

## #9 Review of IBA Literature and Analysis of Gaps in Knowledge

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For more than 20 years mine developers and indigenous communities have negotiated Impact and Benefit Agreements (IBAs) for projects across the Canadian north. IBAs provide local work, buildings, roads and other facilities as well as community support. Communities then have safe and better ways to lower risks of developments on local life, and get real benefits such as payments, training and employment, and contracts for mine services.



### Areas that need further study:

- ⇒ *Are IBAs working?*  
Although IBAs are being used more and in new ways, many people believe that IBAs could be doing more to help communities. Are they improving wealth and wellbeing? Are they meeting communities' expectations? If not, how can they be improved?
- ⇒ *How do IBAs work with regulatory processes?*  
In a legal sense, IBA negotiations and regulatory processes like environmental assessments are distinct. In practice, however, they are highly related. Are present relations acceptable? Could the two processes work better together? Is this desired?

⇒ *What is the historical and legal basis of IBAs?*

IBAs are being used more often in northern development. This suggests that they are working better than other means of development regulation, and that they are useful and practical. There are many legal documents concerning the relationship between indigenous peoples and industry. These include the United Nations Declaration on the Rights of Indigenous Peoples, the Supreme Court of Canada's decision on Haida Nation vs. BC, and treaty rights. How do communities understand these rights? How does industry understand them? Does there need to be more legislation to protect these rights?

⇒ *Are IBAs addressing historical wrongs or causing more unjust practices?*

As Canada's indigenous peoples have faced many wrongs in the past from mine construction, operation and abandonment, many have welcomed IBAs as a way to reduce impacts and get more benefits. While better than in the past, some people have raised important questions about IBA's use. Do communities feel pressured to negotiate? Are community members aware of IBA negotiations when they happen? Do they have enough opportunities to add to these? Are IBAs a band-aid solution to problems linked with regulatory processes? Are there better ways?

⇒ *What is the best way to negotiate and implement IBAs?*

Research today shows that the usefulness of IBAs is affected by how they are negotiated and applied. For communities with no IBA experience, getting them in place and operating can be challenging. How are communities gaining knowledge to participate in discussions and then get agreements set up? Can knowledge-sharing among communities be improved? What can be done to improve the IBA process?



Even with their increasing use, many people believe IBAs could do more for communities. Research is needed to find the best ways these can maximize community benefits

