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Study on Social Impacts

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RESEARCH ON THE CONSIDERATION GIVEN TO
SOCIAL IMPACTS UNDER THE IMPACT ASSESSMENT
PROCESSES APPLICABLE IN NUNAVIK

PHOTO: NANCY DEA



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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

Editorial

This publication was produced by the Secrétariat international francophone pour l'évaluation environnementale (SIFÉE), at the request of the Kativik Environmental Advisory Committee (KEAC).

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The KEAC was created pursuant to Section 23 of the James Bay and Northern Québec Agreement (JBNQA). It is a consultative body to responsible governments in matters relating to environmental and social protection in Nunavik. As such, it is the preferential and official forum for the governments of Canada and Québec, the Kativik Regional Government, the northern villages and, where applicable, the Naskapi Nation of Kawawachikamach. One of the KEAC's main roles is to monitor environmental and social impact assessment and review processes and, where necessary, recommend improvements.

Introduction

In 2017, the Kativik Environmental Advisory Committee (KEAC) initiated an examination of the social impact assessment practices applied to development projects subject to any of the four environmental assessment processes applicable in Nunavik. The goal was to produce a comparative review of the scope of these practices under the processes, to identify the strengths and weaknesses of each process, and to prepare recommendations for authorities responsible for the application and implementation of the processes. To this end, the KEAC commissioned the Secrétariat international francophone pour l'évaluation environnementale (international francophone secretariat for environmental assessment, SIFÉE) to study how social impact assessment is carried out under the four environmental assessment processes applicable in Nunavik. This document provides a summary of the results obtained. The complete SIFÉE study is available at <https://keac-ccek.org/en/impact-assessment-in-nunavik/>. Please note that the results, recommendations and analyses contained in the current document are the author's own work and not official KEAC recommendations.

Background information

Four environmental and social impact assessment (ESIA) processes may be applied in Nunavik. Section 23 of the JBNQA establishes a regime consisting of a provincial process and a federal process. The jurisdiction affected by a development project determine the applicable process.

The third process is established under Article 7 of the *Nunavik Inuit Land Claims Agreement* (NILCA) to assess the environmental impacts of projects proposed in the Nunavik Marine Region.

The final process is established under the *Impact Assessment Act* (IAA). In 2019, the IAA replaced the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). It is applicable to projects under federal jurisdiction. In the SIFÉE study, because no project had yet been assessed under the IAA, the CEAA 2012 process was analyzed. A summary comparison of these four processes is shown in Table 1.



Table 1: Comparison of the four environmental assessment processes applicable in Nunavik

Process	Type of development project	Subject to assessment (or screening)	Impact study contents (or scoping)	Decision
JBNQA Section 23, provincial	Projects under provincial jurisdiction, listed in the schedules of Section 23	KEQC	KEQC Provincial administrator	KEQC*
JBNQA Section 23, federal	Projects under federal jurisdiction, listed in the schedules of Section 23	FSC/COFEX-North Federal administrator	FSC/COFEX-North Federal administrator	COFEX-North Federal administrator
NILCA	Structures, development or activities situated in a land or marine zone of the Nunavik Marine Region	NMRIRB Minister	NMRIRB Minister	NMRIRB Minister or NMRIRB and FEAP Minister
CEAA 2012	Projects on Crown land or under federal jurisdiction and likely to cause significant adverse environmental effects	IAAC	IAAC	Minister responsible or Governor in Council

Violet print: advisory role

Green print: decision-making power

(*The provincial administrator may override KEQC decisions.)

KEQC	Kativik Environmental Quality Commission
FSC	Federal Screening Committee
COFEX-North	Federal Environmental and Social Impact Review Panel
NMRIRB	Nunavik Marine Region Impact Review Board
FEAP	Federal Environmental Assessment Panel
IAAC	Impact Assessment Agency of Canada

These four ESIA processes applicable in Nunavik are independent of one another, but may be conducted concurrently or jointly depending on the jurisdictions affected by a development project. In some cases, when more than one process is applicable to a same project, collaboration is possible among the assessment and review committees to avoid duplicating certain stages. A detailed analysis of these processes, their differences and their overlaps is available in the “Nunavik Impact Assessment” section of the KEAC website at the following link: <https://keac-cek.org/en/impact-assessment-in-nunavik/>.

Despite the Supreme Court of Canada interpretation of the concept of environmental quality, which considers social elements to be as much a part of the environment as biophysical elements, social issues are considered to be a marginal part of environmental assessment. Although provided for in legislation and other agreements governing environmental assessment processes, including in the four processes applicable in Nunavik, proper consideration of social impacts still appears to pose many challenges. Certain aspects of impact analysis methodology are in particular at issue. The SIFÉE study was targeted to review the challenges associated with consideration of social impacts in ESIA carried out in Nunavik with a view to evaluating practices and preparing recommendations for the governments responsible for the application of Section 23 of the JBNQA.

Methodology

The SIFÉE study was conducted in two phases. The goal of the first phase was to understand how social impacts are taken into account under the four ESIA processes applicable in Nunavik. However, the documentation needed to do this work proved difficult, and at times impossible, to obtain. The quantity of documentation available for the study was considerably restricted, and the documents that were available could not be fully analyzed because they were not centralized. In fact, only eight projects were analyzed: half of which had been subject to the provincial process under Section 23 of the JBNQA and the other half, the federal process under Section 23 of the JBNQA. No projects subject to the NILCA or CEAA 2012 could be included in the analysis. Then, because the study's first phase did not achieve the desired goal, a second phase was proposed to complete the study.

The methodology of the second phase involved a review of literature on the integration of social issues into impact studies in the north, as well as semi-structured interviews with resource persons involved in the four ESIA processes applicable in Nunavik.



Results: main problems

The different problems identified through the two phases of the study are combined below under four broad categories.

POOR ACCESS TO INFORMATION

The poor quality and lack of information on the biophysical and human environments in the north are clear obstacles to the production of quality impact studies and social impact assessment. No centralized database exists for data generated through different social impact studies. Given the large number of stakeholders involved in environmental assessment in Nunavik, this type of database appears to be unachievable in the short term. Notwithstanding, it remains important for stakeholders to be able to access in some manner all the available information. Poor access to data undermines the accuracy of forecasts, sometimes produces conflicting impact findings and delays the completion of ESIA's, limits the quality of follow-up, and prevents adequate cumulative impact assessment.

LIMITED SCOPE OF SOCIAL IMPACT ANALYSIS

The social impacts of development projects are generally not well documented in ESIA's, with the exception of economic spin-offs. By way of example, direct and indirect job creation, wages and contracts for local businesses are well documented, and generally presented in a positive light. On the other hand, impacts on traditional lifestyles and economies, land use, individual and collective identity, social structures, and physical and cultural health are seldom dealt with.

In addition, study areas are sometimes very limited in size, making proper consideration of the consequences of population movements and dynamic linkages between areas impossible. Only communities directly impacted by a project are generally included in the given study, even though major projects require the mobilization of financial, material and human resources from much further away than these communities alone. As well, the means for ensuring public participation in ESIA processes are generally considered inadequate.

Finally, project studies tend to give undue importance to quantitative indicators, even though this approach is not always appropriate for social impacts, which generally have multidimensional components that require qualitative indicators.

POOR CONSIDERATION GIVEN TO CUMULATIVE IMPACTS

While consideration of cumulative impacts is normally a part of ESIA's carried out in Nunavik, the current approach does not provide a true overall picture of the situation. First, there is no standardized methodology for these assessments. Analyses are based on the information available at the time of the study and vary greatly from one development project to another. Thus, for similar

projects, findings may be completely different. Secondly, because these analyses are conducted by project proponents, they are limited to the areas covered by the projects' activities, which is not conducive to understanding of how past, present and future projects interact in the region. Project proponents have neither the responsibility nor the means to conduct strategic assessments, which are necessary to properly understand cumulative impacts. Finally, determining the actual impacts of specific projects on the evolution of the biophysical and human environments is difficult.

ABSENCE OF A THEORETICAL FRAMEWORK AND STANDARDIZED METHODOLOGY

The absence of a clear and standardized methodology for analyzing social impacts is a problem at several stages of ESIA, including the development of indicators, in follow-up reports, and sometimes in the structure of the analysis process itself. The impacts selected for analysis and the analyses are not always based on sound science. It is also not uncommon that follow-up reports do not directly reference the elements emphasized in the initial impact study. The use of an impact analysis grid would allow for consistency at all stages, but is not currently standard practice.

In addition, the most commonly used method for conducting ESIA is the “descriptive method of impacts by environmental component”. It consists of describing each change in the components of the environment generated by the project and evaluating the significance of these changes in terms of impact. Three variables are considered (intensity, range and duration) and lead to a qualitative ranking (high-medium-low) of the significance of the impact. This method should be modified because it does not permit the analysis of impacts according to issues. For example, the felling of a certain area of forest may be considered an environmental issue (loss of biodiversity), a social issue (loss of access to a hunting ground) or an economic issue (viability of forest management activities). If the specific issue is not identified in the analysis, assigning a value to the consequences of the activity can only be arbitrary.



Areas for improvement

Based on the results of the literature review and the feedback received through the semi-structured interviews, the SIFÉE study proposed the following steps to improve the consideration given to social impacts in ESIA's carried out in Nunavik.

i. Improve the practice of ESIA and cumulative impact assessment

An issue-based social impact analysis approach and multi-criteria decision support methods would improve the transparency of ESIA's in Nunavik.

ii. Apply strategic environmental assessment as a tool for integrating environmental and social considerations into regional and sectoral development

Systematic strategic environmental assessment of plans, programs and policies specifically applicable in Nunavik would permit upstream assessment of the cumulative impacts of multiple projects subject to and exempt from Section 23 of the JBNQA.

iii. Improve the quality of information on biophysical and human environments in the north and particularly in Nunavik at various levels, including in the communities

Identifying key regional development issues that must be taken into account in individual project analyses and ensuring long-term follow-up on these would alleviate some of the shortcomings currently observed.

iv. Improve the quality and relevance of project information at impact analysis, monitoring and follow-up stages

An issue-based impact analysis approach should be the preferred methodology for ESIA's. This structure would facilitate follow-up and the synthesis of knowledge, as well as ensure consistency with issues from project to project.

v. Improve the performance of joint assessment and review committees as a tool for involving Inuit in project analysis and decision-making

In order to facilitate the work of the joint assessment and review committees and enable them to achieve their full representativeness, their analysis approaches should be systematized through the use of multi-criteria decision support methods, such as the use of an issue-based multi-criteria grid.

vi. Improve coordination between public ESIA processes and private impact and benefit agreement negotiations

Impact study directives should explicitly require the following:

- Consolidation of all the components and dimensions of the environmental and social management plan in a document separate from the impact study;
- A declaration that environmental impact management is non-negotiable;
- That the project proponent make known its intention to enter into an impact and benefit agreement, the timing of that agreement, and the broad non-financial parameters of its participation.

Conclusion

The SIFÉE study initially aimed to assess the scope of social impact assessment under the four ESIA processes applicable in Nunavik. The failure to obtain certain documents and methodological differences between the available documents necessitated the addition of a second phase in order to obtain additional information through a literature review and semi-structured interviews.

The work completed through the two phases of the study demonstrates that the integration of social impacts into ESIA processes poses certain challenges, particularly in the north. Methodological challenges are exacerbated by the unavailability of reliable data on the region and by the complex tangle of administrative structures and multiple jurisdictions responsible for implementing ESIA's.

In order to facilitate ESIA's, and especially to ensure that the consideration of social impacts is relevant and thorough, several actions are possible to achieve more comprehensive analyses.



The identification of long-term key regional development issues would serve to compensate for a certain number of pitfalls identified by stakeholders and through the literature review. Issue-based analysis would moreover allow for consistent synthesis of the disseminated information and promote follow-up of regional issues for each development project.

In the coming years, new development projects are expected to take place in the region north of the 55th parallel, particularly in the mining and energy sectors. Proper consideration of social impacts will be critical to mitigate negative effects and optimize project spin-offs in an equitable manner for the entire population. To this end, the SIFÉE study is intended as a starting point for dialogue with ESIA stakeholders in Nunavik with a view to implementing its recommendations.





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