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# EVIDENCE BRIEF

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SSHRC's Imagining Canada's Future initiative mobilizes social sciences and humanities research to address emerging economic, societal and knowledge needs for Canada, and help guide decision-making across all sectors towards a better future. This evidence brief addresses the Future Challenge Area of: **Informing Best Practices in Environmental and Impact Assessments**.

## Synthesis at the nexus of sustainability assessment, regional/strategic assessment and Indigenous partnerships

### About the project

The most promising and overdue areas for innovation in impact assessment practice in Canada centre on three transitions:

- from assessment regimes that aim only to mitigate significant adverse environmental effects, to regimes that expect proposed undertakings to make positive contributions to long-term sustainability;
- from assessing only projects to also assessing bigger policy concerns, cumulative effects and broader alternatives at the regional and strategic levels; and
- from accepting Indigenous peoples and organizations as participants in assessments, to establishing power-sharing assessment partnerships in which Indigenous government bodies are recognized as decision-making authorities in co-governance arrangements.

Assessment authorities, stakeholders, scholars and practitioners in Canada and beyond have struggled for decades with pressures and expectations in these

three areas. The inadequacy of responses so far has been costly. Many recent assessment-related conflicts and credibility losses have resulted in part from overall governance failures to reverse unsustainable trends, face big policy issues, and reconcile effectively with Indigenous peoples.

Canada's assessment jurisdictions have, however, taken useful steps. Among the most recent responses is the new federal *Impact Assessment Act* (IAA), which came into effect in August 2019. The IAA includes provisions to address and potentially integrate all three components to deliver sustainability-based regional and strategic assessments with Indigenous partners. Clarification of how the IAA will be implemented is ongoing.

This synthesis aims to provide policy-makers and other assessment participants with a strong knowledge base for pursuing the potential of the new federal law and similar opportunities in and with other jurisdictions.

### Key findings

This report begins with the broad foundations of sustainability-based assessment, examines sustainability-based regional and strategic assessments, and focuses more specifically on applications involving Indigenous partnerships. The range of possibilities is illustrated by contrasting case reports on the Yukon planning and assessment processes, including current initiatives with the Tr'ondëk Hwëch'in in the Dawson region,

and on the multiple planning-level collaborations and co-government initiatives established by the Haida Nation.

The key findings are as follows:

- Sustainability-based assessments in diverse forms are common across the globe. In Canada, they began well



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before the language of sustainability was popularized in the mid-1980s. The recent federal assessment reform process consultations broadly supported the notion that projects subject to assessment should make a positive overall contribution to sustainability. In other words, they should improve prospects for lasting well-being. Sustainability-based assessment is deliberation and decision making in the long-term public interest. The difficulties lie in building willingness to confront the unsustainability of many current activities and establishing clear sustainability-based criteria for assessments.

- Many regional and strategic assessments and the equivalent have been undertaken in Canada, but mostly in ad hoc processes. The diversity of practical explorations, plus associated thinking about basic objectives, structural options, relations with project assessments and approaches to application, provide a solid base for the synthesis of initial lessons about core substance and process requirements, useful tools and effective

approaches. At the same time, the literature recognizes challenges, such as attracting multi-jurisdictional participation, assigning roles and responsibilities, and producing credible and authoritative guidance for project-level activities.

- Collaborative partnerships with Indigenous governing bodies are likely to be needed in most regional assessments in Canada—and perhaps in many strategic assessments of broad policies, plans and programs. However, Indigenous partners are not like federal or provincial government partners. While all three now have constitutionally entrenched rights and roles, the reassertion and gradual recognition of rights of Indigenous peoples has special significance for defying the history of colonialism and efforts to eliminate Indigenous cultures and power. Indigenous partnerships in assessments involve recovery and application of Indigenous authority and Indigenous ways of seeing, deliberating and deciding.

## Policy implications

The intersection of sustainability, regional and strategic assessments and Indigenous partnerships offers many suitable venues for exploring innovation in impact assessment. Challenges to be faced include the following:

- Specified sustainability-based approaches are needed throughout the design and application of assessment law, policy, process and practice. Successful sustainability-based assessment depends especially on clarity about expectations and grounds for conclusions. Both rely on explicit criteria for assessments, based on the common requirements for progress toward sustainability and considerations specific to each individual case and context.
- Regional and strategic assessments need to be sustainability-based and produce credible and authoritative

products—policies, plans, programs and effective means of implementation. Past experience indicates that a diversity of process models will be needed for regional and strategic assessment to accommodate different needs, participants, capacities and time demands.

- Assessment co-governance with Indigenous bodies is not a matter of integrating modestly different structures and responsibilities, but of retaining the integrity of resolutely defended and significantly different, although often complementary, approaches. For sustainability-based regional and strategic assessment applications, that will often mean “braiding” Indigenous and non-Indigenous approaches to deliberations and decisions. As well, the assessments will not only need to establish regional and strategic policies, plans, programs and projects, but also build structures for shared governance over implementation.

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## FURTHER INFORMATION:

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