



30 March 2015
Public Statement

Ontario must respect the rights of the people of Grassy Narrows and withdraw logging plans developed without their consent

The Government of Ontario is failing the people of Grassy Narrows. This is a matter of urgent concern for all our organizations.

It is hard to imagine a people more deserving of rigorous human rights and environmental protection -- and the respectful collaboration of our elected officials -- than the people of Grassy Narrows. Tragically, this is not what's happening. Instead, the provincial government continues its effort to clearcut their traditional territory over the opposition of the people of Grassy Narrows. This December the province refused to even subject its plans to an individual environmental impact assessment.

As the provincial government is well aware, the people of Grassy Narrows are still suffering from the devastating health and economic impacts of the massive amounts of mercury that the provincial government allowed to be dumped in their waters in the 1960s and which still linger in the fish on which the people of Grassy Narrows depend. No clean up has been done, and independent experts have found that health care and compensation for mercury survivors is woefully inadequate. The provincial government has never even publicly acknowledged that mercury poisoning has taken place while at the same time refusing to conduct any comprehensive and ongoing medical studies, despite disproportionately high rates of debilitating health problems in the community.

Independent studies by experts from Minamata, Japan have diagnosed mercury poisoning even among children from Grassy Narrows born long after the dumping stopped. A government commissioned review of the Japanese research concluded in 2009 that there is "no doubt that ... many persons were suffering from mercury-related neurologic disorders" due to high level of exposure recorded in the 1970s and that exposure to mercury is

“probably still a problem” for the health of the community. The recommendations of this review have never been acted on.

Even more incredibly, in December 2013, the province approved plans for renewed, large-scale clearcut logging at Grassy Narrows – over the express objections of the community -- without ever considering the potential that such logging could lead to new mercury contamination through run-off into the rivers and streams. Officials with the Ontario Ministry of Natural Resources and Forestry have called the potential that clearcut logging could introduce mercury into lakes “well documented and a serious concern.”

This cavalier attitude toward the health and well-being of the people of Grassy Narrows falls far short of Ontarians’ expectation of their government and does not meet the legal requirements of Indigenous rights protection established in both Canadian and international law.

Last July, the Supreme Court of Canada told the province in no uncertain terms that it must exercise its jurisdiction “in conformity with the honour of the Crown” and that Indigenous harvesting rights protected under Treaty 3 “must be respected.” According to the Court, this means at a minimum that the province must determine potential impacts on hunting, fishing and trapping prior to making decisions and that the province must deal with Grassy Narrows “in good faith, and with the intention of substantially addressing their concerns.” Such accommodation – according to the *Delgamuukw* case cited in the Grassy Narrows decision – can include a responsibility to proceed only with the “full consent” of the First Nation “on very serious issues.”

The standards set out by the court are reinforced by international human rights instruments, including the *United Nations Declaration on the Rights of Indigenous Peoples*, which require a rigorous standard of precaution in all decisions affecting Indigenous lands, including a duty to respect Indigenous peoples’ right to say ‘no’ in decisions where there is potential for serious harm.

Clearcut logging at Grassy Narrows came to a halt in 2008 after a major commercial buyer recognized that under the circumstances it would not be ethical to process pulp sourced at Grassy Narrows against the wishes of the people. The provincial government has never risen to the same standard of care and precaution. The province has failed to meaningfully consider, much less protect, the inherent and Treaty rights of the people of Grassy Narrows in developing its forest management plans. What’s more, the new forest plan was brought forward and adopted unilaterally by the province even while negotiations with Grassy Narrows over forest protection and management – talks intended to address the community’s concerns – remain unresolved.

Before logging halted at Grassy Narrows in 2008, the people saw traplines and important cultural sites destroyed and wild game driven away. Given the terrible, unresolved legacy of environmental neglect in Grassy Narrows, the decision to now resume clearcut logging could have further grave impacts on the community. Under these circumstances, it is clear to our organizations that no decisions on logging should be made against the wishes of the community.

Our organizations are calling on the Provincial Government to immediately cancel its plans to log in the traditional territory of Grassy Narrows. At the same time the province should make the long overdue redress for the mercury contamination of the English and Wabigoon rivers, and restoring the health of Grassy Narrows, other affected First Nations, and the river they depend on, its first priority.

There is still time for the provincial government to do the right thing. However Premier Kathleen Wynne needs to act now to demonstrate her government's commitment to respecting and upholding the rights of Indigenous peoples and to meeting the standards of justice and decency expected by the people of Ontario.

It's time to begin on the path away from conflict and toward reconciliation. Our organizations are deeply concerned about this issue and we will watch closely to ensure that Grassy Narrows achieves the justice that they have been seeking for over 40 years.

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