

Indigenous Women's Participation in Impact Assessments

An Examination of Barriers in Impact Assessments and the Navigation of Violence to Land and Body

Report Prepared for the Impact Assessment Agency of Canada

By the Invitation to Voices Project Team



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Acronym List

2SLGBTQIA+	Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, +
ATRIS	Aboriginal Treaty Rights Information System
ATRIWA	AnânauKatiget Tumingit Regional Inuit Women’s Association
CEAA	Canadian Environmental Assessment Act
CRGBA	Culturally Relevant Gender-Based Analysis
EA	Environmental Assessment
FPIC	Free, Prior, and Informed Consent
GBA+	Gender-Based Analysis +
IA	Impact Assessment
IAA	Impact Assessment Act
IAAC	Impact Assessment Agency of Canada
IBA	Impact and Benefit Agreement
IQ	Inuit QaujimagatuQangit
KOTC	Keepers Of The Circle
MMIWG	Missing and Murdered Indigenous Women and Girls
NWAC	Native Women’s Association of Canada
NDA	Non-Disclosure Agreement
TEK	Traditional Ecological Knowledge
UNDRIP	United Nations Declaration of Rights of Indigenous Peoples

Upon first mention, term will be provided in full text, followed by the acronym in green, which will be used thereafter.

Abstract

Momentum is building in contemporary academia focussing on how to achieve equitable and sustainable resource development in Canada and across the globe. Alternative approaches to sustainable development such as, the incorporation of Indigenous Traditional Ecological Knowledge (TEK) and Indigenous knowledge systems early and throughout resource development projects have been centered in existing dialogues. This project advocates for the equitable inclusion of Indigenous peoples and their knowledge systems, focussing specifically on the inclusion of Indigenous women, girls, and gender diverse persons, which must be placed at the forefront of consideration when making changes to existing resource development consultations policies. Ministerial approaches are evolving to include the constitutional rights bestowed by Canada upon Indigenous peoples, demonstrated when the Canadian Environmental Assessment Act from 2012 (CEAA) being replaced by the Impact Assessment Act of 2019 (IAA). The ministry is mandated with a duty to consult Indigenous communities, and seek their Free, Prior and Informed Consent (FPIC) during large scale development project consultations. Yet, there is abundant research displaying the overwhelming negative impacts which have mostly been concentrated to Indigenous communities, affecting women, girls, and gender diverse people the most. As such, questions regarding how to implement Gender Based Analysis (GBA+) parameters that consider the unique and distinct circumstances of Indigenous women and girls across Canada are emerging. With international charters such as, the United Nations Declaration on the Rights of Indigenous People (UNDRIP) established in 2008 affirming the inherent rights of Indigenous people worldwide, the pressure is rising to learn how conflicting worldviews can create a better system and work together in reciprocity. To move towards achieving sustainability in major projects implementation, a shift in worldviews is required to incorporate all ways of knowing and being. This report outlines the variety of barriers affecting Indigenous women's abilities to participate in Impact Assessments (IAs). This is a companion document to the *Shared Responsibilities: Indigenous Women's GBA+ Framework* which outlines pathways and strategies to build Indigenous women's abilities to participate in IA processes, as well as makes recommendations for community organizing and consultation protocols that are created by and for Indigenous people. The discovery of tangible and actionable solutions that uplift and empower Indigenous women will further mitigate the impacts of resource development projects and therefore, move everyone closer to securing a sustainable future.

Introduction

‘Women are the heart of their nations and communities’ (MMIWG, 2019). Across Turtle Island, Indigenous women are making themselves heard, demonstrating how abuse and violation of lands and waters manifests violence in the lives of Indigenous women, girls, and gender diverse persons (MERE, n.d.). Evolving dynamics in nation-to-nation dialogues between Canada, First Nations, Métis, Innu, and Inuit peoples are taking place; recently, a diverse range of research and solutions are being investigated from coast to coast, across various sectors. This report outlines the feedback given to us during our project activities researching Indigenous women, girls, and gender diverse peoples’ experiences when participating in IAs. Using this feedback to ground and guide us, we seek to highlight the barriers which need to be addressed before equitable and inclusive consultation processes can occur, specifically in Northern Ontario and Northern Labrador.

The Truth and Reconciliation Commission of Canada published 94 calls to action to be implemented to begin the transition to equitable development. These calls to action provide tangible solutions and recommendations to address intersectional issues that affect Indigenous Peoples across Canada including concerns related to, child welfare, education, justice, health, language, and culture (Truth and Reconciliation Commission of Canada, 2015). The Canadian Government and the United Nations have supported this declaration on the rights of Indigenous People, explicitly supporting initiatives calling for equity for Aboriginal people in the legal system, settlement agreements, professional development, youth programs, and other widespread measures be taken. We await these measures and tangible action solutions to be implemented and we aim to support these endeavors to empower Indigenous women and mitigate the impacts of colonial oppression.

Some questions that have emerged during our project activities include ‘*what constitutes meaningful engagement?*’; ‘*how can Indigenous women participate in consultation processes more effectively?*’ and ‘*what role do Indigenous women take on in strengths-based approaches in community organizing?*’. From the beginning of our project to its current stage, a key concept that has emerged and resurged repeatedly is that Indigenous women are the land. Indigenous women are life givers and knowledge transferers. The importance of inclusion and representation of all voices moves us forward in a good way. ‘*Indigenous women make decisions from the heart, not from the mind, the mind is there to guide the how, the heart is to guide the why*’ (Participant, IA Focus Group, 2021). To practice traditional gender roles, Indigenous women are dependent on access to land and resources, and therefore any loss and degradation of their surrounding environment, due to extractive activities or otherwise, has long term consequences for their well-being, health, safety, and livelihood (Csevar, 2021).

Background

Indigenous women in northern Canada are disproportionately negatively impacted by resource development projects, and simultaneously experience a lack of access to the potential benefits of projects (Steinstra, *et al.*, 2016). Industrial projects impose changes which have lasting impacts on the overall health and well-being of Indigenous communities, who must then live with the long-term consequences of development on their ancestral lands. Indigenous women who have worked in extractive industries have reported experiencing higher rates of racism, discrimination, and sexual harassment (PIWC, 2020; NWAC 2020a). Resource extraction and development in the north and the complex interchange of information between Indigenous communities, industry proponents, and government agencies has been evolving and new opportunities for inclusion and protection of Indigenous women, girls, and gender diverse people are now available.

As is highlighted in the Government of Canada's *What We Heard* report, it is crucial to respect and acknowledge differences between Inuit, Innu, First Nation, and Métis practices and worldviews (Government of Canada, 2020). We have curated sources that have allowed us to explore research that distinctly focus on regionally specific case studies in academia. We have read reports from both Inuit and First Nations organizations that reflect the unique realities of Indigenous women from multiple sectors and projects to articulate the various challenges and opportunities Indigenous women are facing in a respectful manner. There is a significant amount of literature that focuses on impacts to the health and well-being of Indigenous groups due to extractive industries. What is abundantly clear in our research is that the individual rights of Indigenous women, girls, and gender diverse people are put at risk by the systematic violations of the collective rights of Indigenous peoples (Kuokkanen, 2012). Land and health are intrinsically connected, disruption by ongoing colonial processes of dispossession underlies economic disparities in our societies (Nightingale & Richmond, 2022). Approvals of resource extractive projects contaminate and destroy Indigenous lands, prioritizing employment and profit over environmental and community wellness (Nightingale & Richmond, 2022). On a global scale, Indigenous groups are implementing diverse strategies to reconnect with land and protect their knowledge ties to space and place, and there has been significant advancement for the inclusion of Indigenous women in resource development activities and project planning.

One key concept that emerged is the application of GBA+ in IAs from the onset of project planning. We have analyzed applications of GBA+ in IAs and investigated culturally appropriate standards to implement into framework parameters. GBA+ is not a new concept to government and service delivery organizations, GBA+ has been a constantly evolving conversation, spanning decades of time (Government of Canada, n.d.). This feminist originated concept is awkwardly contrasted with Indigenous cultural principles such as, collectivism and strays from North American euro-feminist ideals. Nevertheless, in

consideration of the distinct, and in many instances negative, impacts of industry developments towards Indigenous women and girls, it remains a relevant and applicable concept to apply in IA processes to address and mitigate some of the issues that arise. GBA+ can help identify issues which impact people more significantly because of their gender, for example, increased rates of violence or economic marginalization against Indigenous women and girls.

After the initial introduction of the IAA 2019 into legislation, the Missing and Murdered Indigenous Women and Girls (MMIWG) report was officially released to the public (MMIWG, 2019). The report addresses the crisis of missing and murdered Indigenous women and girls in Canada and is a ground-breaking source of information and research. True mitigation of project impacts can only occur if the inherent rights of Indigenous women, girls, and 2SLGBTQQIA+ people are recognized, and their collective wellbeing is prioritized. After decades of silence, the MMIWG National Inquiry has created space for survivors to come forward and share their stories. The sense of power and belonging that was lost will not be restored through the Truth-Gathering process alone, tangible responses to the calls to action must be implemented for real change to occur (Truth and Reconciliation Commission of Canada, 2015). The MMIWG report demonstrates how powerful relationship building is, and that restoring, and rebuilding trust is a crucial first step in understanding how colonial violence persists today (MMIWG, 2019). As outlined in the MMIWG Final Report titled *'Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a, 1b'*, institutional, systematic, and structural colonial violence persists through 4 major pathways (MMIWG, 2019):

- historical, multigenerational and intergenerational trauma;
- social and economic marginalisation;
- maintaining the status quo and institutional lack of will and;
- ignoring the agency and expertise of Indigenous women, girls and 2SLGBTQQIA+ people.

These major pathways represent intersecting aspects that can be experienced individually or cumulatively. These structural forces reinforce discrimination towards various aspects of identity, compounding to create overlapping oppression and exclusionary patterns. This means that violence or negative impacts are more likely to occur when multiple pathways of colonial violence come together, imposing intersectional barriers of discrimination. The impacts of colonial violence manifest in the lives of Indigenous women, girls, and 2SLGBTQQIA+ people through increased experiences of poverty, homelessness, food insecurity, water insecurity, and unemployment (MMIWG, 2019). Access to support networks providing childcare, shelter, counselling, or education is limited due to the economic marginalisation that persists and reinforces further social marginalisation (MMIWG, 2019). These conditions make it challenging to satisfy basic needs for oneself or to provide adequate childcare and expose Indigenous women, girls, gender diverse persons, and their families to higher rates of violence (MMIWG, 2019). Dependency on unsafe employment makes it difficult for Indigenous women, girls, and gender diverse persons to come forward and share their truth. Survivors clearly identified the role of

institutional culture that lacked recognition of these challenges and more so, lacked opportunities to heal and overcome them as a major barrier (MMIWG, 2019). Historical instances of the agency and expertise of Indigenous women, girls, and gender diverse persons being denied or ignored, made rebuilding relationships and fostering safe spaces more difficult. Lack of accountability and institutional support exacerbate the conditions of violence experienced by Indigenous women, girls, and 2SLGBTQQIA+ people (MMIWG, 2019).

This report describes the information and experiences that were shared with us and outlines the numerous barriers to Indigenous women's participation in IAs. It remains fundamentally important to contextualize the feedback we present as interconnected within a wider context of historical legacies, while presenting the needs, future concerns, and aspirations of the people we have engaged with in this project. Although this report addresses a variety of barriers, it still only scratches the surface and much more work is to be done to understand the complete picture of how intersectional identities experience the impacts from resource development projects differently and discover how to build more equitable systems. We focussed on understanding the barriers which were shared with us in interviews, workshops, and community engagement, providing a snapshot of the contemporary issues impacting Indigenous women and girls in Northern Ontario and Labrador.

Regionally Specific Context

Northern Labrador

In Newfoundland and Labrador, there is a distinct and binary power distribution. The island of Newfoundland is the power and decision-making center, with a population of primarily European Settlers. Comparatively, Labrador is where most resources and project developments are unfolding, housing a smaller population, made up of both Indigenous communities and settlers, who have limited political and decision-making power. This center-periphery construction is present throughout Canada, particularly when considering natural resource development and decision-making. Labrador is frequently excluded from decision-making processes happening on the mainland in St. John's (Atlin, 2022). The few potential benefits of the extractive industry have been limited for Inuit women, likely related to the lack of meaningful employment opportunities or consultation occurring before projects begin (PIWC, 2020). The systematic disempowerment of women in affected communities exacerbates systematic discrimination through creating inaccessible housing, food and water insecurity, violence, and poverty in communities (PIWC, 2020).

The Indigenous women of Labrador recognize that by living life in their traditional territories, they engage with the Inuit QaujimagatuQangit (IQ) knowledge system that encompasses traditional and spiritual guiding principles; there are also the Western knowledge systems that must be navigated, creating a type of duality of worlds (ATRIWA, 2019). Because of historical settlement and policy

implementations that have impacted everyone, Indigenous women in Labrador are facing more violence now than before Muskrat Falls and Voisey's Bay development projects began, and yet there have been no allocation of resources to address this surge in incidents (Manning *et al.*, 2018).

Voisey's Bay is a case study frequently regarded as a key example of the essential role Indigenous women have in EAs / IAs. Interestingly, in this case Inuit and Innu women conducted an independent community-based organizing strategy to ensure their submissions and input were received by the EA panel. Through advocating for existing frameworks in intersectional GBA+ to be implemented, the disparities in education, training, and childcare that fall on Indigenous women were made apparent (PIWC, 2020; Cox, 2015). Through GBA+ analysis, quantitative metrics on the number of Inuit women being hired was reported, displaying that Inuit women were frequently put into 'feminine' jobs like housekeeping or cafeteria work and were neglected from more 'masculine' roles related to physical labor. These more 'feminine' roles typically receive lower pay, while still expecting long on-site relocations where women are more subjected to violence and sexual harassment than their male counterparts (PIWC, 2020). On top of negative workplace conditions experienced by women, at-home childcare often falls as the requirement for women, creating an additional barrier to overcome as they must obtain employment in remote resource extraction operations and support their families. The contributions of Inuit and Innu women were significant in providing insight to the EA process and the development of Impact and Benefit Agreement (IBA) negotiations, clearly displaying that participation from Indigenous women should not be the responsibility of Indigenous women themselves but, must be formally required and supported by policies and protocols. In Voisey's Bay, despite Indigenous women being left out of the negotiation process and not explicitly invited to participate, Innu and Inuit women came together to bring the extent of violence and unfair treatment being experienced to the Government's attention. Frameworks for intersectional GBA+ display the need for consistent and continual formal inclusion of Indigenous women in IAs on an early and ongoing basis. The Labrador Inuit Land Claims Agreement established in 2005 explicitly outlines IBA framework principles that are in line with Inuit cultural goals and wellbeing (PIWC, 2020). Although it remains to be seen how these principles have been actionized, and if or when community-level support will be provided.

Northern Ontario

Northern Ontario has decision making structures which center larger cities such as, Ottawa and Toronto, which are both in Southern Ontario and populated primarily by non-Indigenous people. As such, investment priorities, decisions about resource development projects, and funding allocation decisions are happening in places far removed from the lived realities of Indigenous peoples and rural communities in the north, where most of these projects are taking place. The inclusion of Indigenous people's livelihood, well-being, and priorities is extremely critical as Canada actionizes its NetZero development strategies, since it is these same communities and territories that will be impacted most (Podlasly, 2022).

It's important to recognize that in Northeastern Ontario, a high rate of mineral exploration and development have occurred both historically and continue to occur in the present.

To provide some historical context of the exclusionary trends and obstacles that Indigenous people have encountered, we will summarize the land ownership history. Prior to colonization, Indigenous nations had processes for creating and maintaining diplomatic relationships with one another. These treaties were grounded in distinct languages, worldviews, and knowledge systems, which were developed and organized by clan systems or the political structures of involved nations, and governed by common ethics such as, responsibility, reciprocity, respect, peace, and accountability (Simpson, L. 2008). Mino-Bimaadiziwin is 'the good life' and is achieved through living in balance within oneself, one another, and with all the beings of creation (LaDuke, 2017). Because of the relationship that Indigenous people hold to land, Indigenous communities rely on their traditional territories as a means of subsistence, through hunting, trapping, fishing, and gathering; the land's inherent value informs Indigenous identity, spirituality, ecology, and reality (Collins, 2010).

The James Bay Treaty extinguished Indigenous signatories' rights, titles, and privileges to lands and resources within the Treaty boundaries, which covers most of what is known today as Northern Ontario, spanning beyond the Great Lakes watershed divide from the Hudson and James Bay basins (Leslie, 2016). These written terms included annuities for Indigenous signatories and essentially made Ontario open for business for widespread development and settlement. Academic literature surrounding the validity and fairness of Treaty 9 has been critically examined in the past, pertinent to this research are the provisions that traditional pursuits such as hunting, fishing, and trapping must continue as it had prior to colonization (Leslie, 2016). The promise that Indigenous people would be able to continue engaging in their traditional means of subsistence was conditional to their signing of the Treaty; the Ojibwe and Cree signatories of Treaty 9 did so to preserve their way of life, never intending to extinguish their rights to the land (Collin, 2010).

The right to hunt, fish, and trap has been generally applied to many of the numbered treaties, and in Section 35 of the Constitution Act 1982, these rights have become enshrined into the Canadian constitution, which also enshrines Treaty parameters (UBC, n.d.). Historically, the Indian Act informed Indigenous policies and relations, and the numbered Treaties exacted additional submissions and delegations of power from Indigenous groups (Barsh & Henderson, 1982). By rule of law, each Indigenous group is bound only by what it has agreed to and the powers that Canada received are limited by the numbered treaties, however by uniform application of the Indian Act over First Nations, the numbered Treaties are repudiated and undermined (Barsh & Henderson, 1982). Because of the precedent set by *Calder v British Columbia 1973*, the surrender of title in Treaty 9 leaves Indigenous groups such as, the Cree and Ojibwe people in the far north with claims to traditional territory to register with the

Negotiations Branch of Ontario's Ministry of Indian Affairs (Anonymous, n.d.) The comprehensive land claims process has been criticized heavily as an extinguishment policy and should not be viewed as a promising solution. While the subsistence rights of Indigenous people are a definite positive part of Treaty 9 and the Constitution Act, they could be used in the assertion of rights within the territory. Other parameters such as, the extinguishment of title, limit and effectively remove power from impacted Indigenous groups in the far north.

In a contemporary context, competing priorities and interests in the far north create rigorous debates during major development projects. In IAs for example, the *Regional Assessment for the Ring of Fire*, and agency documents including the Terms of Reference about assessment parameters have incited significant controversy (Ministry of the Environment and Climate Change, 2022). The people who benefit the most from these projects are not the same people who stand to lose the most, and the specific gendered impacts of such large-scale developments are numerous and serious (Scott *et. al.*, 2020). It is therefore, critical to have an accurate representation of communities when conducting engagement, ensuring that those with the most to lose are given a seat at the table. The provincial government of Ontario recently approved a series of amendments to the *Far North Act* which removed provisions that hinder economic development in Northern Ontario and provide cost savings measures for project proponents; also notably removing reference to the protection of 225,000 square kms of interconnected protected areas (Ministry of Northern Development, Mines, Natural Resources and Forestry, 2022), facilitating the expansion of project overlay on sensitive watersheds and regions with significant biodiversity and peat sequestration services.

The current atmosphere of changes and the push and pull of opposing worldviews in Northern Ontario is demonstrative of how provincial priorities are moving towards project implementation, at the cost of the livelihood of Indigenous communities and negatively interrupt essential ecological services, which will ultimately negatively impact us all. The time for Ontario to take meaningful steps and bring significant action towards enhancing the ecological resilience of the land has never been more critical, this includes uplifting Indigenous conservation actions and meaningful inclusion and power when making major project decisions. In the rush for development and economic benefits, the responsibility of land protection is falling again to First Nations, who are publicly calling for all Canadians to consider ecological impacts and resiliency (CELA; Mushkegowuk Council; Friends of the Attawapiskat, 2022). We ask that the Government and project proponents listen to these pleas.

The responsibility to intervene currently rests with the Federal and Provincial governments and this makes true nation-to-nation engagement critical in yielding better project outcomes. With the 2019 IAA extending the IA process to include social, health, and economic considerations, it has created more participation funding opportunities available for Indigenous consultation, as well as taking on more direct

responsibility for consultations (IAAC, 2022). The time for Indigenous knowledge inclusion is now, and some steps are being taken to include Indigenous knowledge however, much more work remains to be done to achieve reciprocal, equitable inclusion. The push and pull between economic gains and ecological protection between 'stakeholders' in major projects have been demonstrated in fierce negotiations demonstrating the incongruence of worldviews (Stanley, 2021). Priorities in the province of Ontario are not aligned with those of Indigenous communities, with pressure for development and resource extraction mounting, the equitable inclusion of Indigenous worldviews priorities must be centered for the Government to make any steps towards reconciliation and reparations. Supporting talented and effective leadership from Indigenous women within Treaty 9 territories is an essential component to the long-term success of nations seeking to protect their livelihoods and cultural practices.

Methodology

The methods applied while conducting this research utilized a combination of information sources and engagement methods, tailored to best support each group. Our goal was to collect feedback from Indigenous women, girls, and gender diverse peoples in Northern Ontario and Northern Labrador about the barriers they have experienced to participating in Environmental Assessment (EA) or IA processes. To do this, we utilized multiple methods of information collection; we conducted 46 individual interviews, 3 focus groups, and 1 panel roundtable discussion that principally focused on identifying capacity and barrier issues in IAs. We asked a set of 7 key questions in each interview:

1. What is your experience in participating in EA or IA Processes?
2. Did other community members share their views together? How did the community come together to present information?
3. If you have been involved in an EA or IAs, did you find the process was a positive or negative experience? What made the experience positive or negative for you?
4. Are there things you are interested in changing so that the experiences of Indigenous Women are better captured in the IA process? What are your thoughts?
5. In your experience, what are barriers to Indigenous women's participation in EA or IA processes?
6. In your opinion, what changes are needed to ensure that Indigenous Women feel more welcomed and comfortable to engage in IA processes?
7. Is there anything else you would like to share related to the strategies Indigenous Women use in participating in and observing EA or IA consultations?

Among the women we engaged with locally, a significant amount came from other territories but primarily lived and/or worked in Labrador City, Happy Valley Goose Bay, Kirkland Lake, and/or Temiskaming Shores. For Keepers of the Circle (**KOTC**) outreach, women lived in and around Timiskaming District but came from First Nations communities such as, Attawapiskat, Fort Albany, Kashechewan, Moose Cree, Tagamou, Peawanuck, Wikwemikong, Mattagami, Timiskaming and beyond. For the AnânauKatiget Tumingit Regional Inuit Womens Association (**ATRIWA**), Inuk women living in and around Goose Bay District and Labrador City were from remote Nunatsiavut communities such as, Nunajnguk (Nain), Aqvituq (Hopedale), Kikiak (Rigolet), Marruuvik (Makkovik), Qipuuqqaq (Postville), Ailik, Ittiliarsuk, Pinginak and beyond. For the women living in urban settings, we received reports of women having previously worked in mines, were currently working in the trades, or had direct family members in their households who did. We also heard about the impacts of industry activities on the land, through both negative and positive experiences of the women we spoke with.

Our activities generated qualitative data through extracting key themes to guide our research. These themes are the subcategory headings listed under *'Barriers to Indigenous Women's Participation'* section. We have expanded on these key themes where appropriate, strengthening our anecdotal data with existing research that reflects the regional, national, and global realities of First Nation and Inuit women and girls because of resource development activities. We reviewed existing work about Culturally Relevant Gender-Based Analysis (**CRGBA**) published by the Native Women's Association of Canada (**NWAC**) (NWAC, 2020), finding that the concepts outlined in their report were insightful. We incorporated expansive research on the original CRGBA concepts outlined by NWAC in 2008 that emerged from a collaboration between Pauktuutit Inuit Women of Canada and the University of British Columbia, seeking to reflect the distinct needs of Inuit and Innu women and provide direct parallels to resource development activity applications (NWAC, 2008; Nightingale, *et al.*, 2017).

We have networked with other organizations doing related work in GBA+, accountable industry practices, Indigenous community organizing, land use planning, Indigenous technological and policy initiatives. We have actively participated in seminars, conferences, speaking panels, research groups, caucuses, and grassroots events to engage in conversations about contemporary solutions to Indigenous inclusion and equity in development projects. Our literature review draws on multidisciplinary sources ranging from academic research, community initiatives, case studies, grassroots reports and publications, grey literature, international publications, legislation surrounding IA processes, the best practices outlined in government databases, as well as oral storytelling sources in audio visual media. This report is a crucial component in synthesizing key concepts to articulate contemporary and innovative pathways forward for Indigenous women's effective participation in IAs.

Findings

Barriers to Indigenous Women's Participation in IAs

Lack of Familiarity and Rigidity of Process

Legislative Changes to Consultation Processes

Indigenous people have a lack of familiarity with legislative processes, leading to difficulties understanding the highly technical content being presented and a lack of capacity to use their limited personal time to learn how to navigate these complex and ever-changing systems. The IAA is such a recent legislative change that a significant portion of the women we spoke with knew of EAs but were not familiar with the term IA, which was introduced in 2019. To acknowledge this comprehension level difference between community members, we classified the women we approached about our project by their types of experience with IAs. Firstly, identifying those who had knowledge of EA / IA processes because they are actively involved in consultations, either through IBA coordinating activities, employment with a band or industry, because they lived in a region that was directly impacted, or they had related academic experience and interests. Secondly, we identified those who had lived experience with industry benefits by accessing work in resource development industries or non-traditional trades and were somewhat familiar with IAs. Finally, women who had no experience with EA or IA processes and did not have knowledge about the process or recent legislative changes. Of the three categories, most women we approached were classified into this final category.

Most women we engaged with did not know about EA or IA processes nor, had been part of consultations when they took place with First Nations bands or the Nunatsiavut government in previous years. This shows that despite making efforts to engage with Indigenous communities, there are still barriers preventing knowledge of these opportunities to reach the community level. Notably, all the women we engaged with were able to describe impacts from industry development as projects progressed, displaying a clear missed opportunity for the ministry to hear these valid concerns and perspectives. This is indicative of gaps in outreach and accessibility of information to participate in rural and remote communities. We heard repeatedly, from women in each region, that they were willing to attend technical training and presentations from the ministry about IAs, if they were made available to them, in person, in their communities.

Some Indigenous women reported that they felt they could not contribute to the IA process, this was most commonly because the dialogue was too technical and difficult to understand. However, with further discussion, the same women were able to articulate specific impacts from development they personally experienced, and those of people they knew. All the women we engaged with were able to

determine cultural impacts and valued components on the land. These insights must be gathered as a part of IA processes, because proponents and government agencies are not taking the time to connect with women, explain concepts, and engage in dialogue, their vital perspectives and insights are being missed. This demonstrates a lack of supportive mechanisms to foster the empowerment of Indigenous women, girls, and gender diverse persons to actionize their rights to participate in IA processes. Indigenous people want to participate and be involved in IAs, but the technical, Western approach is excluding them from being able to participate adequately.

There are insufficient engagement methods available to connect with Indigenous people, in familiar ways, demonstrating a lack of respect for traditional knowledge, traditional languages, and traditional governance models. Indigenous knowledge is distinct from scientific knowledge therefore, to create authentic and meaningful engagement opportunities, the government must be open to gathering knowledge and learning in a new way.

Western Worldviews Influence in Engagement

The concept of conflicting worldviews in information processing is not new; when considering the worldviews of Indigenous and European people regarding the natural world, there are many similarities in the ways in which people have come to know nature. Indigenous, European, and Western settler knowledge systems emerged from the need to make sense of the natural world to understand how to better take care of ourselves and one another (Aikenhead, 2011). These systems represent a culmination of knowledge gathered through observations, and each share logical processes such as questioning, looking for patterns, predicting, verifying, problem solving, adapting, and more (Aikenhead, 2011). Over time, each knowledge system has grown and evolved to encompass a separate set of priorities thus, altering the types of knowledge being collected. Indigenous knowledge is more holistic, relational, and place based in ways of knowing and doing, they tend to focus on spirituality, emotional, physical, and mental balance. Whereas, European knowledge has shifted towards reductionist, anthropocentric, and generalizable knowledge that has a strong focus on intellectual and physical growth (Aikenhead, 2011).

There is no room for environmental justice issues in the bureaucratic and scientific method of data collection. The exclusion of dialogues that do not fit the narrative of the scientific hypothesis make it difficult for participants to express their concerns. Expectations of evidence-driven participation is incompatible with Indigenous knowledge, which is rooted in Storytelling and anecdotal information. The expectation for participants to conform to Western scientific knowledge systems to make contributions that fit into a format that can be easily digested and marked off on a checklist is unrealistic and incongruent with efforts to achieve reciprocal engagement. The power disparity in knowledge applications between Indigenous and Western ways of knowing and being exists and is underscored by the decision-making structures in place which impose a lack of equitable distribution of benefits and yield

disproportionate impacts from industry development. The heavy emphasis on scientific and economic value components has led to a limited and narrow scope, reducing nature to merely 'natural resources'. Information collection is led by and for scientific knowledge systems and therefore, reflects value components of Western knowledge systems in their reporting structures. There is a dire need to include Indigenous knowledge systems and traditional knowledge in the same way that scientific knowledge has been prioritized.

We know that there is a systematic bias to favour Western worldviews and scientific knowledge which in turn, disfavours Indigenous and traditional knowledge (Hickey, 2020). Elders shared experiences where they would 'clam up' in community halls where information sharing was linear and often led by outside representative technical experts who would take notes only when asking specific questions for data collection purposes. These processes of feedback collection by proponents are reductive, and the resulting consultation summaries consistently compartmentalize, isolate, or disaggregate data to make an easy summary in their reports. These stories, experiences, and sources of knowledge cannot be reduced into merely checklist or table formats. The concept of '*safe spaces and familiar faces*' for meaningful engagement was repeatedly brought up. We heard that having people who know each other and trust each other collaboratively discuss values and impacts from development generated more meaningful feedback. As opposed to having people come to a community for the first time and expect sacred, traditional knowledge to be shared with them. Building trust is an essential step of the process, and this takes time and consistent effort to happen.

Lack of Representation

When there is a lack of representation of Indigenous ways of knowing, thinking, and learning, feelings of otherness are created which allow divisions in spaces like IA policy development to further intensify (United Nations, n.d.). There is a marked shift in representation opportunities at the community level, Indigenous women are taking on leadership positions in their respective communities and contributing to better consultation outcomes. Indigenous women are becoming more frequently involved in negotiations processes, participating as leaders and representatives in engagement forums and generally taking on stronger roles in industry-community talks (Gibson, G., personal communication January 17th, 2022).

"It's the women who hold seats of value that are heard, there are councils and coalitions that could be formed. Too often Indigenous women's values and needs are swept aside. It's beneficial to sit in positions that really consider what people are saying, to make sure that cooperation and efforts to be inclusive are made" - (Inuk Tradeswoman, Focus Group Quote 2021)

"Having meetings in the evenings where dinner is provided and having special meetings to get engagement with women in the community is necessary. There's influence from men in dialogue

and conversation and they tend to take over the conversation with their experiences”

- (First Nations Woman, Interview Quote 2022)

We have learned that representation is key for connecting to information meaningfully through discussion in our focus groups. Sensitivity to dialogue over key issues varies greatly in different cultures. Discussing issues that are difficult such as, risk of sexual harm and substance abuse in community are uncomfortable to share. Indigenous women and two-spirit peoples that have attended and helped Elders attend various engagements, led either by proponents or the ministry, reported feeling uncomfortable and ill at ease sharing openly in formal settings. In our observations, from an organizational perspective, in all public information sessions held by the ministry that our team has attended, we have never seen any Indigenous women or gender diverse people that have self-identified facilitate or act as coordinators in engagement sessions delivered by industry, IAAC or the CIRNAC support staff representatives. We heard that Indigenous women felt uncomfortable in community meetings with representatives who were non-Indigenous people acting as note takers, because this led to less generative discussions and more misunderstandings. Representation matters in negotiations, in engagements, and in community organizing initiatives to ensure structural inclusion of Indigenous women and all marginalized identities are a part of the engagement processes.

Unrealistic Timelines

The timelines for providing comments are extremely short. For communities who have varying levels of capacity and staff available, the period of information review that is required is extensive and cumbersome. In our activities, we engaged with Indigenous women in providing supplementary information about specific documents on the IAAC site, as related to *Upper Beaver Gold Project* and the *Crawford Nickel Project*. In meeting with Indigenous women working on lands management portfolios from multiple nations there was consistent feedback of intensive workloads and tight timelines needed to respond to documents related to the projects, in addition to their other workloads related to development on traditional territory. In Phase 1 of the IA process, communities have 180 days to provide input and comments on key documents, including the *Initial Project Description*, *Detailed Project Description*, *Summary of Issues*, *Response to Summary of Issues* and *Tailored Impact Statement Guidelines* (IAAC, 2022). In this phase, bands and community organizations are tasked with collectively reaching out to their entire membership, reviewing documents, summarizing key documents, gathering feedback, and providing comments. The lands management staff in many bands are limited to one, or very few people, managing influxes of engagement and development opportunities in territories at a higher rate than ever before.

The timelines implemented by the IAAC contrast with the cultural precept that Indigenous knowledge is relational, placed based, and takes time to come to collective agreement (Thomas, 2022).

Western knowledge systems define what constitutes progress, advancement, and efficient determination of development, this process distorts what is typically a multidimensional and relational process for Indigenous People (Cajete, 2000). Indigenous science is communicated through customs, ceremonies, oral histories, traditions, stories, and through processes unique to specific regions holding place-based knowledge. For communities who are at varying levels of capacity, this presents a significant barrier in their ability to inclusively connect with their membership and meet increased technical demands while simultaneously balancing other governance priorities. The data collection that is necessary to effectively engage in consultation proceedings places pressure on communities to respond quickly enough to satisfy the specific timelines in place. Nations are often forced to work on multiple projects at once and are stretched thin in capacity to respond to individual projects. Self-governance on a range of issues have increased independence and ability for self-determination in communities however, band leadership is also experiencing a significant level of governance and capacity issues to be able to keep up with new resource development projects arising in their respective regions. With each community there are differing levels of readiness to provide information to proponents and agency alike. Some communities have incorporated organized strategies to meet demands such as, consultation protocols, works plans, territorial mapping, and long-term strategies, while others have no documents prepared and continue to struggle to meet increased workloads, these disparities must be addressed, especially in regions with current and future resource development strategies.

Indigenous women reported that they did not have the time to keep up with project timelines or to read documents related to projects for several reasons. Some reported they had full time employment outside of the home, often paired with long commutes to reach worksites. When discussing the *Wasamack Gold Mine* and *Upper Beaver Gold* engagements, we heard from women that all their time was spent working at their jobs and then still having to do more work at home, it was difficult to find time to get involved in IA processes when they had very little free time to spare. Others reported that they worked irregular hours or shift work and could not attend meetings or had the time to fill in community surveys. Others linked responsibilities as mothers, grandmothers, as caregivers, or community leaders, and the many other aspects of their lives, volunteering to read long, technical content and provide input should be a compensated effort, not a voluntary responsibility.

Inaccessibility of Information

Education Disparities

The high rates of Indigenous women who do not complete education is highly linked to the requirements to be able to relocate to access education, the lack of culturally appropriate curricula and guidance made available at academic institutions, the lack of funding to support oneself in a new and foreign environment, and the lasting impacts of intergenerational trauma which make Western academic

institutions feel unsafe, unwelcoming, and inauthentic (Arriagada, 2021). For these reasons, the proportion of Indigenous women with postsecondary education continues to be less than that of non-Indigenous counterparts, in 2016 52% of Indigenous women aged 25-64 had postsecondary qualifications, compared to 67% of non-Indigenous women in the same age group (Arriagada, 2021). Statistics Canada found that, “In 2016, Indigenous women living in more remote areas were less likely to have completed studies than those living in more accessible areas. For example, 41% of Inuit women aged 18 and older and living in very remote areas had completed high school or a higher level of education, compared with more than 72% of those living in easily accessible areas” (Statistics Canada, 2022). These disparities impose further difficulties in obtaining consistent and secure work later in life for Indigenous women.

Lack of Access to Technology

Indigenous women in remote communities do not have consistent access to technology. This was particularly prevalent for women living on the north coast of Labrador communities who do not have access to reliable internet services. As such, not everyone in these communities has access to technology sources such as laptops, touchscreen pads, or smartphones to be able to review IAAC documents and provide comments on the online registry. While information is being made publicly available, and the IAAC site contains a significant amount of useful information, internet and technology access is necessary to be able to access IAAC website. This critical source of project information is, therefore, not very accessible seeing as all upcoming individual project documents and timelines are found online.

With older generations of Indigenous women, technology literacy was also a major barrier. Elders in community who hold important cultural knowledge, TEK and land-based information do not access technology sources and rely more primarily on word of mouth, letters, posters, and community meetings to be able to share information. This method creates delays in engagement processes and indicates a need for more flexible, longer periods of participation in the planning phase of a project.

Silencing of Indigenous Women’s Voices

The systematic silencing of Indigenous women’s voices was highlighted in comments made to us about previous community engagement processes, especially regarding EAs done in the past. Women reported feeling disregarded, judged, or dismissed when bringing concerns forward. In this respect, the 2012 CEAA has significant deficits in its mechanisms to ensure equitable inclusion. Despite the open opportunities to participate in the new IAA processes, there are manufactured barriers in place that may interfere with engagement of significant demographics of Indigenous women in communities. Although existing policies call for consultation and consent, these principles alone are insufficient in addressing other more discrete forms of exclusion.

“Doing impact assessments as Inuit is important. I would do it [participate in impact assessments] because of my children, my grandchildren, my daughter; you have to get your voice out there somehow” – (Inuk woman, Interview Quote 2022)

Three forms of silencing have been made apparent in literature: locutionary, illocutionary and perlocutionary silencing (Townsend & Townsend, 2020). Locutionary silencing referring to limiting or changing the meaningfulness attached to words (Townsend & Townsend, 2020), which is demonstrated in summary of engagement tables submitted by project proponents which typically list comments received in bullet form and often lacks context or supplementary information. Illocutionary silencing limits the ability to communicate through words, whether that be due to language barriers, educational, or time constraints (Townsend & Townsend, 2020). Finally, perlocutionary silencing limits the weight or consequential element of speaking up (Townsend & Townsend, 2020). Elements of communication such as, intention, meaning and context, are being lost through these systematic silencing methods. Silencing can appear clearly through intimidation, interruptions, or language limitations, but also manifest in less obvious ways like the emotional toll related to speaking, the implied consequences of speaking up, or the fear of being misinterpreted or taken out of context when speaking up. If a participant can overcome limitations of locutionary and illocutionary silencing and provide their input, there is still the risk of not being believed or deemed credible enough.

Limited Engagement Methodology

The ministry and industry proponents typically conduct outreach with points of contact such as band councils, tribal councils, and registered stakeholders in the region. The dissemination of information is limited primarily to emails, phone calls, and radio advertisements in current *Indigenous Engagement and Participation Plans*, mainly due to Covid-19 restrictions, though commitments to engage in person and in community remain on the horizon as restrictions are lifted on public gathering. We heard from Indigenous women in Northern Ontario that making the participation more equal by including more than just the people who are employed and directly working on project engagement activities is needed. Women would hear of community meetings after they had already taken place, beyond that, the frequency and availability of community meetings was not sufficient to learn enough about upcoming projects and to discuss impacts.

Social media groups are increasingly being used by bands to provide easy methods of reaching and maintaining membership connection to engagement activities. While this is an effective strategy to keep membership living in urban settings involved, this method is not sufficient to reach all demographics of Indigenous people, primarily the older generation of women who do not utilize social media platforms as frequently. We heard complaints of missed opportunities in job posts, community meetings, and heard requests for more direct outreach through letters, phone calls, and home visits. In most instances, the

band is tasked with the groundwork of engagement, a more diverse method of community outreach about upcoming development is needed from the Agency and proponents for effective community engagement.

“For impact assessments, I think community meetings would help, I know there is COVID, but even if you did things virtually just knowing that there is a genuine concern [that helps a lot]. Having an individual travel [here] and see for themselves the environmental impacts it would help because if [the people working on these assessments] are in a city like Ottawa or St. Johns or even Goose Bay they will not see the environmental impacts unless they actually travel as an individual. They would not be able to see the impacts or feel the impacts through a screen. There would be more of an impact if they were to witness it in person”. – (Inuk Elder, Interview Quote 2022)

Transportation in Remote and Rural Communities

Expectations realistic for life in urban centers is often imposed on participants living in remote and rural communities. Limited public transportation options exist and where available run on inconsistent or infrequent schedules. Often public meetings are held, and community members are invited to attend however, failure to provide transportation systems to attend these public meetings creates a significant barrier. To assure that engagement opportunities take place, transportation barriers must be addressed and resolved. This same barrier applies to those who are required to have a personal vehicle to travel to worksites. Without providing safe and accessible transportation options, public meetings continue to represent performative inclusion of Indigenous voices.

Imposing expectations for participants to take time off work, travel, and/or secure childcare to attend IA meetings is unrealistic. These concerns were frequently mentioned in interviews with Inuit and Innu women in Northern Labrador. In these communities, transportation options change seasonally, forcing participants to depend on ice conditions to be able to travel by boat or to rely on significantly more expensive travel options like, flying. This makes engagement nearly impossible throughout the winter months, delaying project development or excluding Indigenous people from engagement entirely.

Statistics Canada was able to link higher unemployment rates to all groups of Indigenous women in remote areas. It was determined that “...employment in First Nation and Métis women tends to decrease with the level of remoteness. For example, the employment rate for First Nations women was 52% in easily accessible areas, but 37% in very remote areas.” (Statistics Canada, 2022). These statistics demonstrate the effect that a lack of transportation has on women trying to obtain work or participate in IAs. Without internet or transportation options available, both virtual and in-person engagement opportunities are inaccessible to Indigenous women, leaving them excluded from project planning and development.

Systemic Barriers to IA Engagement

Legacies of Intergenerational Trauma

The lack of access to information experienced by Indigenous peoples is a systematic failure that persists through inaccurate historical records, neglecting to tell the true story of colonization and the ongoing traumas that persist today (United Nations, n.d.). It must be acknowledged and taught in schools that over 150,000 Indigenous children were forced to attend residential schools (National Centre for Truth and Reconciliation, 2021). These residential school systems persisted into the 1990s, only 30 years ago, and existed across Canada at 139 distinct locations (Government of Canada, 2015). In 2021, when 215 unmarked graves were discovered at the former Kamloops Indian Residential School, International news began to expose the dark history of these oppressive systems (National Centre for Truth and Reconciliation, 2021). Since then, these numbers have increased by over 10 times as graves continue to be discovered, paired with the fact that only 11 of the 139 former residential school locations have been investigated to date, this is a truly devastating truth coming to light (National Centre for Truth and Reconciliation, 2021). International outcry has become mostly silenced while reporting within Canada remains abysmal on this crucial matter, perpetuating the neglect to document the reality Indigenous peoples have endured. Historically, reserves were created to control First Nations people, forcing them to transition to an agricultural centered way of life, allocating small plots of land and limiting traditional land use practices, effectively trying to sever the cultural ties Indigenous people had with each other and to the land (Alberta Teachers Association, n.d.).

Indigenous women collectively acknowledge that there is no best way to live, and the way you live depends on where you are, who you are, and what your traditions are (Wildcat, 2014). First Nations peoples have an intrinsic relationship to the earth, water, and land which heavily influences their world views and ways of life. In the culture all are related, all relatives and each decision made should consider the impacts ranging now, all the way to the seventh generation from now (LaDuke, 2016). First Nations women, girls, and gender diverse people live with the traumatic legacy of assimilationist policies. Indigenous peoples were forced into giving up their cultures in the name of religion and made to live in remote reservations in a sedentary lifestyle, a lifestyle of poverty, following a chain of broken promises and control through the withholding of food and supplies. Children were sent to boarding schools and had their hair cut, their medicine bundles seized, and many died from neglect, hunger, exposure and outright abuse. They were punished for using their language and forbidden from practicing spiritual ceremonies. They were denied legal representation and systematically stripped of their lands. That trauma lives on today in those who lived through this system, and their direct descendants, this is not history, this is the present.

“While we think ahead, and we need to protect and care for those that are behind us”

- (First Nations Elder Quote 2022)

It is the responsibility of the Government of Canada to make steps to authentically reconcile against these harmful and violent residential schools. Yet, it is continuously seen that harmful resource extraction projects continue to affect Indigenous communities more than any other communities across Canada. Unsurprisingly, Indigenous peoples trust in government agencies has been shaken from these historically oppressive policies, as such, engagement in processes like IAs are difficult to place confidence in and trust (Salerno *et al.*, 2021). Understanding of impacts to health and wellness cannot begin without consideration of historical contexts that have contributed to the contemporary lived realities of Indigenous women, girls, and gender diverse people. Understanding how this trauma continues to affect Indigenous people is essential to building trauma-informed approaches to promote healing and prevent re-traumatization.

Inuit women revealed a lot of pain when reflecting on their lack of inclusion in many institutions, on the prevailing ideologies and behaviours of colonizers in society at large, on their experiences of colonial violence, on the environmental displacement from their homelands, on the loss of access to traditional food and lands and on their health and ultimately, the cultural erosion they survived. The impacts of intergenerational trauma are historically and contemporarily present in Indigenous communities. Forced residential school attendance, exacerbated drug and alcohol addiction, lateral violence and imposed further loss of culture which imposes physical, mental, emotional, spiritual, and health impacts. As these cumulative negative effects continue to intensify, these impacts carry from one generation to the next, subjecting communities to widespread trauma, suffering, and pain.

Indigenous peoples are currently amid a type of cultural resurgence, rebuilding their nationhood and relationships to the land. The external pressures on Indigenous peoples to comply with the dominant world views create uncertainty about which notion of progress they should follow, the way of the traditional life or the way of technology and science. Economic relationships that Indigenous peoples engage in can be positive (Wildcat, 2014) however, in many cases the systematic silencing, disregard, and undercutting of Indigenous rights and livelihood is still taking place. As this cultural resurgence and widespread healing is taking root, society at large must reconnect human diversity to biological and ecological diversity. Only by bringing culture and nature together once more, will environmental protection and sustainable development be able to take place.

Systematic Discrimination

We know that Indigenous women and girls are impacted in distinct and specific ways on resource extraction project sites and beyond, which limits their ability to obtain safe and secure work. This in turn, affects their ability to support their families and heal from intergenerational trauma. The barriers affecting Indigenous peoples are numerous and interrelated, and that these systematic barriers are still in

place. Persisting patterns of environmental racism create a systematic discrimination, where communities with higher representation of Black, Indigenous and people of colour experience racism through institutional policies and practices that adversely impact their environment (MacDonald, 2020). Environmental racism unfolds so that the negative effects from resource extraction projects are concentrated to rural and remote Indigenous communities, which are the same communities that are very likely to feel the impacts of climate change sooner, and with more intensity than predominantly white communities will (MacDonald, 2020). Statistics Canada found that, *“Discrimination was more common among the Indigenous population than among populations who are both non-Indigenous and non-visible minority (33% versus 16%). More specifically, 44% of First Nations people had experienced discrimination in the previous 5 years preceding the survey, as had 24% of Métis and 29% of Inuit”* (Statistics Canada, 2022). Experiences of discrimination have become more popular through time, in 2014 23% of Indigenous people reported experiencing discrimination which increased to 33% in 2019, displaying clearly that systematic discrimination is not improving (Statistics Canada, 2022)

Urbanization of Indigenous Membership

Urbanization is a common factor in engagement barriers, for Indigenous women in Northern Ontario who do not live on reserve, and/or do not have an up to date or permanent address logged with their band, they were not directly contacted with updates to participate in consultations. Social media platforms are increasingly being used to keep contact with wider membership, with varying levels of success. We have heard from women in the Kirkland Lake, Temiskaming Shores, and the Timmins region that the information they received was delayed, or that they did not access social media regularly to be able to follow the posts in community engagement groups. This was a major barrier in accessing jobs postings, current events, community meetings, or IA engagement opportunities. Very few women living in urban settings have been involved in consultation activities or reported having been asked for their feedback about developments occurring nearby. This indicates a clear gap in outreach which affects Indigenous women, girls, and gender diverse persons from local bands who are living in urban settings to be fairly included in engagement. An additional gap was observed for women living near development, but whose communities are in other regions. These women experience the same or similar impacts to their economic, social, environment, health, and well-being, however the engagement of women living in urban settings is scattered and inconsistent.

Statistics Canada found that in 2011, over 78% of the Indigenous population lived off-reserve (Statistics Canada, 2017). Interestingly the employment rate for Indigenous people living on reserve was only 47.3% in 2011 and 71.1% for those living off reserve, showing the ongoing trends of diaspora of Indigenous peoples, forcing them into urban environments and away from reserves to obtain employment (Statistics Canada, 2017). It is crucial that everyone work together to share information, stay informed and learn from one another to keep up with development impacts, past present and

future. Urbanization is creating interruptions in the ability for nations to distribute information quickly enough to get feedback from membership within legislative timelines. Often, communities are not able to disseminate information, reach consensus, and provide input in time to be included in the Tailored Impact Statement Guidelines.

We saw that Indigenous women and girls who do live on reserves were, on average, more informed about upcoming meetings and generally had more access to current information through accessibility to the band office. This is indicative of the tendency proponents and the ministry have in conducting outreach with a single point of contact such as, band leadership or tribal councils. Indigenous women who have band membership to local and impacted bands but live in town, relied heavily on social media to stay current about community activities. For those who did not have consistent access, there is a significant gap in information transference to membership about IA progress or industry project activities. It should not be the responsibility of community members to ensure information is being disseminated properly, but the government must create an accountability system to monitor information translation and ensure it is reaching all target audiences.

It is a common practice to look at the Aboriginal Treaty rights Information System (ATRIS) over a specific project area. This system pulls up information about territorial assertions, claims, communities, and current and historic treaty information. ATRIS has led to a significant expansion of outreach requirements for proponents in the number of communities impacted, to date, this work has been done in majority through writing letters, making calls, or sending emails to band offices and leadership. The missing components in using ATRIS to identify and connect with communities creates a double-edged sword affect. Firstly, Indigenous membership that live on or near reserves experience a disturbance in the flow of communication because it must first be sent to leadership and band office communications, who must then share this information with the entire membership through social media or direct liaison. Forcing leadership and band staff to take on these time-consuming tasks, they absorb additional workloads and extend their already over-burdened staff. Secondly, the inclusion of Indigenous residents that do not have membership ties to nearby nations, with claim or otherwise asserted rights over specific pieces of land within a given project area, they will not show up in programs like ATRIS and therefore, may be missed unless they are declaring themselves in other channels. This begs the question of why the methodology of conducting consultations isn't resting more firmly with generally impacted peoples and *all* impacted Indigenous people, and not simply those on whose traditional territory has been officially asserted in the Canadian legal context.

Subsistence and Survival Needs of Impacted Women

Gender-based Violence

When women can obtain work, there is a lack of opportunity to obtain high-level and high-paying roles, women are often only able to attain work in ‘softer’ roles that are perceived as more ‘feminine’ like, housekeeping and cooking, for example (PIWC, 2020). When work is obtained, documentation of increased sexual harassment, abuse, and violence in the workplace makes retention strategies and rigorous policies for prevention in the workplace a necessity to transform workplaces into safe spaces suitable for women to work within (MMIWG, 2019). A historical lack of accountability in remote worksites towards issues of sexual violence and abuse has fostered a system of oppression where cumulative effects force women out of the industry entirely or, have them be forced to put themselves, or their families in danger to maintain employment (MMIWG, 2019).

Statistics Canada published several alarming statistics showing the violence and trauma that Indigenous women are facing. They found that, “... more than six in ten (63%) Indigenous women have experienced physical or sexual assault in their lifetime” (Statistics Canada, 2022). “Almost six in ten (56%) Indigenous women have experienced physical assault while almost half (46%) of Indigenous women have experienced sexual assault. In comparison, about a third of non-Indigenous women have experienced physical assault (34%) or sexual assault (33%) in their lifetime” (Statistics Canada, 2022). “In 2014, Aboriginal women were 2.7 times more likely to have reported experiencing violent victimization than non-Aboriginal women” (Statistics Canada, 2017).

Family & Caregiver Obligations

Barriers that uniquely effect Indigenous women include the fact that family and caregiver obligations fall disproportionately on women and that a serious lack of childcare options exist in remote communities or at remote-work sites which in turn, forces women to stay home to care for their children (MMIWG, 2019). Caregiver responsibilities was repeatedly mentioned by both First Nations and Inuit women, they shared that Indigenous women are often primary caregivers of children, youth, and dependent family members (Gibson *et al.*, 2017). When past opportunities have arisen for community meetings about development projects, it’s often the women who stay home to take care of dependents while the men attend the meetings. The high rates of Indigenous mothers who are without a secondary income and must support their families as single mothers makes achieving work, feeding their families, and caring for children even more difficult to balance for the women in Indigenous communities (PIWC, 2020).

Issues of Food & Water Insecurity

The well-documented issues of food insecurity in Indigenous communities are intensified due to the impacts of resource extraction projects (PIWC, 2020). These issues of food and water security are often viewed as an obstacle that women must solve in isolation, thus being responsible to feed and support their families alone. Food insecurity is a major concern in Inuit communities, with traditional food gathering processes are being interrupted and a mass loss of cultural knowledge occurring. These conditions of food insecurity make other health problems more common, negatively impacting mental

and physical health of the community. The lack of access to country foods like seal, whale, and fish is reinforced by legislative policies. Limitations on traditional food gathering and hunting processes compiled with altered natural environments have imposed unanticipated declines in species that were previously existing in harmony with Indigenous communities for centuries prior to colonization. The cost of living is exponentially increasing, and rural and remote communities are facing some of the highest costs of living across the country. As access to country foods or locally harvested foods is becoming increasingly scarce, communities are forced to turn to the nutritionally inferior products sold in stores (Vodden & Cunsolo, 2021).

“We used to eat a lot of Caribou but now there is a moratorium on Caribou. Space you are not allowed to harvest the food that we have become accustomed to eating. [If you do] then you will get fined, and all of your items will be taken away. [They will] take away anything you used to hunt, your ski-doo, your trucks - just for harvesting your traditional food”

– (Inuk Woman Nunatsiavut Beneficiary, Interview Quote 2022).

Offshore oil rigs like *Bay Du Nord* and the mega dam project of *Muskrat Falls* have long term and serious consequences, yet the women we spoke with reported that they were never consulted about these projects. The lack of investigation into mitigation and prevention is exemplified by the ongoing First Nations water crisis, as of 2020, there were 58 long term drinking water advisories on reserves in Canada, as of 2022, 27 remain (MacDonald, 2020; Government of Canada, 2022).

Housing Crisis

Indigenous women must be able to meet their basic human needs to be able to work or participate in IAs. Housing conditions for Indigenous people are some of the worst in Canada it was seen that, “In 2021, over one in six Indigenous people (17.1%) lived in crowded housing that was considered not suitable for the number of people who lived there and that 16.4% of Indigenous people lived in a dwelling that was in need of major repairs.” (Statistics Canada, 2022). Many Indigenous people live in crowded or unsafe housing conditions, but many are entirely without shelter and warmth. “9.4% of Indigenous women have experienced homelessness—that is, having to live in a shelter, on the street, or in an abandoned building. This proportion was almost five times larger than the proportion among non-Indigenous women (1.9%)” (Statistics Canada, 2022).

Lack of Financial Resources

When asked about subsistence and external pressures needed for women to provide for themselves and their families, women reported that their highest priorities were their work and their families. A civic engagement/ volunteerism approach is not a realistic or sufficient avenue for those who are trying to make a living. As the IA process is new and largely unknown, the existing funding opportunities through the *Indigenous Capacity Support Program* and other services are equally unknown

to communities. Indigenous women that want to conduct outreach and community organizing may apply for additional funding but are not guaranteed any funding or support. More advocacy around supportive opportunities for independent groups of women to do work is needed, this could allow for more grassroots initiatives to take place in communities and alleviate some pressures from Nunatsiavut and First Nations leadership, creating positive benefits. Through imposing strict timelines and expectations on Indigenous people to participate in systems biased towards Western knowledge, opportunities for authentic engagement are few and far between. When engagement does occur, there is a lack of financial resources allocated to communities, forcing Indigenous people to use personal time and resources to try to mobilize against this system of oppression.

The cost of living is rising and continues to rise with each year, month, even week that passes. These costs extend not only to food and shelter but extend to the ever-rising cost of rent, high cost of fuel and transportation, increased insurance costs as climate related disasters become more prevalent, and much more (Vodden & Cunsolo, 2021). These personal expenses compile and combine with pressures and community-wide expenses which can include infrastructural updates, climate change response and mitigation costs, council tax, public service resource implementation, rising to meet the demand as an influx of workers travel to communities and put additional pressure on already stressed systems (Vodden & Cunsolo, 2021).

Discussion

IA Procedural Recommendations

Affirming MMIWG Calls to Justice

There is significant evidence in academic research findings and reports that necessitate, not only broad applications of GBA+ throughout Impact Statements, but that exact guidelines to assess increased gendered violence around development projects are needed (Hoogeveen *et al.*, 2020). The Impact Assessment Agency of Canada (IAAC) can draw on existing national publications to determine parameters of study and to affirm well known standards already pre-determined by Indigenous communities. Trusted national projects such as the MMIWG final report '*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a, 1b*' is a thorough and foundational document that has translatable components that could be implemented into documents such as the *Tailored Impact Statement Guidelines and the Indigenous Engagement and Participation Plan* (MMIWG, 2019). Articulation of known impacts and structural issues brought on or exacerbated by development activities must be openly acknowledged and addressed in tangible ways for Indigenous women and girls in vicinity of development projects, regardless of their status, traditional

territories, age, education level or other intersectional factors influencing their abilities to participate. The labelling of Indigenous peoples and governments as ‘stakeholders’ undermines decision-making roles and agency in community, overlooking broader commitments to nation-to-nation relationships (Manning, *et al.*, 2018). Nation-to-nation dialogue is a concept well explored by academics, governments, community, and organizations across Canada. The IAAC has taken a strong stance through affirming its role and responsibility to engage with impacted Indigenous peoples during the IA process (IAAC, 2020). However, throughout the current process of outlining new guidelines under the 2019 IAA, there is a significant amount of autonomy being given to industry proponents to articulate their studies and data gathering parameters. These studies must include and intentionally explore how gendered impacts are unfolding and how distinct impacts to Indigenous women, girls, and gender diverse people are manifesting because of project implementation.

Tailored Impact Statement Guideline Parameters for Industry Proponents

Significant attention and priority have been given to equity in employment in industry activities and is often highlighted as a comprehensive method for the inclusion of gender issues in IAs (Hoogeveen *et al.*, 2020). The reporting requirements for employment statistics of Indigenous women show that the jobs they hold are difficult to find and even more difficult to obtain. A common practice of employment and training benefits are determined in IBAs. Developing compensation frameworks for impacts to Indigenous title is not a simple task. Divergent views create a challenge for reconciliation efforts relating to issues that are deeply entwined with political and historical context. The unique nature of Indigenous title rights requires clarity for the benefit of all involved parties, with a call for government-led policy approach that balances the various interests and unique considerations associated with Indigenous title while maintaining the honour of the Crown (Adkins, 2016). It has been argued that it is in the best interest of First Nations communities to deal with entities who have the power to influence or make decisions that could impact rights and claims.

One common problem is IBA negotiations are created at project planning outset and influence information transference within and between communities. Non-Disclosure Agreements (**NDAs**) are a common practice in new developments, obscuring opportunities for transparency and information sharing. NDAs are typical in IBAs, where both parties involved are bound by privacy agreements about the terms of benefits of the agreements they reach. These NDA’s hide issues and limit the exchange of information required to develop best practices for other Indigenous groups and community entities who are considering similar benefit agreements. There needs to be confidentiality as well as transparency embedded into IAA procedures.

Many IBAs have non-compliance clauses that prohibit Indigenous groups from preventing, protesting, or delaying development (Caine & Krogman, 2010). This stifles the ability to object, in the instance of new information being revealed as development proceeds, these clauses further reduce opportunities for amendments to IBAs during all cycles of a given project (Caine & Krogman, 2010). IBAs effectively act as a constraint to two historical methods of intervention which Indigenous groups have relied on to insert themselves into development projects. The first being actions such as, formal legal processes like court challenges and the second, being through public demonstration and media campaigns.

The IAAC is already mitigating some of the challenges that arise in IBA's through standardized *Tailored Impact Statement Guideline* requests of the proponent to provide an impact statement that gives detailed demographic information, and requests to pledge community funds be allocated for capacity building. However, there is an opportunity to mandate employment equity plans and demand concrete and transparent mechanisms of delivery that ensure that equal representation from men and women occur in consultations to create gainful employment opportunities. Furthermore, requiring data articulating accommodation measures that mitigate employment issues are distinct to the lived realities of 2SLGBTQQA+ Indigenous peoples. This would address issues of gendered labour distribution in industry activities and spur innovative methods to address workplace sexual harassment and violence to increase worker retention as well as, further investment into training and higher education by proponents in communities.

Conclusion

Overcoming these barriers starts with being able to identify them, by outlining the barriers First Nations, Inuit, Innu, and Métis women face, we begin to create a system that can recognize and reconcile these barriers. The necessity for community organizing strategies is clear, and the importance of this work, ensuring that communities are at the forefront of rebuilding systems, is key to ensuring change is happening in an authentic and inclusive way. Much work remains to be done in creating support systems and ensuring they will have long lasting impacts. This report aims to be a starting point in creating a toolkit for community members to be able to come together and create this support system for themselves and begin to heal from intergenerational trauma. It should be paired with our *'Shared Responsibilities: Indigenous Lens GBA+ Framework'* to understand both the barriers presented in this report, and the best practices for the path forwards, presented in the sister report. It is our hope that community members will feel inspired and empowered in reading this document, that industry partners will want to act, holding their employees accountable and rebuilding new workplace cultures and systems, and that government agencies will fund and embed these changes in legislation and policies.

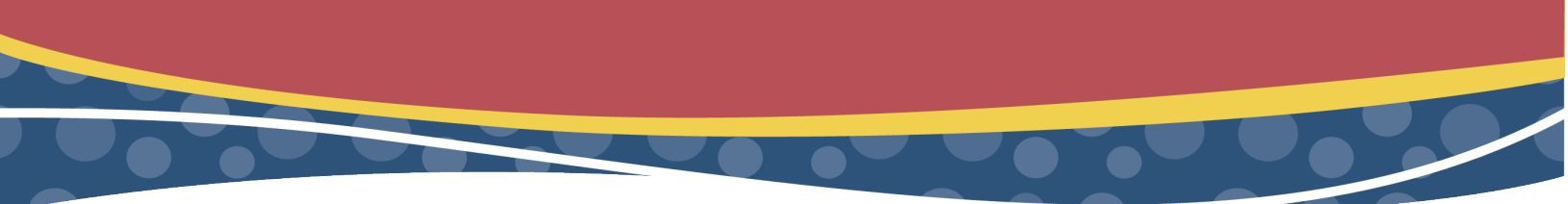
Both the Government of Canada and other international legal councils have explicitly recognized Indigenous peoples right to consultation, and the right to obtain FPIC (Government of Canada, 2018).

These principles serve as a starting point but, there is still much to be done to provide Indigenous communities fair and meaningful opportunities to participate in IAs. Without addressing the nuances related to the implementation and interpretation of these rights, space remains for the contributions of Indigenous communities to be silenced, overlooked, or ignored entirely in decision-making processes. Often, Indigenous communities are expected to provide consent based on limited project scope, key project details are excluded due to the restrictions of NDAs, or a lack of relationship building opportunities with other industry stakeholders exist. There are clear and significant limitations in the dissemination of information to communities, which impacts their ability to participate in fair and meaningful ways. Although existing policies call for consultation and consent to be acquired, these principles alone are insufficient in addressing other more discrete forms of exclusion.

Indigenous peoples are expected to make Indigenous knowledge palatable or understandable to suit the expectations of Western operational standards and timelines. When sharing, information is often taken out of context, with key points being redacted or misunderstood entirely by Western note takers. The unintentional bias towards Western ways of thinking imposes a constraint on the ability for Indigenous knowledge to be shared and understood. Whether these exclusionary tactics are intentional, or unintentional, the impacts are largely altering the ability of Indigenous Peoples to be consulted with and participate meaningfully in IAs. Moving beyond requiring Indigenous communities to be informed and consulted with means there must also be space created for communities to withhold consent, to request more information, or to provide insight that will be fully considered and included in decision-making processes. Cultural biases and comprehension of information through one's own worldview are inevitable however, space for multiple worldviews to coexist must be intentionally created to begin to develop trustworthy, fair, and meaningful opportunities. Indigenous knowledge must be respected as it is shared, without being altered to suit the needs of culturally distinct Western knowledge systems, only then will the Government begin to satisfy its commitments to its UNDRIP Act implementation strategy (Government of Canada 2021).

It is irresponsible to interpret the information we are presenting as laying responsibility for the barriers impacting Indigenous women on structural failures within communities nor, strictly within the advocacy and outreach shortcomings of both government agencies and industry proponents. Rather, there is a complex inter-dynamic of information exchange that is not being transferred from technical reports to digestible formats for Indigenous groups of all ages and stages. Nor is there effective advocacy and training platforms in place to generate sufficient interest in participation in IAs. This maintains a significant barrier of accessibility of information, only those who have existing expertise in the field, have job specific time to cover all the documents required, can bear a significant workload of reading and understanding technical material, and then turning to pass on important information quickly enough for communities to process and formulate their positionality in any specific industry activity.

The systemic recurring failures to include Indigenous priorities meaningfully and significantly into EA / IA processes by proponents and ministry alike have laid a poor foundation in forming nation-to-



nation relationships. The implementation of IAA 2019 is a step towards reconciliation and within it a new and evolving process of engagement, is created. Significant shifts in engagement processes will take time, and long-term investment into Indigenous communities across Canada are much needed to meet the increased demand of Westernized information parameters on communities. The inclusion of Indigenous women, girls, and gender diverse people in IA proceedings is shifting in positive ways through federal legislation such as, IAA 2019 representing what is hopefully the start of a long partnership and collaboration. Providing sufficient investment into communities proactively is a necessary component in the generation of meaningful dialogue and input from communities, and a step towards reconciliation to redress the past harms to Indigenous peoples. The community organizing opportunities that exist for Indigenous peoples are being actionized at various stages across Canada, signaling that interested parties to resource development activities are paying attention to how Indigenous peoples are engaged. We are paying attention, and we hope that you will too.

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