation finds our new concerns. What happens then?

Is there a possibility that things could change with climate change?

Is there a website that talks about leaks in the containers transporting the waste or identifies where there have been accidents?

Elders have considered only going down 6"? How can elders accept deeper burial?

How many aboriginal people work for AECL? NWMO?

Are there funds to do training in the toolkit? Maybe the next step for NWAC is to fund how to roll out the toolkit.

Does north vs. south make a difference?

Appendix C

Questions from Ontario session:

How many women know what uranium is?

Is water filtered through pools? Where does the water go?

Do the bundles come apart?

Is there a safety plan in place if something happens?

How long do canisters last?

How many containers are there in Canada?

At what point in time was the concept designed?

At what point in time were Aboriginal people involved?

What other Aboriginal organizations were involved?

Is the feedback from other Aboriginal organizations available on the NWMO website?

Have sites been picked yet?

Are we talking about the Canadian Shield?

Are there any community's in mind?

Are there any studies on the effects of thunder and lightning on rock formations where this might be stored?

So how do we know the rock is suitable?

Has nuclear waste been stored in this rock or has it just been tested?

Will the variables in data be communicated in lay terms so that communities will be able to have a full understanding of the information and be able to make informed decisions to give informed consent?

How many people in this room know what uranium is?

What was the purpose of the consultation with the 15 Aboriginal organizations? Is there a summary of those sessions?

Why can't you have disposal with continued monitoring for security – no option for permanent closure?

What are the benefits that a community will see? Will the benefits dwindle down to nothing?

How much water is used to cool the bundles? How long is the water in the pools? Where does the water go?

Are we guaranteed as Canadian citizens that this will be monitored into the future?

Do the elementary, secondary, and post-secondary schools know what is going on?

In community's with a high transient population, how would their vote count when they may not have the long term interest of the community at heart?

If it is potentially a small community, are politicians going to care in one hundred years or so down the road?

Has NWMO taken the opportunity to engage the youth at the 50+ universities they have partnered with for research?

What is not being heard in the dialogue is the term "reduce." Where is it?

Where are the projections of waste produced into the future?

Is there discussion with other countries, and if they are further ahead in their research, why not ship Canada's waste there?

Why is there such a draw to have Aboriginal people involved?

Are there any sites that have been struck off the list because we know it is not going to happen in those locations?

Will there never be a proposed site put forward for Crown land in the middle of nowhere?

What if a community expresses interest and there is a First Nation or traditional lands nearby?

How far away from communities would you want this to be?

How long has the repository in New Mexico operated and been receiving waste?

Is there research on effects on people and the environment?

Are the other sites full?

How much room will there be in a proposed site?

What was the reason for shutting Manitoba down?

Is there any other site in the world where there has been research done on the effects of low level, intermediate level, and high level exposure to nuclear waste? Long term exposure? And what does the research show?

What about poor transportation routes?

What if a process is underway and traditional knowledge reveals something new?

Can you use an old mine site?

What would happen if you had a terrorist attack like a bomb dropped on the site?

Is funding available for further work?

What is the waste produced from alternative sources of energy? Is there a better alternative with less or no waste?

Would there be an opportunity for future generations to vote?

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