

Daniel Tselei - SEM-10-002 (Alberta Tailings Ponds)

Questions:

	Yes	No	I don't know
Did the Citizen Submission procedure seem to be useful?			x
Were you satisfied with the CEC's handling of your petition?			x
Did the CEC's resolution of your petition seem technically and legally appropriate?			x
Did the CEC's resolution seem just?			x
Did the CEC's response time seem appropriate?		x	
How much time did the procedure take (in months)?			Ongoing for 1 year now
How much money did you or your organization invest in preparing and following up your petition (in C\$, Mx pesos, US\$)?			Not sure, had in-kind help from NGOs, but substantial time was used on their part.
Did the Citizen Submission procedure seem to be useful?			Not sure yet

1. When and how did you learn about the citizen submission process?

I learned about it in the spring of 2010 through people I know if various environmental NGOs.

2. How difficult was it to gather information on how to use the SEM process? What institutions, organizations, resources, or establishments did you consult, if any, to learn about the SEM process and how to use it?

The majority of the work to gather information on the process and prepare a submission was done by Environmental Defence. Without their assistance, I would likely have been too busy to gather this information on my own time (as I have other commitments outside of work).

3. Did you know about the "Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the [NAAEC]" (the "Guidelines") published in the CEC booklet "Bringing the Facts to Light"? If so, did you consult them? How helpful was it? Was there any information not included in the Guidelines that might have helped you in preparing your submission?

I was unaware of these guidelines.

4. Did you contact the CEC Secretariat prior to preparing a submission, and if so, for what reason (i.e. information gathering, questions about procedure, etc)? Was the response of the Secretariat, if any, helpful? Why or why not?

I did not contact them, although others involved in preparing the submission may have.

5. Why did you choose the SEM process for addressing the matters you raised in your submission?

Because the Canadian government is doing nothing about the issue at hand. There is little recourse for those of us affected by the lack of enforcement of existing environmental laws; we are up against an entire federal government. Even a submission to the CEC will do little to force action, but at least it could bring some attention to the issue.

6. What outcome did you expect from the SEM process at the time of your submission? Sanctions? Recommendations? Conclusions?

I expected, at the very least, that the CEC would publically acknowledge, by providing a factual record, that the Canadian government is failing to enforce specific sections of the Fisheries Act. I hoped this would force other actions, but all I expected from the CEC is to state, on record, what is actually happening.

7. Did the processing of your submission in any way affect or impact the situation you were addressing, and if so, how? Was this impact consistent with your hopes and expectations?

No.

8. Has the outcome of the SEM process with respect to your submission helped you to understand the relevant environmental law(s) and the government's decisions with respect to enforcing those laws? If so, in what way?

There has been no outcome yet, after our submission has spent more than a year in limbo.

9. Did you pursue any domestic legal options regarding the matters raised in your submission? If not, why not? If so, why did you also file a submission?

I have not, although I believe other bodies are be pursuing legal action against the government for reasons similar to those outlined in my submission.

10. If the government Party filed a response to your submission, was the response helpful in understanding the Party's positions and decisions with regard to the matters you raised, and if not, why? Did the response provide information that you were seeking?

No.

11. Did you have any contact with the government Party regarding the matters raised in your submission during or after conclusion of the SEM process, and if so, was this contact helpful? If not, would such contact have been helpful?

I have met with the previous federal environment Minister prior to my submission to discuss issues outlined in my submission among other things. This contact was most certainly not helpful. Not only were my concerns completely ignored, the Minister's office used pictures from the meeting to build a small webpage touting their efforts to consult with different affected groups and to explain government policy to them, which was a complete misrepresentation of what actually happened.

12. How long did it take for your submission to be processed? Include the time from the point that you submitted the petition to the factual record or other final decision. Do you believe that this is a reasonable amount of time for processing of submissions? If not, what recommendations would you make for improving the timeliness of the process?

The submission has not been fully processed. It has been over a year since it was first submitted, and about ten months since additional information was sent to the CEC. I don't think this is a reasonable amount of time. I'm not sure how to improve the timeline of the process, but I don't know that when it comes to environmental issues every day matters. Every day the government is not enforcing the Fisheries Act is another day that millions of litres of contaminants leak into fish bearing waters upstream from my home. This is an urgent matter, and I don't feel like the timeliness of the submission process reflects this urgency.

13. What action have you undertaken with regard to the matters raised in your submission after the conclusion of the SEM process? Do you expect or wish that the CEC continued to be involved following the conclusion of the process, and if so, how?

My submission has not been concluded. I have continued to work on the issues raised in my submission through media campaigns to raise awareness, grassroots organizing in the NWT and Ottawa, and by working with my Nation (Dene Nation) and other First Nations in Canada.

I am not sure how the CEC operates following the conclusion of the process, but it would be nice if there were continued involvement of the CEC. Something that could help is to publish regular (e.g. annual) updates on past factual records detailing how the government in question has acted on the specific issue since the record was release (if they've acted at all) and if they are sufficiently enforcing the environmental legislation. This would help to keep pressure on governments to do what they are supposed to be doing.

14. How costly was it for you to use the citizen submission process? Were the costs in line with the benefits you received from the process?

There were no monetary costs to me. It did take some of my time. I cannot yet speak to the benefits of the process as my submission is still being processed.

15. What kind of assistance, if any, did you receive in preparing your submission? If you did not receive assistance, what kind of assistance do you wish you had received, if any?

I received assistance from the NGO Environmental Defence in researching and preparing the submission.

16. Approximately how much time went into the preparation of your submission?

Not sure, as several people and organizations were involved.

17. Overall, was the citizen submission process a useful forum to raise the matters you highlighted in your submission? Why or why not?

Not sure yet, as there is no outcome yet.

18. Bearing in mind your experience with the article 14 and 15 process, do you think this mechanism needs to be revised and amended?

Not sure yet.

19. Do you have any other comment or recommendations regarding the citizen submission process?