

Maritime Aboriginal Peoples Council



The Maritime Region Aboriginal Leaders
Intergovernmental Council of Aboriginal Peoples
Continuing to Reside on Traditional Ancestral Homelands

Forums

July 20, 2018

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**MAPC Regional
Administrative Office**
172 Truro Heights Road
Truro Heights, Nova Scotia
B6L 1X1

Tel.: 902-895-2982
Fax: 902-895-3844
Toll Free: 1-855-858-7240
email: mapc@mapcorg.ca

**Governmental
APRO Councils**

**Native Council of
Nova Scotia**
P.O. Box 1320
Truro, Nova Scotia
B2N 5N2

Tel.: 902-895-1523
Fax: 902-895-0024
email: core1@eastlink.ca

**New Brunswick Aboriginal
Peoples Council**
320 St. Mary's Street
Fredericton, New Brunswick
E3A 2S4

Tel.: 506-458-8422
Fax: 506-451-6130
email: Reception@nbapc.org

**Native Council of
Prince Edward Island**
6 F.J. McAuley Court
Charlottetown
Prince Edward Island
C1A 9M7

Tel.: 902-892-5314
Fax: 902-368-7464
email: admin@ncepc.com

Secretariat of the Minamata Convention on Mercury
International Environment House 1
Geneva, Switzerland

Re: Report on the work of the ad hoc group of experts on effectiveness evaluation

Please accept this letter as commentary on the Report on the work of the ad hoc group of experts on effectiveness evaluation from the Maritime Aboriginal Peoples Council (MAPC). MAPC is a regional body (Maritime Provinces) that works in co-operation with the Native Council of Nova Scotia, New Brunswick Aboriginal Peoples Council, and Native Council of Prince Edward Island to promote and advance Aboriginal Rights, Treaty Rights, and Other Rights of the off-reserve status and non-status, Constitutional head Section (91.24) Indians / Aboriginal / Indigenous Peoples continuing on their Traditional Ancestral Homeland nested within the Federation of the Peoples of Canada.

The presence and effects of mercury is a very important issue for Indigenous peoples and their communities across Canada. The Indigenous Peoples nested within the Federation of Canada are consistently exposed to greater levels of mercury as a result of: living a traditional lifestyle dependant on a natural diet (off the land food), exercising inherent treaty and Aboriginal rights to hunt, fish, fowl and gather natures bounty on their ancestral homelands, living within a traditional ancestral homeland forgotten or ignored by mainstream urban society or considered a remote area where little or no regard is placed on toxic or harmful effluent discharges.

A large level of exposure to mercury for rural and northern Indigenous Peoples is simply due to a greater dietary intake of fish and natural food off the land. There are significant cases of environmental injustices resulting from mercury contamination on Indigenous communities and food sources across Canada.

Mercury exposure remains much higher in Indigenous communities which have high polluting industry, mining, coal burning or dam flooding of lands for electricity generation. Wind patterns and other vectors transporting mercury to Indigenous Peoples. Many Indigenous communities also lack proper waste processing and disposal centers which further compounds these issues. It is with this context in mind, that I present the following comments.

The task of proposing a number of global mercury monitoring programs and planning and coordinating baseline data is very daunting and I commend the expert panel and other observers for their contributions in proposing monitoring techniques that are feasible and will result in comparable data. MAPC believes that the proposed methods of monitoring are robust and will be very helpful for determining effectiveness of the Minamata Convention.

MAPC recommends, for the human biomonitoring aspect of the global mercury monitoring program, that the sampling protocol which is currently under development by the World Health Organization (WHO Protocol) be open for public comments and review. It is quite difficult to provide commentary for effectiveness monitoring of this aspect without information on how human tissue samples will be collected, when they will be collected, and most importantly, who they will be collected from. It is of the utmost importance that samples be collected from Indigenous Peoples and Local Communities (IPLCs) who suffer the greatest health impacts from mercury. Having a representative sample from these groups would provide much more valuable information about the global use and consumption of mercury compared to urban populations who are generally not reliant on “off the land foods” (especially fish), and/or do not participate in ASGM or other small scale industrial activities involving direct contact with mercury.

As previously stated, Indigenous communities and other vulnerable groups are often located closer to mercury leaching industrial and/or mercury contaminated sites than other segments of the general population. This also makes it very important to determine IPLCs' exposure to mercury as an indicator of effectiveness for the convention as declines in human exposure to mercury will be first seen in these populations, given that they are exposed to mercury more than the mainstream population.

The WHO protocol must also consider that there may be cultural sensitivities when it comes to tissue collection. Obtaining free, prior and informed consent and following appropriate cultural protocols and traditions is an additionally important component of ethical data collection and the scientific process involved with collecting tissue samples. Participants should have the right to know the results of mercury in the samples they have provided and should be educated to understand what their results mean in terms of health impacts. It should also be noted that ethical views and values differ from country to country, and from Indigenous and Local Communities to others globally. Some basic, agreed to universal ethical principles should be included within the WHO protocol or guidance documents to respect and acknowledge these differences.

Finally, Parties and the Secretariat should recall that Article 29 (3) of the United Nations Declaration on the Rights of Indigenous Peoples requires states:

“take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.”

MAPC, believes that representatives from Indigenous communities should be involved in the development of this effectiveness monitoring program, particularly as it relates to their health and wellbeing. Parties must therefore develop a mechanism to allow Indigenous peoples to

play a larger role in the Minamata Convention as a whole, and particularly in the development and improvement of effectiveness monitoring guidelines and protocols. Examples of such mechanism or platforms can be taken from other United Nations conventions and agreements such as the Convention on Biological Diversity and the Intergovernmental Panel on Climate Change.

MAPC supports most of the proposed methods and recommendations from the expert panel on effectiveness monitoring. However, without access to the WHO protocol, it is difficult to comment on the appropriateness of the protocol when it comes to Indigenous peoples. The process as a whole needs Indigenous involvement to ensure it is inclusive, ethical and culturally sensitive.

Ultimately the inclusion of Indigenous Peoples to have a greater role and voice in the roll out now and in the future of many programs and initiatives prompted by the Minamata Convention, including the current development of effectiveness monitoring guidelines and protocols, require States and UN bodies to promote respect for and the full application of the provisions of UNDRIP and to follow up on their effectiveness. The operationalization of an Indigenous Peoples platform for their direct involvement and inclusion with the Minamata Convention will lead to better data quality and the implementation and acceptance of programs in rural and remote settlements, and communities, and help to identify contaminated areas and sites and other mercury hotspots throughout global Mother Earth.

The process for human kind to tackle mercury through the Mercury Convention is but a starting point, let us do everything possible to ensure that the starting point is inclusive of Indigenous Peoples and Local Communities – the most impacted in rural and remote regions.

Progress through consultation, accommodation
And participatory involvement and partnerships



Jamie Knill

Heavy Metals File Lead

Maritime Aboriginal Peoples Council

CC: Chief Lorraine Augustine, Native Council of Nova Scotia

Chief Wendy Weteland, New Brunswick Aboriginal Peoples Council

Chief Lisa Cooper, Native Council of Prince Edward Island

Roger Hunka, Director, MAPC

Joshua McNeely, Executive Director, IKANAWTIKET

Alison Dickson, Manager, Metals and Metalloids, Chemical Management Division, ECCCC

Corinne Stocco, Section Head, Legacy Substances, Chemical Management Division, ECCCC