

## ***The Importance of Indigenous and Northern Women's Experiences and Knowledges in Impact Assessments***

### ***Advancing C-69: An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts***

**Dr. Leah Levac**, *Research Associate, Canadian Research Institute for the Advancement of Women and Associate Professor, Political Science, University of Guelph*

**Susan Manning**, *PhD Candidate, Political Science, Dalhousie University*<sup>1</sup>

This submission supports the implementation of Bill C-69, currently before the Senate of Canada. The submission focuses on Part 1 of Bill C-69, pertaining to the *Impact Assessment Act*. However, please note that our findings can be interpreted to be applicable to comparable issues within Parts 2 (the *Canadian Energy Regulator Act*) and 3 (the *Canadian Navigable Waters Act*).

Below, we highlight research findings from across several projects that we have undertaken with colleagues and community partners over the past decade. We work in the territories of, and in collaboration with, northern and Indigenous women, community organizations, and representatives from municipal, First Nation, and Inuit governments. Overall, our research:

- 1. Strongly supports the inclusion of several of the mandatory factors for consideration in impact assessments [Part 1, s. 22(1)], particularly “(s) the intersection of sex and gender with other identity factors”.**
- 2. Demonstrates the importance of ensuring that Indigenous women's voices and experiences are given explicit attention in the configuration of consultation mechanisms and supporting structures within the Act.**
- 3. Highlights possibilities for ensuring more genuine efforts to link between western science and Indigenous knowledges for the purpose of informing impact assessments**

Each of our three key research findings is accompanied by quotes from women with direct experience in resource-affected communities, a summary of points that contribute to the finding, and associated recommendations to improve the implementation of Bill C-69.

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<sup>1</sup> This submission supplements the written submission prepared by Jackie Neapole, Executive Director, CANADIAN RESEARCH INSTITUTE FOR THE ADVANCEMENT OF WOMEN / L'INSTITUT CANADIEN DE RECHERCHES SUR LES FEMMES. CRIAW-ICREF has used research as a way of documenting and advancing the economic and social rights and wellbeing of women for over 40 years. Using intersectional frameworks, we develop and undertake a variety of important, ground breaking research to advance social justice and equality for all women, including northern and Indigenous women. CRIAW-ICREF is a not for profit member-based organization. “Our research” refers to a collection of over 10 years of research and experience working in collaboration with Indigenous and northern women, including through several SSHRC-funded projects, and more recently on research for the Canadian Environmental Assessment Agency.

## **Research Finding 1**

Our research strongly supports the inclusion of several of the mandatory factors for consideration in impact assessments as outlined in Part 1, s. 22(1); particularly:

- “(a) the changes to the environment or to the health, social, or economic conditions...”;
- “(c) the impact that the designated project may have on any Indigenous group...”;
- “(g) Indigenous knowledge provide with respect to the designated project”;
- “(l) considerations related to Indigenous cultures...”;
- “(m) community knowledge...”;
- “(q) any assessment of the effects...conducted by or on behalf of an Indigenous governing body...”; and
- “(s) the intersection of sex and gender with other identity factors”

### ***Real Lives:***

“You need to prove you know about your land. You need to prove that you’re using your land. You need to prove that you’re passing it on to the next generation. None of our youth are going to know that at all.... And once industry comes in... that’s it; money overrides everything.... And it’s gone really quick. [Governments] are going to rely heavily on industry and industry’s going to override our territory” (Haisla Woman, British Columbia, 2017).

“I have a good income and I still struggle to make ends meet in this community. The construction of the dam made living here too unaffordable, and the cost of electricity is expected to double.... I just don't see how living here is sustainable anymore” (Southern Inuit Woman, Labrador, 2018).

“The regular person around here can’t afford to pay rent” (Happy Valley-Goose Bay Resident, Labrador, in Stienstra et al., 2018, p. 1397).

“We can’t eat the fish no more. The fish is contaminated...and the people used to love eatin’ the fish one time but they’re scared to touch it now because they’re scared they are goin’ to get sick or something” (Indigenous Woman, Labrador, in Stienstra et al., 2018, p. 1398).

“She used to go up the hill there and pick blueberries. She used to stay up there all day and fill up a big pail of blueberries. Now you can’t even do that anymore” (Haisla Woman, British Columbia, 2017). The diminishment of local harvesting options assaults both Indigenous identity and food security.

“It puts women’s safety at a risk, particularly women with mental health issues and who are experiencing homelessness issues...it certainly multiplies it [sex work] when you have a lot of influx of men into a community like this that aren’t from the area...they don't know these women. They don't mean anything to them. Their families don’t mean anything to them, you know” (NunatuKavut Community Council Representative, Labrador, in Stienstra et al., 2018, p. 1401).

### ***Summary of Related Findings:***

- A review of approximately 400 research articles published between 2006 and 2018 reveals many challenges faced by northern and Indigenous women as a result of changes to environmental, health, social, and economic conditions, including, notably:

- Increases in sex work, gendered violence, substance use, and racialized violence
- Compromised food and water security
- Lack of access to sites of spiritual and cultural significance and practice
- Economic benefits – commonly expressed as increased availability of employment – are complicated by the fact that:
  - “women are most often employed in what could be considered typically feminine roles, such as in cafeterias, housekeeping, office work, etc. rather than as tradespeople, which is perceived as a more typically masculine role.<sup>a</sup> These lower skill feminine roles typically have lower wages than the trades-oriented jobs predominantly held by male workers<sup>b</sup>” (Manning et al., 2018a, p. 6).
  - a lack of access to childcare prevents participation in the wage economy.
- “Without a requirement for GBA+ analysis in environmental impact assessments, relatively little notice has been paid to the gendered nature of experiences with resource development, as key informants and the literature review confirmed. As a result, there are significant gaps related to impacts on, responses of, and engagement by, Indigenous women in formal and informal processes related to responding to resource development” (Manning et al., 2018b, p. 64).

**Recommendation:** *Encourage – through funding, and in collaboration with northern and Indigenous women – the pursuit of more research about the complex interrelationships between sex, gender, and other identity factors in resource extractive contexts. While there is clear evidence of many negative impacts for women and girls in these environments, there remain significant gaps in our knowledge, particularly related to the experiences of LGBTQ2S+ folks, youth, and others who are frequently excluded and overlooked.*

## **Research Finding 2**

Our research demonstrates the importance of ensuring that Indigenous women’s voices and experiences are given explicit attention in the design and implementation of consultation mechanisms and supporting structures within *The Act*, such as:

- in the constitution of the Minister’s Advisory Council (Part 1, s. 117)
- in the constitution of the Impact Assessment Agency’s Expert Committee (Part 1, s. 157) and Advisory Committee – interests and concerns of Indigenous peoples (Part 1, s. 158)
- during consultations associated with specific projects

### ***Real Lives:***

“[During the] Site C impact assessment hearing, intervenors were asked to get up in front of a microphone in a giant conference hall filled with people and were recorded when they were asked to speak to the Panel who were elevated from attendees on a raised platform. There was only one woman on the Panel, and the Chair was a man.... [The assessment hearing for] the Jackpine Mine near Fort McMurray, Alberta [was similar]. The venue was smaller due to the number of intervenors, but everyone was represented by a lawyer...‘It was the most unfriendly environment, even for a lawyer’<sup>c</sup>” (Manning et al., 2018b, p. 20).

“The Voisey’s Bay Joint Review Panel has been recognized in the literature as an important example of including women’s voices, especially Indigenous women’s voices, in the impact assessment process.<sup>d</sup> However, women were excluded from the ‘negotiations and decisions leading up to the public review process of the project,’<sup>e</sup> including those for the Memorandum of Understanding between the proponent, settler governments, the Labrador Inuit Association and the Innu Nation, which established the environmental assessment JRP” (Manning et al. 2018b, p. 31).

“We need the government involving themselves, being transparent coming to a community because it’s fine to sit at a desk and say ‘this, this, and yes we’re going to give you money,’ but have you ever really visited a First Nation community for more than an hour or two? Have you asked the questions of the community members? They’re asking questions of the elected Council” (Lorraine Whitman, Native Women’s Association of Nova Scotia, in Manning et al., 2018b, p. 18).

### **Summary of Related Findings:**

- Explicit attention to Indigenous women’s experiences and knowledges is necessary because Indigenous women typically experience far more negative than positive impacts as a result of resource development (Manning et al., 2018b). Indigenous women often hold different knowledges about the land and their communities and this knowledge is easily missed when Indigenous Peoples and communities are treated as homogenous entities or consultation only occurs with elected officials (Manning et al., 2018b).
- Factors that hinder Indigenous women’s participation in the impact assessment process include:
  - Unreasonably short timelines for participating that conflict with the multiple competing priorities facing Indigenous communities
  - Consultation formats that are described as one-sided, power-driven, colonial, very intimidating and adversarial toward Indigenous peoples (Manning et al., 2018b, p. 20).
  - Past experiences of not being taken seriously, resulting in lack of trust in consultants
- Proactive steps to ensuring Indigenous women’s participation include:
  - “[developing] an awareness that Indigenous women’s voices are often missing from consultation, planning, assessment and negotiation processes” (Manning et al., 2018b, p. 40).
  - Considering Indigenous women explicitly as “important stakeholders in all impact assessment processes<sup>b</sup> ...[and ensuring] Indigenous women [are] at the table at every stage of impact assessment processes, including [through] representation on Joint Review Panels and advisory committees<sup>h</sup>” (Manning et al., 2018b, p. 40).
  - “Going to where Indigenous women are. This means holding consultations and hearings in Indigenous communities or on the land, rather than in the nearest larger hub community<sup>i</sup>” (Manning et al., 2018b, p. 40).
  - “recognizing that culturally-relevant GBA+ is a ‘living process that can readily adapt to changing cultures and realities.’<sup>j</sup> Indigenous women’s organizations, including NWAC, Pauktuutit, and provincial Indigenous women’s organizations, are particularly well-suited to conduct culturally-relevant GBA+, but will require adequate funding and resources to carry out this work<sup>k</sup>” (Manning et al., 2018b, p. 51).

**Recommendation<sup>2</sup>:** *Ensure consultation with Indigenous women specifically when consulting an Indigenous jurisdiction under the proposed Impact Assessment Act and ensure Indigenous women’s participation in expert and advisory committees constituted through The Act.*

### **Research Finding 3**

Our research highlights possibilities for ensuring more genuine efforts to link – rather than integrate – western science and Indigenous knowledges (including Indigenous women’s knowledges) to inform impact assessments.

#### ***Real Lives:***

Integration can lead to generalizing and assimilating Indigenous knowledges because unequal power between Western and Indigenous knowledge systems remains unrecognized (Levac et al., 2018). To realize the potential of ... linking frameworks, more conscious work must be done “in families” to cultivate peoples’ capacities to navigate multiple worldviews, and to account for local specificity and diversity in Indigenous world views (?eh ?eh naa tuu kwiss/M. Atleo, personal communication, March 21, 2017, in Levac et al., 2018, p. 4).

“Tsilhqot’in concerns about impacts of the proposed mine [Taesko Mines] on the fish in Teztan Biny (Fish Lake), were rendered scientific during the EA process.... Tsilhqot’in understandings of fish and ‘fish-hood’ – ‘the intrinsic value of fish, as living beings outside of the technical, scientific traits reported on in the environmental assessment hearings’ and part of a web of relations<sup>l</sup> – were rendered largely invisible in the EA process. Important Tsilhqot’in values connected to life on the land at Teztan Biny (Fish Lake), including ‘protection of land and wildlife, local accessibility, sustainability of wildlife, kinship relationships, ancestral connections to the land, spirituality and rituals at the location, and intergenerational knowledge transfer,’<sup>m</sup> were also given limited space in the technical orientation of the EA process” (Manning et al., 2018b, p. 35).

#### ***Summary of Related Findings:***

- “There are concerns about the extent to which the federal government will be able to honour – through the proposed *Impact Assessment Act* – its responsibility to obtain free, prior, and informed consent (FPIC) from Indigenous Peoples, as is its commitment through the United Nations Declaration on the Rights of Indigenous Peoples.<sup>n</sup> In this context, there is a tremendous opportunity to develop new and meaningful ways forward in impact assessments, that do honour FPIC, and that are attentive and responsive to the experiences of diverse Indigenous women” (Manning, 2018b, pp. 65-66)
- Current attempts to include Indigenous knowledges are hindered by power differentials, which contribute to overlooking differences in core priorities and understandings, and to procedural misalignment, intersectional exclusion, and tenuousness:

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<sup>2</sup> Additional recommendations are included in a lengthy report prepared by our team for the Canadian Environmental Assessment Agency (Manning et al., 2018b). The report is available online at: [https://www.criaw-icref.ca/images/userfiles/files/FINAL\\_CEAAReport\\_Dec7.pdf](https://www.criaw-icref.ca/images/userfiles/files/FINAL_CEAAReport_Dec7.pdf)

- “Differences in **core priorities and understanding**... [are evident in] reports from review panels [that] undervalue the contributions of Indigenous people to the process by describing them as sharing their ‘views and perspectives’ rather than established Indigenous knowledge,<sup>o</sup> or by using Indigenous knowledges out of context to serve business and government agendas<sup>p</sup> ...Beth Lorimer (KAIROS) has observed that colonial governments consider Indigenous Peoples unknowledgeable, and often dismiss or inaccurately represent their knowledges in the...process.<sup>q</sup> Further, there is a tendency to homogenize Indigenous knowledges” (Manning et al., 2018b, pp. 24-25).
  - Much research highlights how current processes only include Indigenous knowledges “that can be made useful within a Western scientific frame<sup>r</sup>... Even in Nunavut, where Inuit Qaujimaqatugangit (IQ – Inuit knowledge) has been a required part of impact assessment in the territory since its founding, ‘the language used to define and promote IQ often serves to move IQ away from its cosmological implications’<sup>s</sup>” (Manning et al., 2018b, pp. 25-26). This is an example of **procedural misalignment**.
  - **Intersectional exclusion** occurs when processes fail to consider the unique knowledges of Indigenous women. For instance, land use studies typically focus on hunting, fishing and trapping, which are considered to be traditionally men’s roles in many Indigenous communities.<sup>t</sup> In other cases, women’s views are not solicited or included during the scoping phase of impact assessment, making it very difficult to address women’s concerns...later in the process<sup>u</sup>” (Manning et al., 2018b, p. 27). When Indigenous women’s experiences and knowledges are included, there is still concern that this inclusion is **tenuous** because it depends on persistence and vigilance from Indigenous leaders and community members.
- Linking Indigenous and western knowledges in ways that also address intersectional exclusion requires being guided by a set of seven principles, including: relationality, reciprocity, reflexivity, respect, reverence, responsivity, and responsibility (Levac et al., 2018).<sup>3</sup> Broadly, these principles speak to the importance of equally valuing Indigenous and western knowledges, and understanding how colonial policies continue to subjugate Indigenous peoples and their knowledges.

**Recommendation:** Encourage the adoption of the seven principles noted above when determining how to meet The Act’s commitment to gathering and using Indigenous knowledges.

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<sup>3</sup> Definitions of these principles, along with the methods leading to their identification, and useful to their implementation, are detailed in *Learning Across Indigenous and Western Knowledge Systems and Intersectionality: Reconciling Social Science Research Approaches* (Levac et al., 2018). The report is available online at: <https://www.criaw-icref.ca/images/userfiles/files/Learning%20Across%20Indigenous%20and%20Western%20KnowledgesFINAL.pdf>

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- <sup>a</sup> Cox & Mills, 2015; Davison & Hawe, 2012; Koutouki et al., 2018; Nightingale et al., 2017
- <sup>b</sup> Bernauer, 2011; Koutouki et al., 2018
- <sup>c</sup> Johnson, key informant interview, September 2018
- <sup>d</sup> Archibald & Crnkovich, 1999; Cox & Mills, 2015
- <sup>e</sup> Archibald & Crnkovich, 1999, p. 26
- <sup>f</sup> Baker & Westman, 2018; Caine, 2016
- <sup>g</sup> Jiménez and Lorimer, key informant interview, August 2018; Deonandan et al., 2016; LaBelle, 2015
- <sup>h</sup> Caine, 2016; Powell, 2017; Lorimer, key informant interview, August 2018
- <sup>i</sup> Snyder, 2016; Wolfrey, key informant interview, August 2018
- <sup>j</sup> Native Women's Association of Canada, 2007, p. 3
- <sup>k</sup> Kennedy Dalseg et al., 2018; Kioboe et al., 2005; Native Women's Association of Canada, 2007
- <sup>l</sup> Hoogeveen, 2016, p. 357
- <sup>m</sup> Kunkel, 2017, p. 9
- <sup>n</sup> King & Pasternak, 2018
- <sup>o</sup> Bedard, 2013, p. 192
- <sup>p</sup> Black & McBean, 2016
- <sup>q</sup> Lorimer, key informant interview, August 2018
- <sup>r</sup> Babidge, Greer, Henry, & Pam, 2007; Baker & Westman, 2018; Hoogeveen, 2016; Tester & Irniq, 2008
- <sup>s</sup> Tester & Irniq, 2008, abstract
- <sup>t</sup> Femmes Autochtones du Québec, 2017; Kermoal, 2016
- <sup>u</sup> LaBelle, 2015

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