INDIGENOUS CULTURAL IMPACT ASSESSMENT: ADDRESSING THE CHALLENGES

Justin Page, PhD
Environmental Resources Management (ERM)
IAIA17 4-7 April 2017, Montréal, Canada

INTRODUCTION

> "Aboriginal people told the Panel that the land-based or traditional economy is more than a means of providing physical sustenance; it is a way of life that sustains emotional, spiritual and cultural values as well." – *NWT Diamonds Project: Report of the Environmental Assessment Panel* (1996)

For indigenous peoples, environmental impacts are cultural impacts (Angell and Parkins 2011). While indigenous peoples have consistently raised such concerns, the Canadian environmental assessment (EA) process has historically either refused or been unable to adequately consider cultural impacts (McCormack 2016).

Ironically, the enactment of the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) marks a turning point in the consideration of indigenous cultural impacts in Canadian EA. CEAA, 2012 has been roundly criticized for reducing the scope of Canadian environmental assessment and the ability of the public to participate (Gibson 2012). Nevertheless, around the same time that the federal government enacted CEAA 2012, it sought to integrate the Canadian government's legal duty to consult with indigenous peoples into the EA process[1]. Accordingly, Canadian EAs are beginning to take cultural impacts seriously.

The recent and increasing focus on the cultural impacts of resource development represents a serious challenge to the EA practitioner. The purpose of this paper is to provide EA practitioners with an understanding of cultural impact assessment, key methodological challenges, and promising methods of assessment. Prior to this discussion, the paper begins with a brief review of how culture has historically been addressed in Canadian EAs undergoing review by joint panel.

[1] A series of Canadian legal decisions have determined that the Canadian Crown (provincial and federal governments) has the duty to consult and, where necessary, accommodate Aboriginal groups when it contemplates actions or decisions that have the potential to adversely affect an Aboriginal group's Aboriginal or Treaty rights.

CULTURE IN CANADIAN ENVIRONMENTAL IMPACT ASSESSMENT

Based on a review of joint panel assessment reports[2] produced for 32 Canadian EAs undertaken between 1996 and 2014[3], it is apparent that EAs were not required to rigorously assess the cultural impacts of resource development prior to the enactment of CEAA, 2012. Out of 28 EAs undertaken prior to 2012, 11 EAs contain no mention of indigenous culture. Of the 17 EAs that do recognize a potential for cultural impacts, the majority (9 EAs) are narrowly focussed primarily on impacts on 'cultural resources,' or physical sites holding cultural significance. For example, in response to indigenous concerns about the Lower Churchill Hydroelectric Generation Project's potential impacts on indigenous culture – including impacts on cultural landscapes, spiritual sites, way of life, cultural transmission, traditions and identity – the joint panel recommended implementation of commemorative initiatives for lost sites (such as installation of plaques and storyboards; Joint Review Panel 2011).

Several assessment review reports suggest that cultural impacts should be addressed outside of the EA process. For example, the joint panel for the Kearl Oil Sands Project in Alberta states that it is satisfied with the Proponent's commitments to "work with" indigenous groups to address their concerns about cultural impacts. Other joint panel assessment review reports suggest that cultural impacts are beyond the scope of the EA and proponent or government responsibility. For example, the joint panel for the Mackenzie Gas Project in the Northwest Territories concluded that "the primary responsibility for protecting and maintaining traditional language and culture rests with Aboriginal organizations and communities" (Joint Review Panel 2007: 529).

Another strategy undertaken by proponents and joint panels is to relegate cultural impacts to the sphere of socio-economics and consider them under an instrumental logic (King 1998). For example, despite recognizing statements by indigenous peoples that the traditional economy is more than a means of physical sustenance and includes spiritual and cultural values, the joint panel for the NWT Diamonds Project accepted the proponent's employee rotation schedule as adequate mitigation (Joint Review Panel 1996). Similarly, while the joint panel for the Voisey's Bay Mine and Mill Project in Newfoundland acknowledged the project's potential cultural impacts, it reasoned that the project's economic benefits would be sufficient compensation for indigenous peoples' cultural losses (Joint Review Panel 1997).

In contrast to the projects reviewed above, joint panel reviews of projects assessed pursuant to CEAA 2012 are starting to take culture seriously. For example, in response to the New Prosperity Gold-Copper Mine Project's argument that it had mitigated impacts to culturally significant sites (through avoidance, maintenance of access and relocation), and that the panel does not have the

[2] A joint review panel consists of a group of independent experts appointed by the Minister of the Environment, in cooperation with another jurisdiction, to conduct an environmental assessment. The Minister of the Environment may refer an environmental assessment to a review panel if the Minister is of the opinion that it is in the public interest to do so.

[3] The review consisted of searching assessment reports for the following terms: "culture", "cultural," "identity," "spiritual," "spirituality," "sacred," and "way of life."

authority to determine the "spiritual significance of a place," the panel found that the project would result in significant adverse effects on indigenous peoples' "ability to use the area for traditional activities, cultural and spiritual practices, intergenerational transfer of culture and knowledge, and traditional values" (Federal Review Panel 2013: 197). The project was rejected, largely due to its impacts on indigenous peoples' cultural practices which cannot be mitigated.

THE EMERGING FIELD OF CULTURAL IMPACT ASSESSMENT

Cultural Impact Assessment may be loosely defined as "a forward-looking tool that proactively assists decision-makers to mitigate or avoid negative effects, and enhance positive effects pertaining to: values and beliefs, ideas and ideologies, morals and manners, customs and traditions and other material and nonmaterial environments, or a combination of these" (Partel 2013). CIA is not yet an established field of practice in Canada or internationally, either as stand-alone assessments or as part of environmental impact assessments (Partel and Dunphy 2016). Within North America, cultural impacts, where considered, have generally been subsumed into archaeological assessments or social impact assessments, often resulting in significant gaps relating to intangible cultural elements (Nissley 2016). Internationally, there have been some attempts to codify CIA (e.g., Sagnia 2004), but there remains little consistency in the definition, methodologies, or processes for undertaking a CIA (Chetham 2010). There are currently no well-developed or accepted CIA measures or indicators (Partel and Dunphy 2016).

Increasingly, CIAs are prepared as part of EAs of resource development projects in Canada, either by project proponents (Golder Associates 2012), or, more commonly, by indigenous groups themselves (e.g., Candler, Gibson, and Malone 2015). However, these CIAs vary widely with respect to their approach, quality and methods, and little guidance is currently available to undertake or evaluate CIAs (although see Mackenzie Valley Review Board 2009).

Surprisingly, the emerging field of CIA does not draw on cognate fields of study. A large body of literature and practice has developed to describe and protect intangible cultural heritage (Vecco 2010), much of which is germane to the conceptualization and assessment of cultural impacts. Another body of literature that bears on CIA is the growing field of cultural ecosystem services (Milcu et al. 2013). Cultural ecosystem services research provides useful concepts, methods and indicators for the study of cultural and spiritual values (e.g., Chan et al. 2011).

A number of concepts can be derived from the testimony provided by indigenous peoples to EA joint panel and the few examples of Canadian CIAs, as well as the CIA, cultural heritage and cultural ecosystem services literature cited above. Key concepts include:

- **identity**: the sense of belonging to a unique collective;
- **sense of place**: the experience of attachment to particular places, based on shared sensory experiences, memories and stories;
- **sense of community**: social networks, shared values, roles, norms of reciprocity and participation in collective events and activities;

- **spirituality and ceremony**: the sense of connection to a wider force which may provide individuals with special powers and responsibilities;
- **governance**: the ability to engage in decision-making for collective welfare;
- **stewardship**: rules regarding resource management;
- **language**: legends, stories, place names and instruction used to encode and transmit culture;
- **traditional knowledge**: knowledge about the land and skills passed through generations;
- **livelihood**: means of sustenance and economy; and
- **cultural continuity**: the ability to engage in the same activities in the same places as ancestors did and to pass those skills and knowledges down to future generations.

Each of these concepts can be further articulated in relation to the research literature, operationalized and assigned with indicators with which to compile baseline information and assess potential impacts. However, there are a number of methodological challenges that CIA practitioners must be aware of before designing a study.

METHODOLOGICAL CHALLENGES

The primary methodological challenge for CIA is the intangible nature of cultural impacts (Chan et al. 2011). How is the practitioner to classify and measure impacts on such seemingly ephemeral things as identity, language, and sense of place? Training in social scientific methods is a necessary prerequisite for undertaking CIA (McCormack 2016). Methods such as ethnography, interviews, focus groups, grounded theory, and constructed scales have been specifically designed to qualitatively draw out and evaluate meanings, values, beliefs, and identities (Satterfield 2013). Other methods developed in the environmental social sciences may also be applied, such as multi-attribute utility theory, scenario analysis, and structured decision making (e.g., Gregory and Trousdale 2009). Whatever methods are used, it is essential they are deployed in a participatory manner with the cultures that have the potential to experience impacts. One promising approach to identifying and measuring human values with respect to ecosystems is participatory mapping exercises (Brown and Fagerholm 2015).

A second methodological challenge is the interdependency and multi-causality of cultural impacts (Satz et al. 2013). It can be very challenging to disentangle the various attributes of culture and the places and experiences with which they are associated. For example, knowledge transmission may be performed via stories recounted while undertaking livelihood practises in locations used by ancestors, thereby reinforcing identity, spiritual connection and sense of place. This presents a serious methodological challenge, as it can result in 'double counting', whereby an effect on a cultural attribute is registered for more than one category of culture being assessed (e.g. an effect on identity is identified both with respect to changes to knowledge transmission and sense of place) (Chan et al. 2011). The primary solution to this problem is to be very specific about the effects being assessed and the causal pathways involved, and to derive conclusions only for the final cultural attribute in a chain of attributes (Satz et al. 2013).

A third methodological challenge relates to the difficulty of integrating the CIA into the wider EA. Environmental assessments of natural resource projects address multiple human and nonhuman components using a common methodology. Generally, EA methodology includes characterizing residual effects (i.e., effects remaining after the application of mitigation measures) on the basis of criteria such as magnitude, extent, frequency, duration, and reversibility. The significance of effects are determined on the basis of these rankings, ideally in relation to established thresholds. This rigorous and highly valuable approach was based on principles derived from the science of ecology (Beanlands and Duinker 1983), which tends toward reductionism and quantification. This approach sits uneasily with CIA, which deals with qualitative data and narrative. However, this does not entail that cultural impacts are incommensurable with more easily quantified impacts. As noted by Satz et al. (2013), and as demonstrated by Satterfield (2013), it is possible to partially order and rank cultural values in ways that are amenable to comparison with conclusions derived from quantitative data sets.

CONCLUSION

Canadian environmental impact assessment is beginning to take cultural impacts seriously. This development must come as welcome news to indigenous people, who have consistently raised concerns about the impacts of natural resource development on their identities, spirituality and way of life. The focus on cultural impacts creates serious challenges for proponents and EA practitioners, however. This paper has sought to demonstrate that these challenges, while substantial, are not insurmountable. When informed by strong participatory social scientific methods, cultural impacts can be rigorously assessed and integrated into the EA process.

REFERENCES

Angell, A. and J. Parkins. 2011. Resource development and aboriginal culture in the Canadian north. *Polar Record*, 47 (240): 67-79.

Beanlands, G. E. and P. N. Duinker. 1983. *An Ecological Framework for Environmental Impact Assessment in Canada*. Institute for Resource and Environmental Studies, Dalhousie University: Halifax, Nova Scotia.

Brown, G. and N. Fagerholm. 2015. Empirical PPGIS/PGIS mapping of ecosystem services: A review and evaluation. *Ecosystem Services*, 13: 119-33.

Candler, C., G. Gibson, and M. Malone. 2015. *Wîyôw'tan'kitaskino (Our Land is Rich) A Mikisew Cree Culture and Rights Assessment for the Proposed Teck Frontier Project Update*. The Firelight Group Research Cooperative: Victoria, BC.

Chan, K., J. Goldstein, T. Satterfield, N. Hannahs, K. Kikiloi, R. Naidoo, N. Vadeboncouer, and U. Woodside. 2011. Cultural services and non-use values. In *Natural Capital: Theory & Practice of Mapping Ecosystem Services*. Ed. P. Kareiva, Tallis, H., Ricketts, T.H., Daily, G.C., Polasky, S. 206–28. Oxford, UK: Oxford University Press.

Chetham, J. 2010. *Best practice guidelines: Tangata Whenua effects assessment - a roadmap for undertaking a Cultural Impact Assessment under HSNO 1996*. Repo Consultancy Ltd.: Whangarei, New Zealand.

Federal Review Panel. 2013. *Report of the Federal Review Panel: New Prosperity Gold-Copper Mine Project, Taseko Mines Ltd.* CEAA Reference No. 63928. Federal Minister of the Environment: British Columbia.

Gibson, R. 2012. In full retreat: the Canadian government's new environmental assessment law undoes decades of progress. *Impact Assessment and Projet Appraisal*, 30 (3): 179-88.

Golder Associates. 2012. *SIR 30 - Cultural Assessment*. Prepared for Shell Canada Limited's Proposed Jackpine Mine Expansion Project:

Gregory, R. and W. Trousdale. 2009. Compensating aboriginal cultural losses: An alternative approach to assessing environmental damages. *Journal of Environmental Management*, 90 (8): 2469-79.

Joint Review Panel. 1996. *Federal Environmental Assessment and Review Process NWT Diamond Project Canada: Report of the Environmental Assessment Panel*. Minister of Supply and Services Canada: Hull, Quebec.

Joint Review Panel. 1997. *Voisey's Bay Mine and Mill Environmental Assessment Panel Report*. Minister of Supply and Services Canada: Labrador and Newfoundland.

Joint Review Panel. 2007. *Report of the Joint Review Panel Established by the Alberta Energy and Utilities Board and the Government of Canada EUB Decision 2007-013: Imperial Oil Resources Ventures Limited, Application for an Oil Sands Mine and Bitumen Processing Facility (Kearl Oil Sands Project) in the Fort McMurray Area*. EUB Decision 2007-013. Alberta Energy and Utilities Board and Canadian Environmental Assessment Agency: Fort McMurray, Alberta.

Joint Review Panel. 2011. *Report of the Joint Review Panel: Lower Churchill Hydroelectric Generation Project, Nalcor Energy*. CEAA Reference No. 07-05-26178. Minister of Environment, Government of Canada: Newfoundland and Labrador.

King, T. 1998. How the archaeologists stole culture: a gap in American environmental impact assessment practice and how to fill it. *Environmental Impact Assessment Review*, 18: 117-33.

Mackenzie Valley Review Board. 2009. *Status report and information circular - developing cultural impact assessment guidelines*. http://www.reviewboard.ca/reference_material/cultural_impact_assessment.php (accessed October 2015).

McCormack, P. 2016. Doing Credible Cultural Assessment: Applied Social Science. *Environmental Practice*, 18 (3): 148–65.

Milcu, A., J. Hanspach, D. Abson, and J. Fischer. 2013. Cultural Ecosystem Services: A Literature Review and Prospects for Future Research. *Ecology and Society*, 18 (3): 44.

Nissley, C. 2016. Integrating Cultural Impact Assessments into Environmental Analysis. *Environmental Practice*, 18 (3): 222-26.

Partel, A. 2013. *Impact Assessment: A Tool to Assist Cultural Sustainable Development*. Paper presented at People and the Planet 2013 Conference: Transforming the Future, RMIT University, Melbourne, Australia: Global Cities Research Institute, RMIT University, Melbourne, Australia.

Partel, A. and K. Dunphy. 2016. Cultural impact assessment: a literature review of current practice around the world. *Impact Assessment and Project Appraisal*, 34 (1): 1-13.

Sagnia, B. 2004. *Framework for cultural impact assessment*. International Network for Cultural Diversity (INCD): Cultural Impact Assessment Project: Dakar, Senegal.

Satterfield, T. 2013. Culture, intangibles and metrics in environmental management. *Journal of Environmental Management*, 117: 103-14.

Satz, D., R. Gould, K. Chan, A. Guerry, B. Norton, T. Satterfield, B. Halpern, J. Levine, U. Woodside, N. Hannahs, X. Basurto, and S. Klain. 2013. The Challenges of Incorporating Cultural Ecosystem Services into Environmental Assessment. *Ambio*, 42: 675-84.

Vecco, M. 2010. A definition of cultural heritage: From the tangible to the intangible. *Journal of Cultural Heritage*, 11: 321-24.