



narratives

Impact Assessment & MMIWG Calls for Justice



In 2019,

Jordan Marie Brings Three White Horses Daniel ran the Boston Marathon with MMIW written across her legs, and a red handprint on her face to dedicate every mile in prayer to an Indigenous woman or girl who had been murdered.

The **red handprint**, usually painted across the mouth, continues to be the symbol of the Missing and Murdered Indigenous Women and Girls (MMIWG) movement representing the silence and lack of interest given to victimized Indigenous women, many of whom end up missing or murdered.

The **red handprint** used in this report is a symbol of our expression of solidarity with and support for murdered and missing Indigenous women and girls and 2SLGBTQQIA+ peoples, their families, and those advocating for them across North America. We walk with you.

- Narratives Inc.



Photo by Devin Whetstone



Executive Summary

The Impact Assessment Agency of Canada engaged Narratives Inc. to conduct a study examining the relationship between development projects, resource extraction practices, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ people.

This study explores the potential adverse impacts and mitigation measures that have been applied in impact assessments for resource extraction and development projects that mitigate safety and security related impacts to Indigenous women and girls, their equitable benefit from the positive effects of designated projects, and increased demand on social infrastructure.

In 2020, six out of 10 Indigenous women experienced physical violence and one out of two Indigenous women experiences sexual violence. Indigenous women, girls, and

2SLGBTQQIA+ people have faced and continue to face high rates of violence. They are overrepresented as victims of various types of violence, including sexual violence such as trafficking and domestic violence.

In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls found that development projects and resource extraction efforts are linked to increased risks of physical and sexual violence against Indigenous women, girls, and 2SLGBTQQIA+ people. The National Inquiry also released a list of recommendations, called Calls for Justice aimed at governments, institutions, industries, service providers, partners, and Canadians as a whole to address root causes of violence faced by Indigenous women, girls, and 2SLGBTQQIA+ people. This study explores Call for Justice 13.4, which calls upon different levels of government to fund inquiries into the relationship between resource extraction and adverse impacts to Indigenous women, girls, and 2SLGBTQQIA+ people.

This report highlights a strong need for development and implementation of policies and procedures that address and work to reduce sexual harassment and violence in the workplace, promote gender equity and diversity to increase project employment, and introduce culturally relevant, gender-based, and anti-racism based education and training for new and current employees.

The following recommendations are made to assist in reducing adverse impacts while increasing benefits to Indigenous women, girls, and 2SLGBTQQIA+ people in the resource extraction industry:

1. Increase mechanisms for evaluation;
2. Move beyond Gender-Based Analysis Plus;
3. Utilize relevant cultural resources and training;
4. Provide on-site resources;
5. Engage meaningfully with community;
6. Demonstrate incorporation of public feedback;
7. Integrate role of proponent policies and practices;
8. Engage in co-led and Indigenous led impact assessments; and
9. Utilize a trauma-informed approach to engagement.



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Introduction

Project Scope

Purpose

The Impact Assessment Agency of Canada (“IAAC”) engaged Narratives Inc. (“Narratives”) to undertake a study (the “Study”) to explore measures in response to, or related to, Call for Justice 13.4 from the Final Report on Missing and Murdered Indigenous Women and Girls (“MMIWG”). Call for Justice 13.4 calls upon federal, provincial, and territorial governments to fund inquiries and studies investigating the relationship between development projects and resource extraction and violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

The Study aims to investigate mitigation measures that have been applied in impact assessments for resource extraction and development projects that mitigate safety and security related impacts to Indigenous women and girls, their equitable benefit from the positive effects of designated projects, and increased demand on social infrastructure.

Objectives

This Study responds to the main research question:

“How have Impact Assessments¹ in Canada understood and mitigated potential adverse impacts to Indigenous women, girls, and 2SLGBTQQIA+ people and social infrastructure, while enhancing and ensuring equal distribution of positive impacts?”

The purpose of the Study is threefold:



¹The report considered Environmental Assessments and other iterations of the impact assessment planning process.





This report seeks to:

- **Examine potential adverse impacts** of the extractive industry and developments on the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people,
- **Identify mitigation measures** safeguarding the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people,
- Identify **adverse effects on social infrastructure** impacting Indigenous women, girls, and 2SLGBTQQIA+ people and identification of potential mitigation measures,
- Identify mechanisms to increase and **enhance any positive impacts** or benefits of the extractive industry and developments for Indigenous women, girls, and 2SLGBTQQIA+ people,
- **Evaluate effectiveness** of presently proposed measures to carry out the former,
- Identify potential **best practices to improve understanding and response to potential impacts from a holistic and inclusive perspective,**
- Provide **recommendations** to enhance the response to Call for Justice 13.4 in Impact Assessment, and
- Provide a list of entities for future IAAC engagement to engage further with the topic.



Below we provide key definitions used in impact assessments, followed by Section Two which outlines the research methodology.

Section Three provides background information on Impact Assessment in Canada and the Calls for Justice and Section Four highlights findings from the literature review. Finally, Section Five of the report provides recommendations to improve the safety and inclusion of Indigenous women, girls and 2SLGBTQIA+ people in Impact Assessment and outlines potential areas for further investigation.

Definitions

This section provides definitions for key terms used by the Impact Assessment Agency of Canada in the Impact Assessment process.

All parties participating in an Impact Assessment process may understand, express, and subsequently define key elements of the process differently. Terms and definitions may also vary depending on tradition, culture, world views, and knowledge systems and over time as practice evolves and is influenced by evolving public discourses nationally and globally. For the purposes of this report, we lean on definitions used by the Impact Assessment Agency of Canada (“IAAC”) per below, and note where definitions may be limiting to the discussion:

| | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impacts | The effects of a designated project (Impact Assessment Act, 2019). |
| Mitigation Measures | The measures to eliminate, reduce, control, or offset the adverse effects of a project or designated project, and includes restitution for any damage cause by those effects through replacement, restoration, compensation, or any other means (Impact Assessment Act, 2019). |
| Effect | The changes to the environment or to health, social, or economic conditions and the positive and negative consequences of these changes (Impact Assessment Act, 2019). |
| Environment | The components of the Earth, including: the land, water, and air, including all layers of the atmosphere; all organic and inorganic matter and living organisms; and the interacting natural systems that include aforementioned components (Impact Assessment Act, 2019). |
| Designated Project | Means one or more physical activities that: (a) Are carried out in Canada or on federal lands; and (b) Are designated by Act regulations or designated in an order made by the Minister (Impact Assessment Act, 2019). |



Approach to the Research

This section presents an overview of how the research was conducted, software used, and some limitations to the approach we feel are important for the reader to be mindful of.

Literature Review & Case Studies

A qualitative review of literature (both grey and academic) and case studies was conducted to analyze relevant research and existing projects from the Impact Assessment Agency of Canada (IAAC) to examine potential adverse impacts, identify mitigation measures, identify adverse effects on social infrastructure and mechanisms to enhance positive impacts, and evaluate the effectiveness of these measures for safeguarding the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people. In total, 192 documents were selected for analysis. These included 20 academic articles, 20 government documents (including Acts, Canadian statistics, and reports from Ministries), 15 reports (including The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls), three project proposal reports, three project impact statements, three project decision statements, 61 supporting documents outlining project policy, communications, and project conditions, and 66 documents outlining feedback and comments from the public. These documents span from 1987 to 2022 and represent materials associated with projects across Canada, except for in New Brunswick, Nova Scotia, and Prince Edward Island.

Literature for analysis was selected based its inclusion of engagement with Indigenous women, girls, and 2SLGBTQQIA+ individuals within impact assessment and extraction industries. The literature centred around feedback received from Indigenous women in the resource extraction industry and spoke specifically to the gendered effects of impact assessments and possible mitigation measures for the industry. The case studies analyzed for the purposes of this report were selected in collaboration with IAAC and were chosen based on their likelihood of discussing mitigation measures for Indigenous women, girls, and 2SLGBTQQIA+ individuals' safety.

Three Designated Projects, ranging from 2021-2022, that have undergone an impact assessment² were analyzed to understand the impacts and mitigation measures related to Indigenous women, girls, and 2SLGBTQQIA+ individuals. These studies include:

- The Cedar LNG Project in Kitimat, British Columbia³ (2022-ongoing)
- The Rose Lithium-Tantalum Mining Project in Quebec⁴ (2021-ongoing)
- The Kudz Ze Kayak in the Yukon⁵ (2022-ongoing)

Documentation & MAXQDA®

The documents were coded using qualitative analysis software (MAXQDA) to identify potential adverse impacts, mitigation measures, effects on social infrastructure, mechanism to enhance positive impacts, and evaluate the effectiveness of mitigation measures in the resource extraction industry on Indigenous women, girls, and 2SLGBTQQIA+ people. In total, 11 mitigation measures and seven effects emerged from the literature.

Limitations

This report offers promising steps toward building more equitable impact assessments to mitigate negative impacts and enhance positive outcomes for Indigenous women, girls, and 2SLGBTQQIA+ individuals in the resource extraction industry. However, the literature and case studies selected for review are limited in that they did not extensively discuss impacts and mitigation measures for the safety and wellbeing of

2SLGBTQQIA+ people. In all the documents analyzed, specific references to 2SLGBTQQIA+ individuals arose only 15 times.

Research for this report was also limited to desktop research. Narratives did not deploy research methods beyond a desktop exercise. The views and contributions of Impact Assessment Agency analysts, proponents, and stakeholders are therefore only reflected if they occurred in the materials analyzed.

A key limitation of this exercise is access of and to the population this discussion is about. Vulnerable populations will typically have extremely limited access to mainstream processes, even though they may be impacted by these processes disproportionately. Without access to such processes, their issues, challenges, outcomes may not become part of the public, academic or practice discourse and hence offer limited understanding of these challenges. Engaging with 2SLGBTQQIA+ individuals as experts with lived experience would be key to truly understanding the issues. This report has not included engagement.

² Rose Lithium-Tantalum Mining Project went through the CEEA process, Cedar LNG went through the British Columbia Provincial Environmental Assessment Process, and Kudz Ze Kayah followed the Yukon Environmental and Socio-economic Assessment process.

³ The Cedar LNG Project is a proposed floating liquefied natural gas processing facility and marine export terminal near Kitimat, British Columbia.

⁴ The Rose Lithium-Tantalum Project is an open-pit mining project proposed north of Nemaska Cree Nation on the traditional lands of the Cree Nation of Eastmain.

⁵ Kudz Ze Kayah is a mining project proposed by BMC Minerals, located in the northern Pelly Mountains in south central Yukon, within the territory of the Liard First Nation and the Kaska Dena.



Background

This section walks through how impact assessment has evolved in Canada and provides a high-level snapshot of the extractive industry in Canada.

History of Impact Assessment in Canada

Impact assessment is a planning and decision-making process that entails identifying and considering the environmental, cultural, historic, and economic implications of proposed activities (Sinclair, Doelle, & Gibson, 2018). Formal federal policy for impact assessment in Canada began with the Environmental Assessment and Review Process (EARP) established in 1973 (Federal Environmental Assessment Review Office, 1987). This process established a two-phased approach to impact/environmental assessment and was applicable to any development being proposed on federal lands or areas of federal jurisdiction. In 1984, an Environmental Assessment and Review Process Guideline Order was issued to clarify the roles and responsibilities involved in the implementation of the Review Process (Delicaet, 1995).

The first federally legislated impact assessment process involved the reformation of the Environmental Assessment and Review Process into the Canadian Environmental Assessment Act of 1992 (CEAA, 1992). CEAA, 1992 applied to proposed actions involving federal funding, permits, or licensing and committed to facilitating early and meaningful public participation during the impact assessment process (Canadian Environmental Assessment Act, 1992). In addition, the legal acknowledgement of Indigenous and treaty rights began to gain recognition in part due

to the court-determined federal duty to consult with Indigenous peoples on proposed actions taking place in their territories (Manning, Nash, Levac, Stienstra, & Stinson, 2018). This authority was, however, restricted to conditional circumstances involving either a band council as proponent or funder, or if a project was being carried out in part or completely on reserve lands (Canadian Environmental Assessment Act, 1992). Although CEAA, 1992 also acknowledged non-western knowledge such as Indigenous Traditional Knowledge, the inclusion of these sources was not mandated, meaning consideration of Indigenous perspectives continued to be discretionary and limited.

In 2012, CEAA, 1992 was repealed and replaced with the Canadian Environmental Assessment Act, 2012 (CEAA, 2012). Amendments to the Act changed the mechanism by which projects triggered assessments through the introduction of a designated project list, greatly reducing the number of projects falling under Act authority (The Native Women's Association of Canada, 2020). Under the designated project list, only major projects in the defense, mining, nuclear, energy, transport, hydroelectric, or hazardous waste disposal, or projects taking place on National Parks or Protected Areas would fall under Act authority (Regulations Designating Physical Activities, 2012).

Public participation was also subject to new limitations in which only “interested parties,” or those that, in the opinion of the review panel, would be directly affected by the proposed project or have relevant information or expertise, might be engaged (Halloran, 2013), despite public participation being widely recognized as a key instrument in enhancing the sustainability of environmental decision-making (Doelle & Sinclair, 2005).



In 2016, the Expert Panel for the Review of Environmental Assessment Processes was established by the then Minister of Environment and Climate Change, Catherine McKenna, to examine and review the environmental assessment process with the intention of restoring public trust in impact assessment and introducing new, fairer processes (Expert Panel for the Review of Environmental Assessment Processes, 2017).

Two key recommendations in the Expert Panel's Final Report included:

- that Indigenous peoples be included in all stages of decision-making stages in an Impact Assessment process, and
- that Impact Assessment authorities make an intentional effort to understand Indigenous peoples' rights, history, and culture (Expert Panel for the Review of Environmental Assessment Processes, 2017).

In 2018, Minister McKenna sponsored Bill C-69 in the house, seeking to ameliorate CEAA, 2012 and bring the Impact Assessment Act into force. Following the royal assent of this act in 2019, a new federal environmental assessment system was established through the Impact Assessment Act (IAA). The new IAA legislates several improvements to CEAA, 2012. The Act (Impact Assessment Agency of Canada, 2022):

- Includes a mandatory early planning and engagement phase.
- Focuses on the projects contributions to sustainability and includes assessment of both positive and adverse effects.
- The Impact Assessment Agency is responsible for conducting assessments under the Act.
- Introduces legislated but flexible timelines. The flexibility in timelines is subject to proponent request to pause or seek a timeline extension.

Under the Impact Assessment Act, expert federal authorities are required to review and provide expertise as part of the process including providing advice on concerns or proposed mitigation measures. The IAA also specifies several changes to the participation and authority of Indigenous peoples. The Act (Impact Assessment Agency of Canada, 2022; Impact Assessment Agency of Canada, 2022):

- Affirms the objectives of Free, Prior and Informed Consent as set out in the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP).
- Offers greater opportunities for Indigenous governments to exercise power and duties.
- Requires early consultation with Indigenous groups.
- Requires mandatory consideration of and respect for Indigenous Knowledge.
- Requires the inclusion of gender-based analysis plus.
- Requires the undertaking of an assessment of project impacts on Indigenous peoples and their rights.



To further ensure the authority of Indigenous peoples in the Impact Assessment process, the Impact Assessment Agency of Canada has additional regulations, policies, and programs targeted at Indigenous inclusion. These include:

- **Federal-Aboriginal Agreements**, which aim to harmonize the federal and environmental assessment processes and promote an open and participatory process for assessing the environmental implications of projects on Aboriginal lands (Impact Assessment Agency of Canada, Agreements related to assessments, 2016)
- **Implementation of the United Nations Declaration on the Rights of Indigenous**, which was incorporated into the IAA and is implemented through partnerships with Indigenous communities; respect for Indigenous rights and jurisdiction; mandatory consideration of Indigenous knowledge; and building Crown-Indigenous relations and capacity (Impact Assessment Agency of Canada, 2021)
- **James Bay and Northern Quebec Agreement**, which is the first modern land claim agreement in Canada and sets out environmental and social protection for the regions of James Bay and Nunavik (Impact Assessment Agency of Canada, Agreements related to assessments, 2016)
- **Indigenous Capacity Support Program**, provides funding to Indigenous communities and Indigenous organizations to help support meaningful engagement and consultation during assessments (Impact Assessment Agency of Canada, 2023)



The Agency is also in the process of co-developing regulations and policy with national and regional Indigenous representatives, for new Indigenous Cooperation Agreements. These cooperation agreements would enable Indigenous governing bodies to exercise certain powers, duties and functions related to federal impact assessments on specified lands (Impact Assessment Agency of Canada, 2023).

Although the Impact Assessment Act and additional regulations and policies offer increased consideration for Indigenous authority and Traditional Knowledge, areas of concern nevertheless remain, one area being provisions to protect Indigenous girls, women, and 2SLGBTQIA+ people, who are disproportionately impacted by developments.



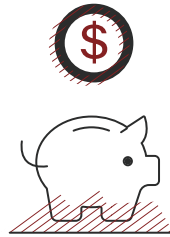
The Extractive Industry in Canada

Extractive industries, according to Sigam & Garcia (2012), encompass the people, companies, and activities surrounding the exploration, extraction, processing, and utilization of raw materials from the earth. Hassan et al. (2006) notes that extraction in this context is related to the commercial value and potential for profit from natural substances such as minerals, oil, and natural gas.

Extractive projects, is a term that Shapiro & McNeish (2021) note is used to refer to mining and hydro-carbon extraction, but also broadly encompasses any high-impact, land-based projects including conservation and renewables as well as large-scale infrastructure projects such as agri-business, hydropower, solar energy, pipelines, ports, or highways.

Although extractive industries and their subsequent projects, are often associated with global cycles of production and consumption, Nachet et al. (2021) indicate that the practices of extracting substances from the earth are longstanding for functional and/or traditional purposes. Canada's economy relies heavily on sectors such as oil and gas, metal, mineral, and aggregate mining, forestry, fisheries, agriculture, and extraction adjacent industries such as hydroelectric development and construction (Wang, 2021).

In 2021 alone (Natural Resources Canada, 2021; Natural Resources Canada, 2022):



The federal government received
\$2.9 BILLION

in corporate income taxes and royalties from mining and related support activities (2020).

60

minerals and metals were produced at almost

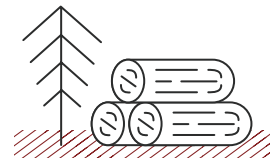


200
mines

The minerals and metals sector directly employed **402,000** individuals.



6,500
sand, gravel, and stone quarries.



The forestry and logging industry contributed over **\$4 billion** to the nominal GDP (2020).



The minerals sector invested **\$14.4 billion** in new capital construction and in machinery and equipment.

While there are economic benefits to extractive industry, Gibson et al. (2017) and Amnesty International (2016) have identified that Indigenous girls, women, and 2SLGBTQQIA+ individuals face underrepresentation in all aspects of Impact

Assessment and are the least likely to share in benefits associated with developments. The relationship between development projects and violence against Indigenous girls, women, and 2SLGBTQQIA+ people is further explored below.



The Calls for Justice and Impact Assessment

This section speaks to the Calls for Justice and presents some concepts relevant to the discussion as we explore the topic.

In 2016, the Government of Canada launched an independent National Inquiry into Missing and Murdered Indigenous Women and Girls. The purpose of this inquiry was to examine historical, cultural, social, institutional, and economic factors contributing to the violence experienced by Indigenous girls, women, and 2SLGBTQQIA+ individuals (Government of Canada, 2022). The final report, entitled “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls,” comprises of 231 Calls for Justice. The Calls for Justice include recommendations directed towards governments, institutions, industries, service providers, partners, and to all Canadians to address root causes of violence and improve the quality of life of Indigenous girls, women, and 2SLGBTQQIA+ people (Assembly of First Nations, 2021).

As of January 2023, progress is being made to implement Call for Justice 1.7. Call for Justice 1.7 calls for federal, provincial, and territorial governments to establish a National Indigenous and Human Rights Ombudsperson with authority in all jurisdictions to receive complaints from Indigenous individuals and communities and to conduct independent evaluations of government services for First Nations, Inuit, and Metis people and communities to ensure compliance with Indigenous and Human Rights laws (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). Jennifer Moore Rattray has been appointed as a ministerial special representative to provide recommendations for an Indigenous and Human Rights Ombudsperson (Deer, 2023).

Call for Justice 13.4 is of particular importance to the Impact Assessment process. It states:

“We call upon the federal, provincial, and territorial governments to fund further inquiries and studies in order to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQQIA people. At a minimum, we support the call of Indigenous women and leaders for a public inquiry into the sexual violence and racism at hydroelectric projects in northern Manitoba” (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019).

The National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) found that development projects and temporary industrial camps, contribute to increased risks to physical and sexual violence against Indigenous women, girls, and 2SLGBTQQIA+ people. As impact assessments are one important mechanism to identify impacts and mitigation measures, there is an opportunity for the process to contribute to and increase the safety of Indigenous women, girls, and 2SLGBTQQIA individuals.

Relevant Concepts

Free, Prior and Informed Consent (FPIC)

as recognized by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007), is the right for Indigenous people to give or withhold consent to a project that may affect them or their territories. The spirit of FPIC is woven throughout UNDRIP. Furthermore, FPIC enables Indigenous people to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated (UN General Assembly, 2007). Article 22 (2) of UNDRIP also notes that particular attention should be given to the needs of Indigenous women, girls, and children.

This measure identifies that Indigenous women and children should be protected and guaranteed against all forms of violence and discrimination.

Within the Canadian context, in 2019, the Government of British Columbia passed the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) into law. The Act established the UNDRIP as the Province’s framework for reconciliation in response to the Truth and Reconciliation Commission’s Calls to Action; it mandated

the government to bring provincial laws into alignment with the UN Declaration. Article 32 has particular relevance for Impact Assessment in the province as it states:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact (Declaration on the Rights of Indigenous Peoples Act, 2019).





More broadly, as of 2021, the Government of Canada has committed to new nation-to-nation, government-to-government, and Inuit-Crown relationships that integrate FPIC throughout their processes and extend beyond the legal duty to consult (Department of Justice, 2021). Strengthening the commitment comes through backing by the Supreme Court of Canada, which has confirmed that the Indigenous nation, as proper title holder, decides how to use and manage its lands. (Department of Justice, 2021). However, Carroll (2022) has noted that extractive industries and their associated projects, have a history of strained relationships with Indigenous peoples, often involving violence and conflict, that Shapiro & McNeish (2021) suggest stems from lack of FPIC. Sadiq & Sinclair (2020) specifically note the need for consent to occur through all stages of the project – from pre-exploration to remediation – not just prior to development, as many communities

find consultation once active exploration on the land has occurred disrespectful. Many studies have also identified inadequacies of prior consultation processes (e.g. Flemmer & Schilling-Vacaflor, 2016), the non-recognition of consent as a legal requirement (Miller, 2015; Perreault, 2015), controversies of consent as veto (Sadiq & Sinclair, Understanding free, prior, and informed consent (FPIC) in the context of mining in Canada., 2020), the depoliticization effects of standard, bureaucratic consultation processes (Merino, 2018; Urteaga-Crovetto, 2018), and the disparities in power and resources between the actors involved (Rodríguez-Garavito, 2011).

Extractive violence, defined by MacNeil (2017) is a form of direct violence against the natural environment and its inhabitants. Mezzadra & Neilson (2017), expand on this by noting that this violence occurs throughout the development of extractive projects and when there is forced removal of resources from the Earth, without reciprocity or proper stewardship from local stakeholders built into the process (Willow, 2018; Kröger, 2020). Anderson (2016) and Carroll (2022) indicate that extractive violence can be a result of many factors, including a lack of free, prior, and informed consent (Shapiro & McNeish, 2021) and deeply rooted understandings of the relationship between humans and natural resources (i.e. resources serve a function vs. in an Indigenous worldview, which considers the earth to be Mother Earth and hence any activities (including extraction) carry a significant amount of weight and hence warrant intentionality).



Findings

This section provides an overview of findings as they relate to potential adverse impacts, mitigation measures, effects on social infrastructure, mechanisms for enhancing positive benefits, and their overall effectiveness in ensuring the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people.

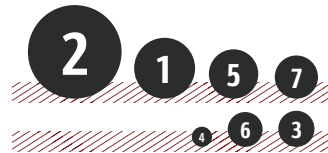
Adverse impacts of the extraction Industry on Indigenous women, girls, and 2SLGBTQQIA+ people

Disproportionate adverse impacts are experienced by Indigenous peoples, due to practices associated with extractive industries (MacNeil, 2017; Nachet et al. 2021). Other than the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019)⁶, very few documents spoke directly to impacts experienced by Indigenous girls and 2SLGBTQQIA+ people. However, in the documents that did speak to potential adverse impacts on Indigenous women, girls, and 2SLGBTQQIA+ people, it was emphasized that these groups experience disproportionate adverse impacts related to the resource development sector. In particular, Gaard (2017) and MacNeil (2017) have found that **Indigenous women, girls, and 2SLGBTQQIA+ individuals are at greater risk of experiencing negative outcomes** including increases in physical and sexual violence as well as systemic and gender inequality in the hiring processes, when reporting grievances, and in the collection of workplace data.

Public comments from the Kudz Ze Kayah project also highlighted the increases in substance use related offences, sexually transmitted infections, sexual offences and exploitation, gender-based domestic violence, and gang violence associated with resource extraction projects (Moorcroft, 2018).

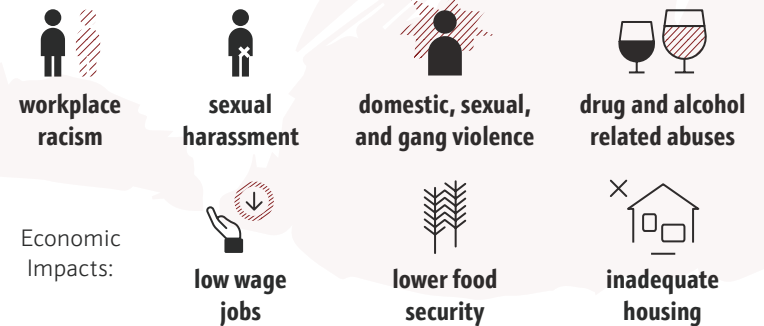
These comments noted that Indigenous women would likely **experience racism and harassment** throughout the project and these risks had not been adequately mitigated through the measures proposed by YESAB (Moorcroft, 2018).

Impacts were noted at a high level across documents.



| | | | |
|-------------------------------------------|------------------|--------------------|------------------|
| ① Indigenous People were coded a total of | 368 TIMES | ⑤ Heritage Impacts | 212 TIMES |
| ② Environmental Impacts | 634 TIMES | ⑥ Economic Impacts | 155 TIMES |
| ③ Health Impacts | 156 TIMES | ⑦ Social Impacts | 177 TIMES |
| ④ Gendered Impacts | 60 TIMES | | |

Analysis of these comments show that **2SLGBTQIAA+ and racialized women** are impacted by Designated Projects in the following ways:





Some of the documents reviewed (Oxfam Australia, 2009; The Native Women's Association of Canada, 2015; Amnesty International, 2016; Camey, Sabater, Owren, & Boyer, 2020; Pauktuutit Inuit Women of Canada, 2020; Pauktuutit Inuit Women of Canada, 2021) clearly indicated that impacts were assessed through a combination of engagement with Indigenous women, girls, and 2SLGBTQQIA+ people who have worked in extractive industry or have been impacted by extractive projects and desk-based literature review. While in other documents, there was a notable gap and lack of clarity related to how an assessment of impacts was conducted.

Proponents and stakeholders should also be made aware of the Indigenous Capacity Support Program. The funding can be used to support participation and/or undertaking of assessments, strengthening awareness of impact assessment, and capacity building related to impact assessment activities (Impact Assessment Agency of Canada, 2023). This may support increased involvement of Indigenous women, girls, and 2SLGBTQQIA+ people in identifying potential adverse impacts of extraction projects.

Accurate and Meaningful Language

An important part of identifying impacts, is having **language that all stakeholders understand and accurately represents people's experiences.** In the Kudz Ze Kayah project, the Yukon Government pushed BMC Mining to evaluate their current Draft Statement Report to include more accurate descriptions of Indigenous populations, harassment, violence, and 2SLGBTQQIA+ individuals. The Yukon Government addressed existing statements made in the report, providing feedback on how to change these statements to make them more inclusive (ensuring that language is not confusing gender with sexuality, reducing language that perpetuates victim-blaming, and changing language to reflect the disproportionate victimization of Indigenous women as victims of crime), while also fully acknowledging the role that the resource extraction industry can play on vulnerability status of specific demographics (including Indigenous peoples, women, and the 2SLGBTQQIA+ community).



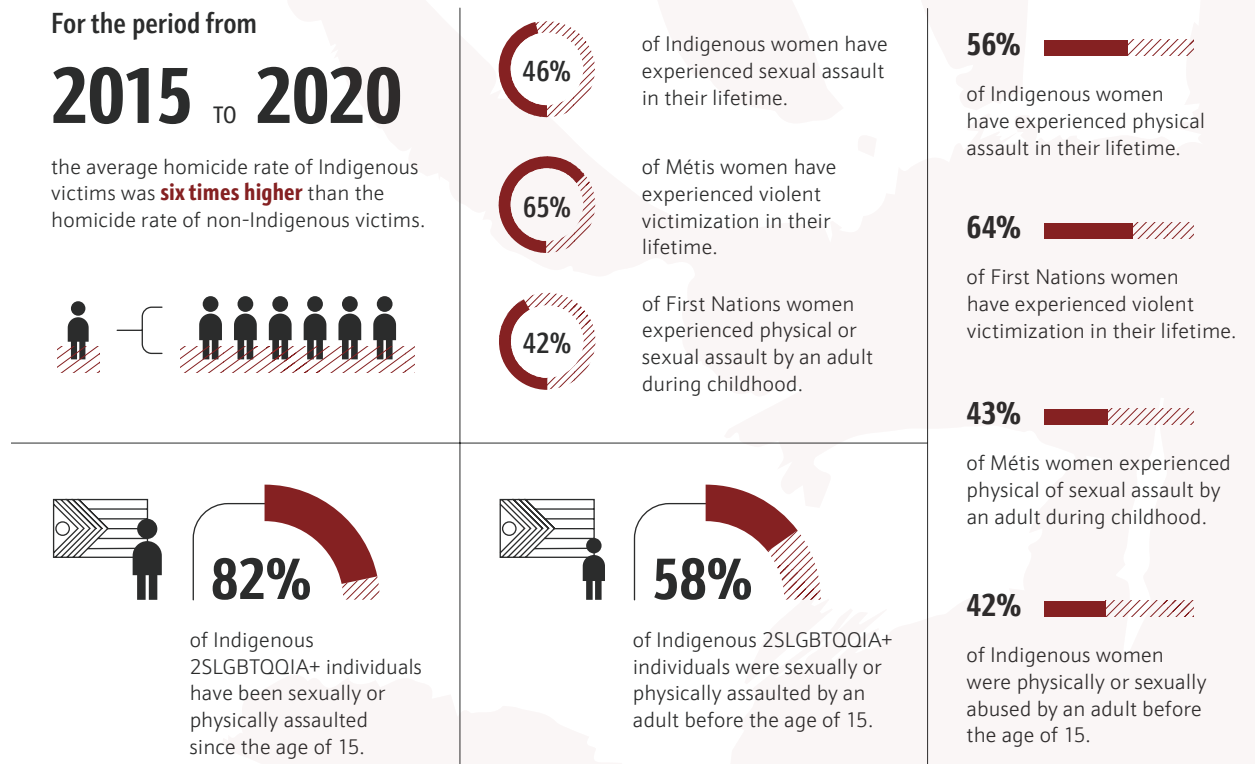
Effects on social infrastructure

This section examines the effects of extractive projects on social infrastructure related to Indigenous women, girls, and 2SLGBTQQIA+ people, identified in the literature. While the literature did not specifically use the language of and speak to social infrastructure, it did speak to the ways in which extractive industry and the associated camp sites contribute to increased rates of violence for Indigenous women, girls, and 2SLGBTQQIA+ individuals. Mitigation measures that were identified to address the following effects can be found in the mitigation measure findings below.

Increased rates of violence

Public comments related to Kudz Ze Kayah expressed concern with the Yukon Environmental and Socio-economic Assessment Board's (YESAB's) proposed mitigation measures for affected Indigenous Nations. Comments stated that proposed measures were not backed by evidence and did not demonstrate how target goals would be met. Comments also highlighted the increases in substance use related offences, sexually transmitted infections, sexual offences and exploitation, gender-based domestic violence, and gang violence associated with resource extraction projects, stating that the racism and harassment experienced by Indigenous women would not be mitigated through the measures proposed by YESAB (Moorcroft, 2018).

Sherman (2022) asserts that the violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ individuals extends beyond the extraction industry. The 2018 Survey of Safety in Public and Private Spaces (Heidinger, 2022) reinforces that by noting:





Our research notes that certain activities associated with extractive projects further increase the risk for violence against Indigenous women, girls, and 2SLGBTQIA+ people.

Impacts of industrial camps

Industrial camps are the temporary housing facilities colloquially known as “**Man Camps**” that the extractive industry relies on to house a transient workforce until project completion. Set up in largely remote areas on or near Indigenous peoples’ lands, Gibson et al. (2017) and Fin et al. (2017) assert that these densely populated industrial camps can strain already limited social infrastructure and is associated with an increase in sexual and physical violence. For example, research conducted by Gibson et al. (2017), in the Fort St. James area noted **an increase of 38 per cent in sexual assaults during the first year of the construction phase of an industrial project alone.** There are many additional adverse effects of industrial camps on Indigenous girls, women, and 2SLGBTQIA+ individuals, including (Pauktuutit, Inuit Women of Canada, 2020):

- Sexual harassment and stalking.
- Increased risk of coercion into sex work and human trafficking.
- Low wages.
- Sexist and racist employment practices.
- Disconnect from local communities.
- Increased domestic violence.
- Increased incidences of sexually transmitted infections and HIV/AIDS.
- Increased risk of going missing or being killed.

The National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) and Pauktuutit, Inuit Women of Canada (2020) have identified that the impacts of these camps, and the camps associated culture, heighten safety concerns for Indigenous women, girls, and 2SLGBTQIA+ individuals that need to be accounted for and mitigated during extractive development projects.



Mitigation measures for the safety and security of Indigenous women, girls, and 2SLGBTQQA+ people

This section provides an overview of the key mitigation measure to reduce potential adverse impacts to Indigenous women, girls, and 2SLGBTQQA+ people. The following mitigation measures arose from the case studies, and grey and academic literature.

Preventative Policies & Procedures

The literature identified a need for the development of policies and procedures to reduce and prevent gendered impacts for Indigenous women. The Pauktuutit Inuit Women of Canada (2020) recommend developing **stand-alone policies addressing sexual harassment and violence in the workplace**, separate from generalized conduct/harassment policies. The Cedar LNG Project proposed the implementation of a **gender equity and diversity policy to increase project employment** among underrepresented populations. In response, the Impact Assessment Agency of Canada (IAAC) encouraged the Cedar LNG Project to develop these mitigation measures in consultation with Indigenous Nations during all project phases to promote a safe and respectful environment through anti-harassment, discrimination, and violence policies, highlighting that the proposed processes should be gender-appropriate and include gender- and sexuality-specific policies (Environmental Assessment Office, 2022). Gibson et al. (2017) describe **company-wide education and training** regarding these new or redeveloped policies and procedures as being the key to their success.

The Ontario Human Rights Commission, as referenced in Pauktuutit Inuit Women of Canada (2020) advocate **for any such policy to include clear examples of sexual and gender-based harassment and assault**. Lomas, as cited in Pauktuutit Inuit Women of Canada (2020) included that these policies should outline steps for action if the perpetrator is an extraction worker, a supervisor, a company officer, or a board director.

The documents asserted that the development of policies and procedures would be important mitigating measures to address gender-based impacts, **however, the reports do not detail how proponents should implement these policies, how they would be assessed for effectiveness, or how these policies would reduce impacts on Indigenous women, girls, and 2SLGBTQQA+ individuals.**

Mechanisms for Reporting Grievances

The Pauktuutit Inuit Women of Canada (2020) recommend the development and implementation of **grievance mechanisms related to workplace sexual violence and harassment**. The Pauktuutit Inuit Women of Canada (2021) advise including provisions in the grievance mechanism process encouraging there to be a **female present when another woman is reporting a grievance** and carrying out a post-reporting follow-up with the reporting individual. In the case of the Kudz Ze Kayah project, BMC Mining was encouraged to ensure that women have an accessible supervisor or mentor who provides regular check-ins to discuss any negative experiences related to gendered impacts in the workplace. On top of this, BMC was encouraged to develop formal feedback processes through which Indigenous employees can voice concerns around any negative experiences they may face in the workplace. Special notes related to this recommendation made a point of stating that these proposals could be extended more broadly to all employees with a special focus on women and 2SLGBTQQA+ individuals.

In addition, the historic lack of legally binding instruments was identified as a barrier to Indigenous women by the Pauktuutit Inuit Women of Canada (2020), who go on to highlight the need to hold all offenders accountable for their actions through the implementation of serious repercussions, regardless of the individual's position in the industry (Pauktuutit Inuit Women of Canada, 2021). Furthermore, there is a need for the **collection of gender disaggregated data in relation to grievances** filed and the manner in which these grievances were addressed (Pauktuutit, Inuit Women of Canada, 2020). Collecting this information will assist in identifying structural gaps preventing Indigenous women from safe and equitable employment in the resource extraction industry.



Mechanisms to enhance positive benefits of the extractive industry for Indigenous women, girls, and 2SLGBTQQA+ people

This section outlines some of the mechanisms identified in the documents to enhance positive benefits of the extractive industry for Indigenous women, girls, and 2SLGBTQQA+ people. It should be noted that while the following measures were identified as increasing the positive benefits from projects these may also be mitigation measures to eliminate, reduce or offset potential adverse effects.

Meaningful Community and Public Consultation

Oxfam Australia (2009) emphasizes that information gathering, and analysis should be undertaken in consultation with women, men, Indigenous peoples, and independent gender experts to assist in designing more inclusive and equitable impact assessments. For example, in 2019, the Liard Aboriginal Women's Society (LAWS) submitted comments to BMC Minerals, in relation to the Kudz Ze Kayah project, stating that former exploration and mining efforts have already impeded the ability of the Kaska Dena people to live in harmony with the land and affected their ability to find sufficient food and medicine to sustain their people. LAWS communicated the need for all Kudz Ze Kayah assessments, be they social, economic, environmental, or health-related, to be culturally informed and undertaken with local Indigenous guidance. While documentation from BMC Minerals incorporated scheduling for Indigenous consultation, however, comments received from Liard First Nation expressed disappointment in the process and disclosed the need for meaningful consultation and community-wide decision-making power.

Newly proposed mitigation measures for Cedar LNG involved consulting with Indigenous communities around the project area to better understand impacts and developing appropriate tools and measures to counter adverse effects. Sample mitigation measures proposed by the proponents across all three case studies involving consultation with Indigenous communities include: the development of communication plans in response to accidents or malfunctions; the development of an emergency response plan; the development and implementation of a gender, equity, and diversity policy; the development of a drug and alcohol policy; and the development of a workplace violence, bullying, and discrimination process encompassing gender-appropriate and gender/sexuality-specific policies (Natural Resources Canada, Fisheries and Oceans Canada, & Government of Yukon, 2020; Critical Elements Lithium Corporation, 2021; Environmental Assessment Office, 2022). As noted, these measures enhance positive benefits, but they also mitigate potential adverse impacts. For example, a communication plan in the short term helps

mitigate adverse impacts by providing quick and adequate responses to accidents or malfunctions, while also building rapport and transparency in the long term. Even an emergency response plan while creating better preparedness, over time contributes to building capacity, reduced response time, and building stronger relationships within and between communities.

Pauktuutit Inuit Women of Canada (2020; 2021) and Camey et al. (2020) highlight the need for specifically engaging with Indigenous women and girls when developing policies and programs addressing risk factors specifically related to gender-based violence in the workplace. These partnerships will help identify impacts during the project planning phases through routine feedback systems set up between Indigenous women, stakeholders, and the company itself (Gibson, Hoogeveen, & MacDonald, 2018; Camey, Sabater, Owren, & Boyer, 2020).

Benefit and Cooperation Agreements

In some cases, industry activities are monitored through Impact Benefit Agreements (IBAs) (Pauktuutit, Inuit Women of Canada, 2020; Pauktuutit Inuit Women of Canada, 2021). These agreements can help communities benefit from industry activities through increasing employment, education, training, and increasing business opportunities. Pauktuutit Inuit Women of Canada (2020) recommends that IBA

development should be undertaken in consultation with Inuit, First Nation, and Metis women and should include specific provisions designating roles and responsibilities as they relate to increasing workplace and community safety for Indigenous women and girls. However, Pauktuutit, Inuit Women of Canada (2020) and Moodie et al., (2021) also noted criticisms about how these processes can work when meaningful engagement is missing, stating that the agreements are often finalized without appropriate consultation with Indigenous women and communities.

In addition, once developed, Indigenous Cooperation Agreement Regulations and Policies will be an important mechanism for ensuring the Indigenous communities can exercise their rights over specific lands (Impact Assessment Agency of Canada, 2023) and have a larger role in identifying mitigation measures that address the needs of Indigenous women, girls, and 2SLGBTQQA+ people.





Culturally Relevant Training and Work Schedules

Within Kudz Ze Kayah, BMC Mining was recommended to develop further terms and conditions of their proposed mentor program for Indigenous employees (Natural Resources Canada, Fisheries and Oceans Canada, & Government of Yukon, 2020). In addition, there were provisions in place that required all directors, supervisors, and managers of BMC to have mandatory, ongoing (annual) cultural awareness training. The Rose Lithium-Tantalum Project also proposed mitigation measures focused on expanding hiring demographics and adapting training programs and work schedules to consider the cultural needs of workers.

Evaluating Effectiveness of Proposed Mitigation Measures

In a response to measures proposed in the Cedar LNG project, IAAC stated that follow-up programs should be designed to monitor and evaluate the adverse effects to the health, social, and economic conditions of Indigenous people (Government of Canada, 2022). IAAC indicated that throughout the monitoring process, additional mitigation measures should be implemented if results of the follow-up programs demonstrate a need for amended or additional mitigation measures. In the case of BMC mining, The Environmental Assessment Office (EAO) also recommended a follow-up program for evaluating and reporting results of the policies and plans for increased accountability (Environmental Assessment Office, 2022).



Recommendations

The issue of MMIWG is an ongoing human rights issue across Canada, particularly in the sphere of natural resource development.

The IAA has the potential to play a critical role in improving the physical and sexual safety of Indigenous women, girls, and 2SLGBTQQIA+ folks. A deliberate and comprehensive response to Call for Justice 13.4 is needed to ensure that Indigenous women, girls, and 2SLGBTQQIA+ folks are included throughout different phases of project development and mitigation measures are tailored to their needs.

Literature analyzed as part of this Study put forward many recommendations and best practices to improve the inclusion, physical, cultural, and emotional safety, and protection of Indigenous women, girls, and 2SLGBTQQIA+ individuals working in, and impacted by, the extractive and development industry. The literature placed special emphasis on the need for any and all work undertaken as part of the Impact Assessment process to be guided by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and abide by Free, Prior, and Informed Consent (FPIC) (Camey, Sabater, Owren, & Boyer, 2020; Moodie, Mason, & Moorcroft, 2021; The Native Women's Association of Canada, 2015). The following outlines key practices and recommendations for how impact assessments may facilitate better inclusion of Indigenous women and girls to ensure their safety and experience is prioritized.

Increased Mechanisms for Evaluation

Further assessment measures should be explored specifically related to socio-economic impacts to Indigenous people. Evaluation emerged a total of 163 times throughout the reports, however, a vast majority of these occurrences spoke to the evaluation of environmental mitigation measures, not to mitigation measures that could protect and enhance the wellbeing of Indigenous women, girls, and 2SLGBTQQIA+ people.

To have a deeper grasp on how Impact Assessments have responded to Call for Justice 13.4 there needs to be guidance on how to assess impacts in a manner that is trauma-informed, responsive, and defensible. This may include exploring evaluation tools that are participatory in nature (i.e., rely on the lived experience of Indigenous women, girls, and 2SLGBTQQIA+ people), holistic (i.e., consider cultural, psychological, sociological, spiritual dimensions), and represent respectful harmonization of multiple knowledge systems. The same would also apply to follow-up and monitoring – i.e., using tools to assess and measure that are holistic, respectful of multiple knowledge systems and understandings, and participatory and collaborative in nature. For example, if the assessment process is more inclusive and allows for collaborative and inclusive development of mitigation measures, follow-up and monitoring can follow a similar process such that people have an opportunity to determine on an ongoing basis through pre-established dialogue tables for a project, if and to what extent, a proposed measure is working or not. This would allow for adaptive management and ongoing adjustments to be made.

Moving Beyond GBA Plus

Gender-Based Analysis Plus (GBA Plus) provides the foundation to critically analyze how different women, men, and gender diverse people may be impacted by Designated Projects. However, GBA Plus may not account for the distinct lived experiences with colonization and systemic discrimination experienced by First Nations, Inuit, and Métis communities and individuals (The Native Women's Association of Canada, 2020). The Native Women's Association of Canada (2015) emphasizes the importance of considering the intersecting identities of women and 2SLGBTQQIA+ people working in the resource extraction and development industries through rigorous analysis, such as that undertaken through culturally relevant gender-based analysis (CGRBA), to examine and

consider intersecting identities and in developmental projects to openly discuss how different axes of identity and systems of oppression, discrimination, and disempowerment shape the experiences of Indigenous women, girls, and 2SLGBTQQIA+ people (Oxfam Australia, 2009).

Camey et al. (2020) illustrate the importance of mandating **sexual harassment and gender-based violence workplace safety and awareness training** for all. It is recommended that any training include Gender Equality Training (GET) to equip participants with the knowledge, skills, and values needed to work towards gender mainstreaming in the developmental industry (Amnesty International, 2016). As an extension of this, it is also important to uplift stories of successful women and 2SLGBTQQIA+ people working in the resources extraction and development sectors (The Native Women's Association of Canada, 2015).

Relevant Cultural Resources and Training

A key mitigation measure identified throughout the literature is the need for an increase in relevant and applicable **cultural resources and training** (Amnesty International, 2016; Camey, Sabater, Owren, & Boyer, 2020; Pauktuutit Inuit Women of Canada, 2021). This may look like mandating non-Indigenous workers to take part in Indigenous cultural safety training in which participants learn about colonization and colonial relationships, build self awareness, reflect on principles of relationality, analyze power imbalances, and examine systemic and institutional racism and discrimination and the way these topics apply to their work. The Agency could explore encouraging and/or requiring proponents to demonstrate what existing training they have that specifically speaks to cultural readiness to be able to operate in a way that does not cause further harm.



On-Site Resources

Incorporating safe spaces within project sites and companies allows Indigenous women and 2SLGBTQQIA+ folks a place free from biases and discrimination. The literature (LAWS, 2021) recommends the inclusion of **on-site resources such as a women's support group** and 2SLGBTQQIA+ support group to benefit Indigenous women and 2SLGBTQQIA+ people employed in the developmental and resource extraction industry as a safe space to gather and voice concerns. This support could be supplemented through traditional and western psychological supports, in particular for individuals that have been victims of harassment and/or assault.

Meaningful Community Engagement

While the role of community engagement has grown within Impact Assessment, more is needed to ensure that engagement meaningfully incorporates Indigenous women, girls and gender diverse folks specifically. Pauktuutit Inuit Women of Canada (2020) articulates that for this collaboration to be genuine, women and 2SLGBTQQIA+ people **must be included in project negotiations, implementation, monitoring, and developing Impact Benefit Agreements.** Consultation should be undertaken in the spirit of UNDRIP, through respect, transparency, and communication, while also ensuring Free, Prior, and Informed Consent (FPIC). Before consultation occurs, this may include cultural-sensitivity training for personnel, education about the Nation and communities involved, and gender equality training.

Moodie, Mason, & Moorcroft (2021) argue that collaboration looks like more than simple inclusion—women and 2SLGBTQQIA+ individuals must also be offered leadership positions with roles in creating gender equality policies, legislation, and training initiatives. By placing Indigenous

women and 2SLGBTQQIA+ individuals in positions central to developing protective and preventative policies and procedures and hiring them in human resources, management, and supervisory roles, individuals may feel more comfortable reporting harassment and racism as it occurs (Pauktuutit Inuit Women of Canada, 2021). Accessing the Indigenous Capacity Support Program offered through the Agency can also help support the participation and meaningful engagement of Indigenous women, girls, and 2SLGBTQQIA+ people throughout the assessment process (Impact Assessment Agency of Canada, 2023).

Leaning on lived experiences of Indigenous women, girls, and 2SLGBTQQIA+ people to understand and assess impacts (per section 22 of the Act), would allow for a more holistic approach to engagement. Meaningful engagement should also include regular follow-ups and feedback loops, relationship building, and an engagement plan approved by all stakeholders.

Demonstrate Incorporation of Feedback

Indigenous women, girls, and 2SLGBTQQIA+ people should be involved in the development of new, or revision to, existing policies, mitigation measures, protocols, codes of conduct, and grievance mechanisms to account for and address instances of sexual harassment or violence in the workplace or by a worker (Amnesty International, 2016; Pauktuutit, Inuit Women of Canada, 2020). Proponent and Agency leadership should strive to include gender and gender-based violence considerations when developing guidance, requirements and policies. These should be influenced by community consultation where gendered impacts are identified (Camey et al. 2020; Pauktuutit Inuit Women of Canada, 2020).

To improve the Impact Assessment process, proponents should be encouraged to explicitly demonstrate how the project has changed based on public input and community engagement, particularly changes related to MMIWG. This would include reflections on how concerns and opportunities were included in the assessment, and which entities and feedback influenced project design or mitigations for example. This would create more transparency and accountability and create opportunities for more public awareness on the topic. The IAA does require that decision statements include detailed reasoning for determinations made. However, because the impact assessment report or decision statement does not explicitly demonstrate how feedback has influenced decisions, there are limited opportunities to tell what factors may be contributing to pushing the boundaries on inclusion.

Integrate Role of Proponent Policies and Practices

Many proponents have established workplace policies, such as workplace safety, sexual harassment, and code of conducts. When these policies already address an impact related to Indigenous women's safety, the inclusion of them in the Impact Statement is omitted. By integrating how current proponent policies fit into the larger project context, the Impact Statement provides a comprehensive understanding of the steps being taken to prioritize Indigenous women, girls', and 2SLGBTQQIA+ peoples safety. Incorporating this may come through proponents including information on the development of specific projects, including previous consultations. Integrating in-house policies into the Impact Statement also facilitates increased understanding and engagement when reports ask for public feedback, as the public has a greater awareness of how impacts pertaining to Indigenous women, girls, and 2SLGBTQQIA+ people are being addressed.



Co-led and Indigenous led Impact Assessments

Indigenous led Impact Assessment is a “process that is completed prior to any approvals or consent being provided for a proposed project, which is designed and conducted with meaningful input and an adequate degree of control by Indigenous parties — on their own terms and with their approval. The Indigenous parties are involved in the scoping, data collection, assessment, management planning, and decision-making about a project” (Gibson et al., 2018). This process empowers affected Indigenous Nations and communities to make prudent, well informed, and precautionary decisions about major projects, with the best possible available information and data, using a culturally appropriate decision-making framework. Creation of an Indigenous-led approach does not negate participation and use of findings from state-led processes, but instead facilitates harmonizing the process by incorporating Indigenous knowledge and practices alongside western practices⁷. The establishment of Indigenous Cooperation Agreements provides an avenue for Indigenous governing bodies to have increased power, duties, and functions over specific lands. Building on that foundation, co-led and Indigenous led impact assessments would create an opportunity for Indigenous women, girls, and 2SLGBTQIA+ people to be actively engaged in and leading impact assessments to ensure their specific experiences and needs are identified as potential adverse impacts and addressed through mitigation measures.

Trauma-Informed Approach & Engagement

A trauma-informed approach emphasizes intentional sharing and power imbalance leveling through the development of person-to-person relationships and shared decision-making. This requires that personnel at all levels must have a basic understanding of types of traumas and conduct the work in a manner that reflects principles of humility, safety, collaboration, relationality, trustworthiness, transparency, networks of support, agency, and responsiveness (Sadiq, Forthcoming). As Sadiq (forthcoming) notes, these principles serve as a starting point to build respectful, meaningful processes that value collaboration and involve Nations and peoples right from the start.

What this means for the Impact Assessment process is having a willingness to recognize and value non-Western/scientific ways of knowing; creating spaces of physical and psychological safety when engaging; recognition of the value others bring and emphasizing equitable partnership; recognizing that how programs are designed can be informed constructively by our own personal experiences; holding space for trust to be developed; open communication throughout the process; building in mechanisms for people to support each other; building processes for people to exercise agency and make decisions without coercion; and incorporate mechanisms for people involved to see that the process is responsive to their participation (Sadiq, Forthcoming). This allows the assessment process itself to prevent perpetuating further harm, promotes conducting work in a manner that inherently reflects on impacts at a deeper level, and allows for non-traditional and perhaps traditionally marginalized voices to influence assessment processes.

⁷ See Impact Assessment in the Arctic: Emerging Practices of Indigenous-Led Review, by Ginger Gibson, Dawn Hoogeveen, & Alistair MacDonald, 2018, The Firelight Group; and Harmonized Impact Assessment: Twinning of the TransCanada Highway – Phase 1 by Niiwin Wendaanimok and Narratives Inc., 2021.

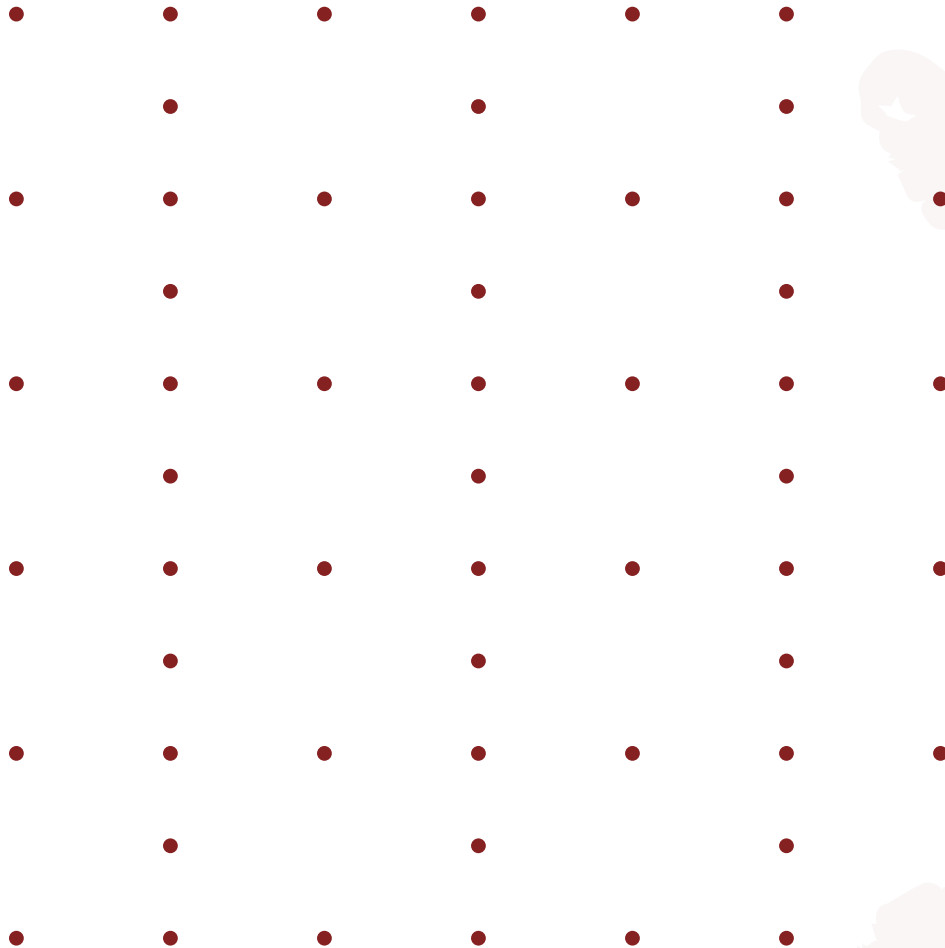


Organizations to Engage

Throughout the Study, a few organizations arose as being valuable for proponents and the Agency to engage with to help ensure Indigenous women/girls/2SLGBTQIA+ safety, social infrastructure, and positive benefits. These organizations provide valuable insight into the lived experience of Indigenous women and girls and have been critically engaging with the Impact Assessment process.

| Organization | Reason for Engaging | Website |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Pauktuutit Inuit Women of Canada | National representative organization of Inuit women in Canada. They work to increase awareness on needs, advocate for equality and social, cultural, political, and economic improvements, and encourage women's full participation in all aspects of their experience. | pauktuutit.ca |
| Clan Mothers | An Indigenous organization developing an Indigenous model of healing and education focused on the restoration of Indigenous communities based on the matrilineal values and principles of their original self-governance systems. | clanmothers.ca |
| Liard Aboriginal Women's Society | Non-profit Indigenous organization providing social development services to the Kaska Nation in the Yukon and northern BC. | liardaboriginalwomen.ca |
| The Native Women's Association of Canada | National Indigenous organization representing political voices of Indigenous women, girls, 2SLGBTQIA+ people. Collective goal to enhance, promote, and foster social, economic, cultural, and political well-being. | nwac.ca |
| National Collaborating Centre for Indigenous Health | Seeks optimal health and well-being for Indigenous peoples through frameworks addressing structure and policy. Releases many publications on Indigenous health and Social Determinants of Health. | nccih.ca/en/ |





Areas for Further Investigation

While this report examined the impacts and mitigation measure related to Indigenous women and girls, there are some key gaps identified that would benefit from further research. It is noted that inclusion, diversity, and Indigenous women’s safety have all played an increasing role in public discourse – which has contributed to the shift in expectations and policy pertaining to impact assessment – and many proponents are only starting the process of responding to these changes. Below identifies some areas for further investigation to support increased inclusion:

- Engagement with Agency analysts, proponents, Inuit, First Nations, and Metis and other project stakeholders to gain a deeper understanding of how Indigenous women and girls are integrated into the Impact Assessment process.
- Examine specific impacts and mitigations for 2SLGBTQQIA+ folks. This may include desk-based review and engagement with 2SLGBTQQIA+ folks to understand what work is being done related to impact assessments and if there are other contexts Canada can learn from.
- Expand research to incorporate all Indigenous children, not just girls, as Indigenous children and youth experience unique risks and vulnerabilities.
- Examine the role, implementation and potential applicability of Cultural Impact Assessment and Strategic Indigenous Impact Assessment models - which aim to move Indigenous peoples from stakeholders to partners in the assessment process and integrate Indigenous ways of knowing into impact assessment foundation - from New Zealand.



Conclusion

This study was developed out of a need to explore measures in response to, or related to, Call for Justice 13.4 from the Final Report on Missing and Murdered Indigenous Women and Girls (MMIWG). The research presented here focuses on the academic literature, grey literature, and case studies identified, in part, by the Impact Assessment Agency of Canada (IAAC) to examine potential adverse impacts, identify mitigation measures, identify adverse effects on social infrastructure and mechanisms to enhance positive impacts, and evaluate the effectiveness of these measures for safeguarding the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people. The following nine recommendations are presented for the Impact Assessment Agency of Canada's consideration:

1. Increase mechanisms for evaluation;
2. Move beyond Gender-Based Analysis Plus;
3. Implement cultural resources and training;
4. Increase on-site resources;
5. Implement meaningful community engagement;
6. Demonstrate incorporation of feedback;
7. Integrate role of proponent policies and practices;
8. Implement co-led and Indigenous-led impact assessments; and
9. Implement a trauma-informed approach and trauma-informed engagement.

The implementation of these recommendations is essential to begin to understand and mitigate potential adverse impacts to Indigenous women, girls, and 2SLGBTQQIA+ people and social infrastructure, while enhancing and ensuring equal distribution of positive impacts.



References

- Acoose, J. (1992). *Iskwewwak--Kah' Ki Yaw Ni Wahkomakanak: Neither Indian Princesses nor Squaw Drudges*. Saskatoon: University of Saskatchewan.
- Act, D. o. (2019, November 28). [SBC 2019] CHAPTER 44. Victoria, British Columbia, Canada. Retrieved from <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>
- Amnesty International. (2016). *Out of Sight, Out of Mind: Gender indigenous rights, and energy development in northeast British Columbia, Canada*. London: Amnesty International.
- Anderson, K. (2016). *A Recognition of Being: Reconstructing Native Womanhood*. Toronto: Canadian Scholars' Press.
- Assembly of First Nations. (2021). *Breathing Life into the Calls for Justice*. Ottawa: Assembly of First Nations.
- Camey, I. C., Sabater, L., Owren, C., & Boyer, A. E. (2020). *Gender-based violence and environment linkages*. Gland: International Union for Conservation of Nature.
- Canada, N. W. (2020). *A Culturally Relevant Gender-Based Analysis (CRGBA) Starter Kit: Introduction, Incorporation, and Illustrations of Use*. Ottawa, Canada: Native Women's Association of Canada.
- Canadian Environmental Assessment Act. (1992). Retrieved from <https://canlii.ca/t/kwcj>
- Carroll, Z. (2022, February). *Land Threats: Women and Mother Earth are Sacred*. *Restoration*, pp. 20-25.
- Critical Elements Lithium Corporation. (2021). *Draft Environmental Assessment Report*. Ottawa: Impact Assessment Agency of Canada.
- Deer, K. (2023, January 10). *Ottawa announces progress on 2 MMIWG inquiry calls to justice*. Retrieved from CBC News: <https://www.cbc.ca/news/indigenous/mmiwg-inquiry-progress-ottawa-1.6709506>
- Delicaet, A. (1995). *The new Canadian environmental assessment act: A comparison with the environmental assessment review process*. *Environmental Impact Assessment Review*, 497-505.
- Department of Justice. (2021). *Principles respecting the Government of Canada's relationship with Indigenous peoples*. Ottawa, Ontario, Government of Canada. Retrieved from <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>
- Doelle, M., & Sinclair, A. J. (2005). *Time for a new approach to environmental assessments: Promoting cooperation and consensus for sustainability*. *Environmental Impact Assessment Review*.
- Environmental Assessment Office. (2022). *Draft Assessment Report for Cedar LNG Project (Project)*. Vancouver: Environmental Assessment Office.
- Expert Panel for the Review of Environmental Assessment Processes. (2017). *Building Common Ground: A New Vision for Impact Assessment in Canada*. Ottawa: Canadian Environmental Assessment Agency.
- Federal Environmental Assessment Review Office. (1987). *The Federal Environmental Assessment and Review Process*. Minister of Supply and Services Canada.
- Finn, K., Gajda, E., Perin, T., & Fredericks, C. (2017). *Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation*. Colorado Law Scholarly Commons.
- Fortuny, L. (2022). *Impact Assessment*. Retrieved from International Association for Impact Assessment: <https://www.iaia.org/wiki-details.php?ID=4>
- Gaard, G. (2017). *Feminism and Environmental Justice*. In R. Holifield, J. Chakraborty, & G. Walker, *Handbook of Environmental Justice*. Routledge.
- Gibson, G., Hoogeveen, D., & MacDonald, A. (2018). *Impact Assessment in the Arctic: Emerging practices of Indigenous-led review*. Gwich'in Council International.
- Gibson, G., Yung, K., Chisholm, L., Quinn, H., Lake Babine Nation, & Nak'azdli Whut'en. (2017). *Indigenous Communities and Industrial Camps: Promoting healthy communities in settings of industrial change*. Victoria: The Firelight Group.
- Goldenberg, S. M., Shoveller, J. A., Ostry, A. C., & Koehoorn, M. (2008). *Sexually Transmitted Infection (STI) Testing among Young Oil and Gas Workers*. *Canadian Journal of Public Health*, 350-354.
- Government of Canada. (2014, November 18). *Extractive Industries: The Canadian Advantage at Home and Abroad*. Retrieved from Government of Canada: <https://www.canada.ca/en/news/archive/2014/11/extractive-industries-canadian-advantage-home-abroad.html>
- Government of Canada. (2017, October 25). *Rights of Women*. Retrieved from Government of Canada: <https://www.canada.ca/en/canadian-heritage/services/rights-women.html>



- Government of Canada. (2018, February). Government of Canada to create recognition and implementation of rights framework [News Release]. Retrieved from <https://pm.gc.ca/eng/news/2018/02/14/government-canada-create-recognition-and-implementation-rights-framework>
- Government of Canada. (2022, July 09). National Inquiry into Missing and Murdered Indigenous Women and Girls. Retrieved from Government of Canada: <https://www.rcaanc-cirnac.gc.ca/eng/1448633299414/1534526479029>
- Government of Canada. (2022). Proposed Draft Federal Conditions for the Cedar LNG Project.
- Halloran, S. (2013). Opportunities and Challenges of Environmental Assessment under CEAA 2012. Halifax: Dalhousie University.
- Hanson, E. (2009). Marginalization of Aboriginal Women. Retrieved from Indigenous Foundations: https://indigenousfoundations.arts.ubc.ca/marginalization_of_aboriginal_women/
- Hassan, M., Percy, M., & Stewart, J. (2006). The value relevance of fair value disclosures in Australian firms in the extractive industries. *Asian Academy of Management Journal of Accounting and Finance*, 2(1), 41-61.
- Heidinger, L. (2022). Violent victimization and perceptions of safety: Experiences of First Nations, Metis and Inuit women in Canada. Ottawa: Statistics Canada.
- Impact Assessment Act, S. (2019). <https://laws.justice.gc.ca/PDF/l-2.75.pdf>.
- Impact Assessment Agency of Canada. (2016, July 06). Agreements related to assessments. Ottawa, ON, Canada. Retrieved from <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations/environmental-assessment-agreements.html>
- Impact Assessment Agency of Canada. (2021, 12 10). Implementing the United Nations Declaration on the Rights of Indigenous Peoples. Ottawa, Ontario, Canada. Retrieved from <https://www.canada.ca/en/impact-assessment-agency/programs/participation-indigenous-peoples/implementing-united-nations-declaration-rights-indigenous-peoples.html>
- Impact Assessment Agency of Canada. (2022). Impact Assessment Act and CEAA 2012 Comparison. Retrieved from Canada.
- Impact Assessment Agency of Canada. (2022). Impact Assessments in Canada: Frequently Asked Questions. Retrieved from Canada.
- Impact Assessment Agency of Canada. (2023, 02 16). Indigenous Capacity Support Program. Ottawa, Ontario, Canada. Retrieved from <https://www.canada.ca/en/impact-assessment-agency/services/public-participation/funding-programs/indigenous-capacity-support-program.html>
- Impact Assessment Agency of Canada. (2023, 05 31). Indigenous Cooperation Agreement Regulations and Policy Approach under the Impact Assessment Act. Ottawa, Ontario, Canada. Retrieved from <https://www.canada.ca/en/impact-assessment-agency/programs/participation-indigenous-peoples/indigenous-cooperation-agreement-regulations.html>
- Johnston, A., Hazell, S., Benevides, H., Ray, J., Kofahl, M., Levin, J., . . . Dore, A.-S. (2021). *Is Canada's Impact Assessment Act working?* Vancouver: West Coast Environmental Law.
- MacNeil, K. S. (2017). Extractive Violence on Indigenous Country Sami and Aboriginal Views on Conflicts and Power Relations with Extractive Industries. Umeå: Umeå University.
- Manning, S., Nash, P., Levac, L., Stienstra, D., & Stinson, J. (2018). *Strengthening Impact Assessments for Indigenous Women*. Ottawa: Canadian Research Institute for the Advancement of Women.
- Mezzadra, S., & Neilson, B. (2017). On the multiple frontiers of extraction: Excavating contemporary capitalism. *Cultural Studies*, 31(2-3), 182-204.
- Moodie, S., Mason, A., & Moorcroft, L. (2021). *Never Until Now: Indigenous & Racialized Women's Experiences Working in Yukon & Northern British Columbia Mine Camps*. Watson Lake: Liard Aboriginal Women's Society.
- Moorcroft, L. (2018, March 8). 2021_03_08_KZK_YESAB_Lois M Submission.
- Nachet, L., Beckett, C., & MacNeil, K. S. (2021). Framing extractive violence as environmental (in)justice: A cross-perspective from indigenous lands in Canada and Sweden. *The Extractive Industries and Society*.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming power and place. The final report of the national inquiry into missing and murdered indigenous women and girls*. The National Inquiry.
- Natural Resources Canada. (2021, March 25). Statistical data. Retrieved from Natural Resources Canada: <https://cfs.nrcan.gc.ca/statsprofile/>
- Natural Resources Canada. (2022, November 03). *Mineral and the economy*. Retrieved from Natural Resources Canada: <https://www.nrcan.gc.ca/our-natural-resources/minerals-mining/minerals-metals-facts/minerals-and-the-economy/20529>



References

- Natural Resources Canada, Fisheries and Oceans Canada, & Government of Yukon. (2020, October 21). Yukon Environmental and Socio-economic Assessment Act Decision Document - Executive Committee Screening.
- Oxfam Australia. (2009). *Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessments*. Melbourne: Oxfam Australia.
- Pauktuutit Inuit Women of Canada. (2021). *Addressing Inuit Women's Economic Security and Prosperity in the Resource Extraction Industry*. Ottawa: Pauktuutit Inuit Women of Canada.
- Pauktuutit, Inuit Women of Canada. (2020). *Ensuring the Safety and Well-Being of Inuit Women in the Resource Extraction Industry: A literature review*. Ottawa: Pauktuutit, Inuit Women of Canada.
- Regulations Designating Physical Activities. (2012). SOR/2012-147.
- Rodríguez-Garavito, C. (2011). Ethnicity, gov: Global governance, indigenous peoples, and the right to prior consultation in social minefields. *Indiana Journal of Global Legal Studies*, 18(1), 263-305.
- Sadiq, S. (Forthcoming). *Trauma Informed Impact Assessment*.
- Sadiq, S., & Sinclair, A. (2020). Understanding free, prior, and informed consent (FPIC) in the context of mining in Canada. *CIM Journal*.
- Shapiro, J., & McNeish, J. (2021). *Our extractive age: expressions of violence and resistance*. Taylor & Francis.
- Sherman, C. D. (2022). *Empty Apologies: Canada's Missing and Murdered Indigenous Women and Girls Crisis*. Alpenglow: Binghamton University Undergraduate Journal of Research and Creative Activity.
- Sigam, C., & Garcia, L. (2012). *Extractive Industries: Optimizing Value Retention in Host Countries*. Geneva: United Nations Conference on Trade and Development.
- Sinclair, A. J., Doelle, M., & Gibson, R. B. (2018). Implementing Next Generation Assessment: A Case Example of a Global Challenge. *Environmental Impact Assessment Review*, 166-176.
- Statistics Canada. (2022). *National Gross domestic product by industry, April 2022*. Ottawa: Statistics Canada.
- The Native Women's Association of Canada. (2015). *Resource Development Sector Barriers and Opportunities: Summary of the Findings of the Aboriginal Women Literature Review and Survey Results*. Gatineau: The Native Women's Association of Canada.
- The Native Women's Association of Canada. (2020). *Indigenous Women and Impact Assessment Final Report*. Ottawa: Native Women's Association of Canada.
- UN General Assembly. (2007, October 2). *United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly*.
- Unist'ot'en. (2017). *Unist'ot'en Do Not Consent To Man Camps Increasing Violence Against Our Women*. Retrieved from Unist'ot'en: <https://unistoten.camp/mancamps/#:~:text=Man%20camps'%20are%20temporary%20housing,against%20Indigenous%20women%20and%20children>.
- Wang, W. (2021). *The oil and gas sector in Canada: A year after the start of the pandemic*. Ottawa: Statistics Canada.
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