

## **IBA-Relevant Research Priorities for ReSDA**

**Developed by Ben Bradshaw in consultation with IBA stakeholders**

Impact and Benefit Agreements (IBAs) have become institutionalized in Canada in the sense that it is infeasible for a firm to develop a mine today without securing the support of regional Indigenous communities in contractual form. Notwithstanding their growing use, coupled with some innovation in IBA form, there is a growing sense among that IBAs are failing to meet expectations. Of particular concern among analysts is the limited use of adaptive management to address social impacts as they emerge within IBA-signatory communities.

In the broadest sense then, applied research is needed to augment the utility of IBAs. To this end, projects are encouraged that aim to, for example:

- identify various IBA forms/models (giving attention to their relative strengths and weaknesses) and communicate these to would-be IBA signatories;
- reflect upon and improve community capacity to negotiate and implement IBAs, giving due critical consideration to their (excessive) governance requirements;
- assess opportunities for improved adaptive management to better manage observed social impacts; and
- reflect upon and improve the interaction of IBA negotiations/implementation with public regulatory processes like EA and government programs more generally.

More narrowly, but perhaps of less practical significance, the following outlines a number of outstanding IBA-related knowledge gaps organized under section headings developed for the IBA Knowledge Gaps assessment.

### Legal Basis of IBAs

- Does legal context from region to region impact the content of an IBA?
- Are IBA negotiations recognized as de facto replacements for the Crown's *Duty to Consult and Accommodate*? If so, what are the implications for Aboriginal communities and industry?
- How are legal and cultural norms around the concept of FPIC changing in Canada, and what might this mean for IBA Negotiations?
- Do governments have a legal obligation to support IBA negotiations? If so, what might be the scope of their involvement?
- How do communities understand their legal rights? How does this impact their approach to IBA negotiations?
- How does industry approach IBA Negotiations? Is it to have a rights-based discussion or is it based on "how much money will it take to get the project the green light"? Does this matter?

### IBA Negotiation/Implementation

- How variable are IBA negotiations and implementation?
- To what degree are IBA negotiations informed by well-conceived and inclusive community visioning exercises? How well do they capture interests of community health?
- How much information sharing occurs among communities and among companies, and how does this impact IBA negotiations? How can information sharing be improved?
- What are contemporary and historical constraints to effective IBA negotiation and implementation, and how can they be addressed?
- What are the governance and capacity issues that have to be addressed to improve IBA negotiation and implementation?

### IBA Effectiveness

- Are IBAs benefiting communities? Are they meeting their explicit and implicit expectations?
- Are IBAs benefitting industry? Are they meeting their explicit and implicit expectations?
- What methods are suitable for gauging IBA effectiveness?
- Can mining, when undertaken with IBAs, contribute to sustainable community economic development? What conditions must be present?

### IBAs & regulatory processes

- Is there the potential to harmonize EA and IBA processes? Is this desired?
- Is the present relationship of IBAs and EA productive? Is this working?

### IBAs and Social Justice

- In light of their private nature, do IBAs reinforce exclusive development practices or can they be a tool for inclusive governance? More broadly, are IBAs a counterbalance to historical injustices or do they perpetuate them?
- What are alternatives to IBAs that might create greater opportunities for communities in terms of both economic development and social justice?