



REPORT TO COUNCIL: No. 99-02

RE: Summary of Round Table Discussion on the Commission for Environmental Cooperation (CEC) Three-year Program Plan 1999-2001

Introduction

The Joint Public Advisory Committee (JPAC) is pleased to present this report to the Council members of the Commission for Environmental Cooperation (CEC). It was prepared following presentations and discussions between JPAC members and the public during a round table on the CEC Three-year Program Plan 1999-2001, held on 8 May 1999, and attended by some 50 individuals.

The round table was held following a joint meeting of JPAC and the Sound Management of Chemicals working group (SMOC) on 7 May 1999 that focused on impacts on human health—particularly that of Indigenous peoples. This joint meeting was attended by over 100 representatives, many of them Indigenous peoples. Some of the same representatives attended the round table, therefore, there was a clear focus on Indigenous issues.

Hernando Guerrero, representing the Interim Executive Director of the CEC, briefly summarized the CEC 1999-2001 Program Plan. He reiterated the CEC's desire for public input into the Program Plan and highlighted the fact that many views from previous exchanges have already been incorporated.

The chair's intention was to organize the session around the four program areas: environment, economy and trade; conservation of biodiversity; pollutants and health; and law and policy. Considering the focus on Indigenous issues, this organization was not strictly adhered to. The following, therefore, reports on the presentations as they were made: JPAC comments and exchanges are in italics.

- An alarming decline in the population of beluga whales in Cook Inlet was reported. According to Native marine mammal hunters, this is directly related to pollution and viruses introduced through hatchery-raised coho salmon that are being released in order to artificially support a commercial fishery; these fish also compete for food. The hunters have agreed to stop hunting in an attempt to allow the whale population to recover, but the government also has to do something.
- Clearly, Indigenous peoples have much to contribute to the CEC, although they have not participated to any significant extent in the current CEC program. There is a growing international trend to ensure the direct and meaningful participation of Indigenous peoples, not as nongovernmental organizations or members of civil society, but as distinct peoples. Indigenous peoples have distinct and fundamental human rights. The CEC requires a protocol to address their participation. Indigenous peoples have land rights and these rights are linked to environmental management and development. Indigenous peoples also have their own governmental structures in both traditional and modern forms. While these decision-making

institutions do not fit western models, they are legitimate and recognized forms of government.

- Indigenous advisory committees, similar to the national and governmental advisory committees should be established. Guidelines for Indigenous peoples' involvement are needed.
- The view of environment, economy and trade should be expanded more towards environment, human rights and peace.
- In order to encourage the conservation of biodiversity, the objective of the trade program should not be to integrate environmental considerations into trade decisions, rather the reverse. The focus on economic development could swallow environmental protection issues.
- Indigenous peoples have different ways of interacting. For instance, respect is always first paid to ancestors. If the CEC wants to work with Indigenous peoples it will have to acknowledge Indigenous processes. Indigenous peoples do not put everything into boxes to communicate. They live in a world where everything is connected and thinking is holistic. They use processes that are different from those of western culture—if the CEC wants a dialogue it cannot expect Indigenous peoples to fit into its boxes.
- Consideration should be given to indigenous sciences. Indigenous peoples are often front line environmental observers. Native scientists have to be at the table and in more than an advisory position. They require real representation.

Two JPAC members responded by explaining that in their teaching duties, they too are beginning to teach outside the "boxes." This will result in a new generation of non-Native students who can relate to a more holistic way of thinking.

- Cook Inlet is the only place in the United States that has been provided with an EPA exemption for ocean dumping, the argument being that it is too expensive to ship waste materials from the oil rigs out of the region. Also, the city of Anchorage, Alaska has only primary treatment of sewage. Drilling muds are full of contaminants and monitoring is improperly done.

A member of JPAC who has knowledge of this situation, shared the concern expressed at this situation.

- Sea run trout of Alaska's Kotzebue region are so badly contaminated that their livers are affected. The fish are thin and deformed and no longer safe to eat. Seals are also being affected because they eat these fish. In the past, contaminated seals were never seen and their presence now is frightening as it is not known if they are safe to eat. Climate change is affecting the caribou and they are becoming sick. Residents are not sure that salmonberries and blackberries are safe to eat. Information is needed about subsistence food, which Indigenous peoples depend on for their survival. This information is too slow in coming; people are getting sick and rates of cancer are increasing dramatically.
- One presenter said that he was there to speak for the land and animals because they could not speak for themselves. Since 1976, 28 of his relatives had died of cancer. He said that the state and federal governments' opening up of their lands to oil development was killing them and that they had been living with this turmoil since the Alaska Native Settlement Claims Act was signed. He stated that the Army Corps of Engineers have more control over their land than they do. Of the US\$55.7 billion made last year they got nothing. Many of their communities still do not have flush toilets. Environmental people come to Alaska and only

see Anchorage. He finished by saying that there are 227 Indigenous communities in Alaska and urged members to visit them.

- State and federal governments have not been honest with Indigenous peoples. Toxic sites have been hidden and discovered only through foreign reports. If Natives had caused an environmental tragedy like the Exxon spill, they would be put in jail.
- Native people are in Alaska to stay; they are not leaving. Natives do not consider the natural world as “wild,” the way others do; it is not something to be tamed. The State of Alaska is even taking away Natives’ languages—the very thing that protects them. They have an oral tradition. Mining and ocean dumping is polluting their food. They do not need outsiders telling them what to do; they can do it themselves. For example, the Gwich’in from the Yukon and Alaska have formed an alliance to fight the multi-million dollar interests in opening the Porcupine Caribou calving range to oil and gas exploration. Natives do not benefit from such development, yet suffer the consequences. This is the voice of Native elders.
- The NAFTA/NAAEC negotiations should have involved Indigenous governments. Indigenous peoples have been dealing with economy, trade and sustainable development for centuries. Any relationship that the CEC wants to develop with Indigenous peoples must be based on mutual respect and equality. It is not just a matter of incorporating Indigenous peoples into the existing structures.
- Indigenous peoples can make significant contributions in the areas of knowledge, dispute resolution and long-term experience in sustainable development, environment, economy and trade. It is not just a question of giving money to people to do things. New structures and structural arrangements are required.

A JPAC member noted that in the United States, the Governmental Advisory Committee involves tribal governments. This is a start and now efforts need to be amplified. Another member highlighted the need to ensure that Indigenous women are involved in any new efforts by the CEC.

- It was recommended that a specific amount of money within NAFEC be earmarked for Indigenous projects.
- It is important to focus on pesticide use in rural areas. Rural farmers and peasants have no alternative means of food production. There are still huge quantities of pesticides warehoused in Mexico—even if these substances are banned. Storage facilities are converted into food storage facilities without being decontaminated.
- If the CEC is serious about Indigenous participation, a shift has to be made away from seeing development as simply extractive. This is development in western terms. It is different for Indigenous peoples. New strategic lines are required. Again, it is not just a matter of incorporating Indigenous peoples into the CEC’s existing structures.
- The environment, economy and trade program deals mostly with economy and trade, less so with the environment. The Canadian government has failed in its fiduciary responsibilities by not enforcing its environmental laws and regulations. Every community across Canada’s north has been negatively affected.
- Serious attention needs to be paid to understanding the concept of cross-cultural communication, and developing new techniques for it. This should be at the core of any new CEC work with Indigenous peoples. Simple communication of results from a monitoring process is not enough. People suffer greatly from the anxiety created by the anticipation of

results. This has never been fully appreciated. This is one area where the work under the Northern Contaminants Program in Canada has clearly failed. Indigenous peoples must be involved in designing research projects and monitoring programs to help alleviate this very real problem in any contaminants work.

- A formal and official process is required for involving Indigenous peoples in the CEC and this must be agreed to. The view of sustainable development should be expanded to include equitable development. For example, ecotourism, which is being promoted as sustainable, often does little to benefit local people, many of whom are Indigenous.
- Military issues also need to be addressed. The Arctic is littered with military waste, much of it toxic.
- Better interagency coordination and cooperation is required to improve enforcement.
- Indigenous peoples are very concerned that there is no mention of biotechnology and genetically modified organisms within the conservation of biodiversity program. In Mexico, the primary food of Indigenous peoples is corn. If a resource is modified, there are implications for human rights and intellectual property rights. Indigenous peoples could lose their cultural attachment to such resources and all that such losses would imply.
- Food can be produced without chemicals and genetic modification. It is ownership, access and distribution that limit the feeding of more people, not production.

A JPAC member stated that these last two statements of concern have been brought forward at previous round tables. They are controversial but important issues, both in human and biological terms.

The chair thanked the participants for their input and adjourned the round table session.

Prepared by Lorraine Brooke

APPROVED BY THE JPAC MEMBERS ON 8 JUNE 1999