Augmenting the utility of IBAs for Northern Aboriginal Communities

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Context

Mineral exploration and mine development in northern Canada has generated substantial wealth, but also significant environmental, social, and health problems, especially for Aboriginal communities. Though a legacy remains, the ability of Aboriginal communities to exercise authority has unquestionably changed. This rebalancing is evident in cases where communities have used regulatory review to alter or halt mine proposals, and more numerous cases where communities have established Impact and Benefit Agreements (IBAs) with mining firms to further mitigate the impacts of development and ensure local capture of project benefits.

While IBAs certainly reflect an evolution of standards and are enabling the realization of opportunities that previously alluded mine-impact communities, there is a growing sense among analysts and many signatory communities that IBAs are failing to meet expectations. Of particular concern is:
- the uncertain position of IBAs in mine permitting, especially relative to regulatory processes like Environmental Assessment (EA) and the execution of the Crown’s consultation obligations;
- the limited use of adaptive management to address social impacts as they emerge within IBA-signatory communities; and
- the fear that Aboriginal community well-being is declining rather than increasing through IBA-enabled mine developments.

Aims of Poster

This poster has two aims. The first is to identify some prescriptions for augmenting the utility of Impact and Benefit Agreements (IBAs) as recognized over a decade of research and via engagement with IBA signatories. The second aim is to hear your thoughts about what might be done to make IBAs work better for Aboriginal communities. I would welcome your suggestions and ideas in person or via email. I would also welcome opportunities for research partnering.

1) Acknowledge and (informally) integrate IBAs within the permitting landscape

The permitting landscape for mines and other industrial developments has evolved over the past two decades as a result of both shifting law and cultural norms. IBAs are clearly a part of this evolution and need to be acknowledged by the Crown as such. Though IBA negotiations need not be formalized in the permitting process, there is an opportunity to integrate negotiations with EA in terms of findings/inputs, monitoring and ongoing adaptive management (see Lukas-Amulung, 2009).

2) Treat IBAs as one strategic element of larger community vision and governance

As exemplified by the Taku River Tlingit FN, IBA negotiations will ideally follow from the development of, and be consistent with, an inclusive and well expressed community vision, and integrate with other elements of community governance (e.g. land use plans, mining policy, etc.). This work commonly requires more time than is afforded by individual project schedules (see Kenny et al., 2015).

3) Monitor community well-being and practice adaptive management

For communities like the Naskapi Nation of Kawawachikamach (NNK) in northern Quebec, the decision to support a proposed mine is challenging. A key part of the challenge is the lack of knowledge of the likely impacts of a mine, especially with respect to community well-being, and the lack of faith in regulatory systems to mitigate impacts as they emerge. Given these concerns, the NNK has developed community well-being indicators of relevance to its members and identified a baseline of community conditions (based on household surveying) against which change can be measured in the years to come (see Klinck et al., 2016). Efforts like these are critical if IBA benefits, beyond mere wealth generation, are to be realized and observed impacts to community well-being adaptively managed.

Acknowledgments

Research still to be done

With support from ReSDA, research to augment the utility of IBAs is ongoing, especially for use by the remote Matawa communities within Ontario’s ‘Ring of Fire’ region. I welcome your suggestions and possible partnership.

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