More Promise than Practice: GBA+, Intersectionality and Impact Assessment

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More Promise than Practice: GBA+, Intersectionality and Impact Assessment: Plain Language Executive Summary

1. Background: The Issue

Canada's new *Impact Assessment Act* (2019) requires attention to "the intersection of sex and gender with other identity factors" as a mandatory factor for consideration in impact assessments. Other promising provisions of the Act include commitments respecting Indigenous knowledges, and a new planning phase that seeks broader preliminary input into proposed resource development and extraction projects. Despite these promising developments, there is little implementation-related guidance. In Canada, there is limited documentation of promising practices related to undertaking gendered and intersectional impact assessments that attend to the experiences of invisible community members.

2. Objectives

This knowledge synthesis project extends our knowledge about promising practices in intersectional impact assessments by turning to international literature and examples. We are interested in how to better understand and respond to the experiences of Indigenous women and Two-Spirit persons, youth, and people with disabilities in resource development and extraction contexts. Guided by an Advisory Circle of knowledge experts and users[1], the specific objectives of this research are to:
- identify and critically assess existing international practices in impact assessments;
- identify knowledge gaps and promising practices and proposals in these areas; and
- share research findings through social media, knowledge mobilization fora, websites, academic publications, and Advisory Circle networks.

3. Results

As we have noted in the past (Stienstra et al., 2016, 2019), some impacts of resource extraction are positive, while many are more clearly negative; a few impacts are both. This literature review – focused on other countries in the Global North, and on Global South countries – reiterates many of the impacts we have noted in Canada. We also identified some new areas of impact including on women human rights defenders, related to discussions of livelihoods beyond jobs, and in terms of employment and training for youth.

An important finding of our research is that domestic and international political and legal environments can enable (or hinder) impact assessment practices that account for the experiences of invisible members of communities. International human rights law and state practices can contribute to creating enabling environments for intersectional impact assessment, if human rights commitments are meaningfully implemented in practice.

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[1] See Appendix 1 for a list of Advisory Circle Members.

While we set out to find examples of intersectionality in impact assessment practice around the world, we have found few examples of practices that use intersectionality, either implicitly or explicitly. In particular, there is a virtual absence of practices that specifically engage some of the most invisible groups within communities, including people with disabilities and LGBTQ2S+ folks, and those at the intersections of identities beyond these categories. However, our research did find several promising examples of community-informed and community-led practices in impact assessment, some of which explicitly engage Indigenous knowledge systems, and others that emerge from Indigenous or racialized minority communities.

Some mitigation efforts include consideration of gender and other identities, but the gendered or intersectional distribution of benefits is inconsistent. In other words, benefits are often narrowly focused, and seem largely dependent on political will or extreme pressure from affected communities. As in Canada, Indigenous knowledges around the world are frequently dismissed, subverted and overlooked by extractive industries and in impact assessments.

4. Key Messages

1. There are significant research gaps on impacts experienced by, and strategies for including, historically excluded groups in general, and people with disabilities, LGBTQ2S+ folks and youth in particular.
2. There are few examples of intersectional analysis in impact assessment at any stage. Siloed responses and discussions are less helpful in capturing the experiences of historically excluded groups who can experience impacts as a result of multiple and intersecting oppressions.
3. Community consultations need to be both culturally relevant and culturally humble.
4. Intersectional analysis can start with a gendered lens but needs to move beyond that to represent the diversity of the community.
5. To create a context in which intersectional impact assessments are possible, international human rights commitments need to be implemented meaningfully through domestic laws, regulations, policies and practices.
6. Civil society and community-led assessment processes are essential components of any impact assessment.
7. Adequate and sufficient funding is needed for community impact assessment and capacity building. Sufficient time is also needed for consultation and public engagement to allow for multiple conversations across and within communities.

5. Methods

Our work was guided by three research questions: (1) What are the impacts of resource extraction experienced by historically excluded members of communities internationally? (2) What are promising policies, practices and strategies from other countries that address these impacts from a gendered and intersectional perspective? (3) What are the results of using an intersectional approach for understanding and responding to the impacts of resource extraction? We reviewed 179 academic articles and community reports and completed interviews with seven key informants from Canadian and international organizations.

More Promise than Practice: GBA+, Intersectionality and Impact Assessment: Full Report

1. Background

Canada's new *Impact Assessment Act* (IAA) (2019) requires attention to "the intersection of sex and gender with other identity factors" as a mandatory factor for consideration in impact assessments. The IAA also includes several commitments related to respecting Indigenous knowledges, and a new planning phase that seeks broader preliminary input into proposed resource development and extraction projects. These are important developments given what we know about the uneven distribution of benefits and burdens of resource development and extraction. In recent scoping reviews, Stienstra et al. (2016) and Manning et al. (2018a) highlight how resource development and extraction activities are having significant adverse gendered effects on Northern and remote communities in Canada, including through issues related to housing; access to health services; culture; sexual harassment and violence; racism; safety; transportation and many other areas. Where benefits are reported – often related to employment and broader economic development – they are unevenly distributed. For instance, resource extraction projects continue to employ mostly men, and women remain most often employed in 'feminine' sectors – such as food services, housekeeping, and office work – which are often lower skilled and lower waged than trades positions (Manning et al., 2018a). Further, employment-related challenges created by childcare barriers, workplace harassment, and other issues, remain. Indigenous peoples and Indigenous women face unique challenges because of colonization. The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls calls for "…industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development…" (National Inquiry, 2019, p. 82). **Others historically marginalized within communities – including other women, non-binary/transgender/Two-Spirit persons, people with disabilities, and youth – also disproportionately experience negative effects, though even less attention has been paid to their experiences. Moreover, these same people are often least able to derive benefits from these projects, and most likely to remain invisible and excluded during impact assessment processes** (Manning et al., 2018a, 2018b).

While the legislative improvements in the new IAA offer potential for advancing both intersectional commitments and Indigenous rights, they also fall short in several ways. Literature that asks questions about 'queering environmental regulation' (Farrales et al., 2019) explains how embedded ideas of human – non-human binaries, cis-heteronormative futures, and 'appropriate' uses of space continue to limit the possibilities of creating more sustainable futures for all. Similarly, critical disability scholars (Titchkosky, 2011) suggest that attention to inclusive practices, universal/inclusive design and access can enable diverse bodies, whether disabled or able-bodied, to participate and receive benefits from social and economic activities. Scholars also point out how failures to meaningfully address the cumulative effects of resource extraction continue to limit the possibilities for fulsome intersectional consideration (Gislason & Andersen, 2016), particular related to recognizing and addressing social injustices. Further, despite strong awareness of connections between violence on the land and violence on

women's and queer bodies (Women's Earth Alliance & Native Youth Sexual Health Network, 2016), environmental justice and environmental reproductive justice are not widely taken up. There are also limitations in terms of recognizing Indigenous rights. The United Nations Special Rapporteur on the rights of Indigenous peoples reminds us that "resource extraction should not occur on lands subject to aboriginal claims without adequate consultations with and the free, prior and informed consent of the indigenous peoples concerned" (Anaya, 2014, p. 22). And, as Sami scholar Ruana Kuokkanen (2019) points out, "a robust conception of Indigenous self-determination seeks to restructure all relations of domination…. Restructuring relations of gender oppression centrally requires rejecting heteropatriarchal models of Indigenous nationhood, sovereignty, and self-determination and restoring Indigenous women's political and economic roles, authority, and leadership" (p. 59).

Besides limited attention to these and other conceptual advances, there is also a dearth of knowledge about *how* to practice intersectionality in the context of impact assessments. In the Canadian context, there is limited documentation of promising practices related to undertaking gendered and intersectional impact assessments that attend to the experiences of invisible community members. There are a few recent examples of meaningful participation of Indigenous women (Cox & Mills, 2015; Mokami Status of Women Council & FemNorthNet, 2011; Nightingale et al., 2017; Pauktuutit Inuit Women of Canada et al., 2014; Perkins, 2017), but nearly no attention to intersectional approaches. There is also a severe underappreciation of the role of community-led assessments, which we discuss in more detail below. Literature emphasizing others' – such as people with disabilities and young people – preferences for engagement is more limited still. As such, in this report, we have turned to literature outside Canada in search of implementation guidance for the IAA.

2. Objectives

Over the past decade, working through the Canadian Research Institute for the Advancement of Women (CRIAW), we have identified gendered and intersectional[2] impacts of resource development, primarily in the context of impact assessments in Canada (Manning et al., 2018a; Stienstra et al., 2019). We have also compiled Canadian-based examples of promising practices for meaningfully engaging with those whose knowledges and experiences are often overlooked. However, significant gaps remain. This research contributes to filling this gap by turning to international literature and examples of promising practices for addressing gendered and intersectional impacts of resource extraction and development, with a particular focus on Indigenous women and Two-Spirit persons, youth, and people with disabilities. Working with an Advisory Circle of knowledge experts and users[3], our specific objectives are to: identify and critically assess existing international practices in impact assessments; and identify knowledge gaps and promising practices and proposals in these areas. This research was

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[2] We use the term intersectional to capture the "plus" in GBA+. The term comes from critical black feminist scholarship and considers how systems of power and peoples' diverse identities interact to create experiences of privilege and exclusion. Intersectional scholarship interrogates inequality, relationality, power, social context, complexity and social justice (Collins & Bilge, 2016).

[3] See Appendix 1 for a list of Advisory Circle Members.

supported by a Knowledge Synthesis Grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) and the Impact Assessment Agency of Canada, and will be shared through social media, knowledge mobilization fora, websites, academic publications, and Advisory Circle networks.

3. Methods

In 2016, our team produced a knowledge synthesis report focused on the gendered and intersectional impacts of resource development and extraction on communities in northern Canada (Stienstra et al., 2016). The research presented in this report responds to three complementary guiding questions:

- What are the impacts of resource extraction experienced by historically excluded members of communities internationally?
- What are promising policies, practices and strategies from other countries that address these impacts from a gendered and intersectional perspective?
- What are the results of using an intersectional approach for understanding and responding to the impacts of resource extraction?

Our approach included four steps: (1) completing a search of academic databases; (2) analyzing the 128 results of the academic literature search using an a priori analytical framework; (3) completing a focused search of community and policy literature resulting in the analysis of 46 documents; and (4) interviewing 7 key informants. This project was approved by the University of Guelph Research Ethics Board. For a full discussion of methods, see Appendix 2.

4. Results

4.1 Strengths and Gaps in Existing Research

Our literature review revealed a number of strengths and gaps in existing research. The gaps point to fruitful areas for further research and areas that need to be considered and addressed in impact assessment practices moving forward.

4.1.1 Strengths

The literature on resource extraction devotes a significant amount of attention to the impacts experienced by women and Indigenous Peoples and Nations. There is some limited application of intersectionality in this literature, mainly related to identities and power relations. For example, the experiences of women human rights defenders (WHRDs) and rural women are examined, as are the experiences of some Indigenous women, although much of the literature related to Indigenous Nations' and Peoples' experiences retains a homogenous, community-level focus. There is some attention to how power relations shape impacts for some historically excluded members of communities. For example, the role of colonialism and racism in shaping negative outcomes for Indigenous and racialized communities is examined, not only in terms of the disproportionate impacts that result, but also related to a lack of real power to

influence resource decision-making in many contexts (see Fulmer et al., 2008 for example). The community literature on women human rights defenders (Amnesty International, 2019 and others) is notable for its careful attention to how gendered and sexualized oppression shapes the considerable violence and harassment experienced by WHRDs, many of whom are Indigenous women and women of colour. There is also some limited attention to how the unequal power structures embedded within global capitalism shape the experiences of communities (see Altmann, 2014 for example).

Sadly, a strength of the literature on impact assessment practice is its array of examples of what not to do. There are many examples within the literature where practices that appear promising or inclusive at first glance have limited effectiveness in practice. While not necessarily helpful in our efforts to unearth promising practices, they do show some common mistakes to avoid as Canada continues to implement the *Impact Assessment Act*. Appendices 3, 4, 5 and 6 discuss some of these implementation failures.

4.1.2 Gaps

Several gaps in the literature reflect wider patterns of exclusion in societies in general, and resource industries in particular, thus mimicking patterns related to whose experiences are constructed as worthy of consideration. Internationally, longstanding calls for gendered analysis, and growing recognition of Indigenous rights, have resulted in much more (albeit still insufficient) attention to the experiences of women and Indigenous people in impact assessment practices. However, some members of communities remain largely invisible, including youth, people with disabilities, LGBTQ2S+ people, and non-Indigenous people of colour. Thus, we do not fully understand how their experiences with extractive industries might be similar or different to the experiences of those more widely reflected in the literature, what promising practices might facilitate their inclusion in impact assessment, or how unequal power relations may be playing out uniquely for particular groups. This invisibility is also apparent at the intersection of 'more visible' and 'less visible' groups. For example, we found only one article specifically about the experiences of Two-Spirit people and no research that attends to the experiences of women and/or Indigenous people with disabilities.

The dominant ahistorical approach to understanding and documenting impacts of resource extraction limits the potential for deeply intersectional analysis. For example, there is little attention to how commonly documented impacts can *cascade* to create new effects over time. For example, increases in violence, particularly sexualized and gender-based violence, is linked to resource industries in many contexts. However, few consider the cascading effects of this kind of violence. For example, DAWN Canada (Abbas & Alimi, 2019) has documented the impacts of violent assaults that can result in traumatic brain injuries. The cascading effects of those brain injuries, in addition to new experiences of disability and impairment, create needs for different future services, and the possibility of having to leave home to access appropriate care. Such a move may result in disconnecting someone from her family and culture, with implications for the health and wellbeing of everyone involved, potential cost of living increases, and any number of other effects. This deeper analysis of the many rounds of cascading effects is virtually invisible in the literature.

We also note that there are few examples of promising practices that facilitate inclusion of the most marginalized groups within communities in impact assessment processes. In particular, none of our specific examples of promising practices in Section 4.5.2 are explicitly intersectional. Our discussion of them highlights their potential for being adapted to take up the principles of intersectionality.

4.2 Impacts and Implications of Resource Development in the Global North and Global South

As we have noted in the past (Stienstra et al., 2016, 2019), some impacts of resource extraction are positive, while many are more clearly negative; a few impacts are both. In Canadian literature, there are reported impacts in terms of employment, housing, education and training, health, social services and infrastructure, sex work, violence, crime and safety, food security, and culture and traditions. This literature review – focused on other countries in the Global North, and on Global South countries – reiterates many of the impacts we noted in Canada. We also identified some new areas of impact including on women human rights defenders, related to discussions of livelihoods beyond jobs, and in terms of employment and training for youth. Much of the gender-attentive research we reviewed understands gender in binary terms (i.e., men-women). A few sources go beyond this to include impacts on Indigenous and/or rural women and men. We note that none of the literature specifically identifies impacts on people with disabilities, although some authors discuss impacts which create impairments or health conditions. We found only one article that discusses LGBTQ2S+ perspectives. The following areas are highlighted because they illustrate different impacts than those raised in Canada, or different manifestations of impacts that are also discussed in the Canadian context.

4.2.1 Indigenous Lands, Cultures and Practices

As articulated in studies focused on Peru (Bruijn & Whiteman, 2010), Guatemala, Panama, and Honduras (Bebbington et al., 2018), and as discussed by a key informant, resource development has resulted in "significant impacts on lands and waters over which Indigenous Peoples hold rights and jurisdiction, or assert such rights, and on which they rely for foods, medicines and resources essential to their economies and cultural practices" (Benjamin, key informant interview). On the Kayapo reservation in the Brazilian Amazon, "several hundred thousand acres of the reserve have been destroyed or degraded by illegal mining and logging" (Anderson, 2019, p. 2). While many members of the Kayapo community of Turedjam have concerns about the changes that have come to their community with mining, they are hesitant to voice those concerns because of the decision-making hierarchy within the community. As Anderson (2019) explains, "the Kayapo consider it inappropriate to criticize elders, and his elders had decided to allow mining" (p. 6).

In Papua New Guinea (PNG), development of mines has led to relocation of coastal villages, resulting in changing kinship ties and compounding vulnerability (Bainton, 2017). Forced resettlement and military-controlled access to Indigenous communities who have expressed dissent is also present in Panama (Finley-Brook & Thomas, 2011). In India, women are more affected by displacement than men "because physical amenities and services were rarely provided at relocation sites, and women were more dependent on them than men.

Further, the facilities that were provided tended to fall into disrepair as the villagers often lack the skills needed to maintain the infrastructure" (Lahiri-Dutt & Ahmad, 2011, p. 123).

Lack of prior consultation with Indigenous, Afro-Colombian, and peasant communities has resulted in disruptions to "their access to water and their ability to hunt, fish, and farm" (Chomsky, 2019, p. 3). In Australia, engagement in the mainstream mining sector can jeopardize Indigenous Peoples' claims to traditional lands (Altman, 2009). Amor (2018) argues that there is a link between violence on Indigenous lands and Two-Spirit peoples: "It's all interconnected. The violence against our Grandmother Earth has at the core the same roots as violence against women and Two Spirits" (p. 46). The Women's Earth Alliance and the Native Youth Sexual Health Network (2016) explore this connection in the United States and in Canada.

The introduction of resource development often has a negative impact on Indigenous cultures and practices. In the Huichol lands in Mexico, mining must take in to account the annual pilgrimage which is a key part of their rituals (Boni et al., 2015). In Norway there is no legal protection for Sami fjord fishing (while there is for reindeer herding), so the Sami fisheries do not have Indigenous rights protection (Nygaard, 2016). In Australia, "[w]ater sources are derived from the actions of mythic beings during the Dreaming and are regarded as among the most important features in the landscape" (Barber & Jackson, 2012, p. 51). Mining causes damage to dreaming tracks "that stretch over hundreds and even thousands of kilometres, [and] connect individual sites and mark the routes taken by creation spirits in the Dreaming" (O'Faircheallaigh, 2008, p. 30). In Guatemala, Indigenous Mayan women "face exclusion by male leaders in their communities and also by state agents and company officials. These actors hold prejudice against Indigenous women, doubt their capacity for good judgement, and believe that their participation would diminish the substance of the negotiations" (Barcia, 2017b, p. 15).

4.2.2 Effects on Non-Indigenous Racialized Populations

Afro descendent communities in western Colombia have been substantially affected by the Salvajina dam including related to:
> physical, mental, and emotional health; cultural identity; education; self-governance; mobility; connectivity and communications; landscape and ecosystems; climate; production and livelihoods; food sovereignty; and work conditions. The concrete impacts … ranged from loss of fishing ground and aquatic and forest native species to displacement, unprecedented physical and mental illnesses, significant climate change, and the loss of ancestral knowledge and the spiritual relation to the territory (Machado et al., 2017, p. 1082).

4.2.3 Effects on Children and Youth

Illegal mining has negative effects on youth in Ghana including by "perpetuating high rates of school dropouts, an increase in teenage pregnancy, disrespect toward the elderly, and an engagement in social vices such as abusing Indian hemp" (Andrews, 2015, p. 15). Yet they need illegal mining to survive. In the Democratic Republic of Congo (DRC), women bring their

children to the mines, which can increase respiratory problems (Perks, 2011). Also in the DRC, a lack of attention to human rights in mining sites has meant sexual exploitation of underage girls and a high proportion of young single mothers who are abandoned (Côté, 2014).

4.2.4 Effects on Gender Relations

In many countries, authors noted that the relations between women and men were challenged and changed as a result of resource extractive activities. For example, paid work from mining in PNG has largely gone to men, although both men and women have benefited from greater access to services. Women continue to do much of the reproductive work, including "with attention to human health and a productive environment" (Hemer, 2017, p. 308). Resource development can heighten gender inequality: men tend "to dominate public decision-making processes, [which] can result in women being marginalised and failing to share in the economic benefits of mining. The replacement in feasts of food grown by women with food purchased from mineral revenues can further reduce their influence. At the same time, women often bear the burdens of resettlement or loss of land" (O'Faircheallaigh, 2018, p. 112). Also, the money from compensation and wages means men who become wealthy can pay high bride prices and marry multiple wives which has destabilized marriages and families. "Many women perceive this as having contributed to a decline in their status generally and to the erosion of customary ways of negotiating marriage" (Macintyre, 2011, p. 22).

In India while families have lost agricultural lands, the cash compensation has allowed them to buy assets. Ownership of these assets, including financial, are skewed to men. "The enhancement of the economic power of men relative to women has turned women into being mere dependents of men. Such dependence is quite uncommon in tribal communities in India and it therefore has significantly affected the social relationships and women's sense of self-worth" (Lahiri-Dutt & Ahmad, 2011, p. 127).

In multiple countries, women are excluded from decision-making and negotiations (Barcia, 2017b). In PNG, women's influence and involvement in decision-making was "linked to kastom, which is a general Melanesian concept that refers to local traditional rules and understandings that inform how one should behave. Many women believed that this manipulation of kastom affected women's ability to contribute to decisions that affected the community" (Keenan & Kemp, 2014, p. 12).

4.2.5 Pollution and Health

Mercury poisoning from the use of mercury in the processing of extracted minerals is of great concern to many communities in the Global South (Anderson, 2019; Bashwira et al., 2014; Ashe, 2012). Improper disposal of tailings from mining activities can also pollute water systems (Anderson, 2019; DeConto, 2019). Women are generally more affected by environmental and health hazards resulting from mining than men and these may culminate in work-related death and illness (Armah et al., 2016). The legacy of poisoned waters can have disabling effects especially on children and their learning (Deer & Kronk Warner, 2019; Middeldorp et al., 2016) and effects such as chronic respiratory illnesses are disproportionately worse for pregnant women (Perks, 2011; Bashwira et al., 2014). In Peru, studies about water pollution from mining

indicate much higher rates of exposure to mercury and water pollution for Indigenous communities and Indigenous children compared to non-Indigenous folks, and highlight that the risks for women of childbearing age are particularly troubling (Carlier, 2017). Communities in the Brazilian Amazon have reported an increase in diseases such as leishmaniasis and malaria since the miners came to their communities (Anderson, 2019).

4.2.6 Community Infrastructure

Resource industries can offer benefits to communities but are also often contentious within communities. In PNG, land has been divided into affected and non-affected regions with 'integrated benefits packages' for those on affected lands. This shapes internal migration including for 'medical tourism' to access services not available elsewhere (Bainton, 2017).

Communities are sometimes able to negotiate for improved local services and infrastructure in return for granting resource companies a social licence to operate. The Indigenous Kayapo community of Turedjam in Brazil has benefitted from free electricity, a new bridge across the river near the community, a health clinic and a school (Anderson, 2019). In Australia, Indigenous peoples have begun to sign agreements with mining companies to get essential services that governments have not provided, "often for reasons of racism and discrimination" (Altman, 2009; Benjamin, key informant interview). Despite being relocated, some relocated folks from PNG benefit from access to better services, including housing and health services (Bainton, 2017). In Ecuador, many participating in Socio Bosque, a conservation program, perceived communal benefits such as better school equipment, educational scholarships, and communal projects like water tanks (Krause et al., 2013).

In Australia, the Yandi Land Use Agreement provides assistance for the elderly and 'infirm' to select household goods from a prescribed list together with additional top up cash. "Most recipients were pleased with the arrangements, but overwhelmingly expressed a preference for cash payment rather than in kind assistance" (Scambary, 2013, p. 178).

4.2.7 Community Safety and Violence

Violence often accompanies resource extraction. Much of the violence is gendered and directed at Indigenous women and children, especially girls, in many contexts including the Democratic Republic of Congo, Papua New Guinea, the United States, and Canada (Adamson, 2017; Bashwira et al., 2014; Deer & Kronk Warner, 2019; Manning, 2016; Perks, 2011).

The violence is sometimes a result of conflicts between communities and those who wish to promote resource development near communities. In Brazil, Anderson (2019) reports that an Indigenous man was murdered by prospectors, however the official response of the Brazilian government, which is very keen to promote resource development, was that "the victim had got drunk and drowned" (p. 5).

Indigenous women who live near work camps in the US experienced increased fear and anxiety about being in public. "Many said they felt unsafe. Several said they could not even shop at the local Walmart without men following them through the store. Girls' night out usually becomes an exercise in fending off obnoxious, overzealous suitors who often flaunt their newfound wealth" (Deer & Kronk Warner, 2019, p. 76). Another study in North Dakota

found that "rapid oil development brought an influx of cash and thousands of oil workers living in 'man camps' with time and money on their hands. With this, the rates for murders, aggravated assaults and robberies tripled, while the rates for sex crimes, forcible rape, prostitution and sex trafficking, increased by 20.2 per cent" (Adamson, 2017, p. 25).

Women Human Rights Defenders (WHRD) have specific experiences of violence and criminalization. As Barcia (2017b) notes:

> The disadvantaged social and economic conditions of these women increase their vulnerability to criminalization. This is compounded by property laws that subvert pre-colonial traditions of communal tenure of land in favor of private ownership. In this model, women's legal ownership is further restricted. WHRDs, especially those living in rural areas, carry out their human rights work on a voluntary basis.... The expenses generated from legal proceedings may further aggravate [their economic precarity] ...illegal arrest and detention can have gender-specific physical and psychological effects. WHRDs describe harassment and abuse characterized by misogyny and sexism, and report frequent sexual harassment in these situations and the denial of basic sanitary conditions and medical care (pp. 17-18).

4.2.9 Transactional Sex or Sex Work

A link between increases in transactional sex or sex work and resource extraction has been reported in many contexts including Brazil and Ghana (Adamson, 2017; Anderson, 2019; Bush, 2009). Some women and LGBTQ2S+ folks freely choose to engage in transactional sex and sex work. For others, unequal power relations between genders, and especially for children and youth, create the risk of sexual violence and exploitation. Amnesty International (2016a), in their study of transactional sex linked to resource extraction in Northern British Columbia, suggested that engaging in sex work is "part of a continuum of economic survival that includes more overt or explicit forms of transactional sexual relations. Struggling to make ends meet — and denied other economic opportunities — some women may engage in housekeeping, companionship and sexual relations in exchange for work, housing, ..." (p. 49). Our research also found that smear campaigns against WHRDs often attack their sexuality. Derogatory and harmful language associated with transactional sex is used in an effort to malign WHRDs' public reputations and undermine their activism (Amnesty International, 2019; Barcia, 2017b).

4.2.9 Substances

New access to alcohol and drugs is a consequence of resource development for rural and remote communities. This has been reported as occurring in Brazil (Anderson, 2019). In Australia, zero tolerance policies for drug and alcohol use have prevented some young people from Wakathuni from getting employment due to addictions (Scambary, 2013, p. 161).

4.2.10 Livelihoods and Income

Resource industries often bring new sources of livelihoods, income and other positive benefits, but the types of jobs and income are gendered and may be affected by government

agreements with Indigenous peoples. In Australia, the lack of development of Indigenous representational structures and community infrastructure through mining practices result in a lack of livelihood choices for Indigenous peoples (Altman, 2009). In Ghana, illegal or artisanal mining (galamsey) has become an economic necessity as well as a 'natural entitlement' or "taking back what belongs to them," especially for men (Andrews, 2015, p. 5). It creates employment, allows people to build houses or get their children educated and offers women and youth income earning opportunities (Andrews, 2015; Bush, 2009).

Women are less represented in highly skilled extractive jobs and are more represented in lower skilled jobs such as "crushing, grinding, sieving, washing and panning" (Baah-Boateng et al., 2013, p. 10). In Ghana, partly for cultural reasons:

> There is a cultural belief that, a woman in her menstrual period getting closer to [mine] drives away the gold ore…. both men and women expressed their belief that if the women get closer to the machine that digs for the gold, the mineral [goes farther away]. Therefore, the women are confined to elementary activities such as cooking and washing the rocks... (Baah-Boateng et al., 2013, pp. 22–23).

In one Peruvian study, women were not hired at all at one mine (Coxshall, 2010, p. 40). In the DRC, it can be the case that "women that work directly or indirectly in the mines do not have control over their income" (Côté, 2014, p. 17). In Mexico, a mining company built a museum and other development projects which benefited local communities, including children and youth. "Besides the museum, the historical buildings were restored and more recent buildings now house music and silversmith workshops. The workshops (active as of 2011) are intended mainly for local children and teenagers who receive a minimum-wage stipend and can receive training in the shops" (Boni et al., 2015, p. 770).

In Ghana, some managers of sites can defraud women and take their wages or leverage them for sexual services; "women are sometimes defrauded, whereby the managers…abscond with several weeks of unpaid wages. A few others may have to give their male superiors sexual favors before they are paid or even hired in the first place" (Andrews, 2015, p. 13).

In India, the mining projects have reduced women's mobility. "Most are now confined to the house because they have no purpose to be out. Second, they tend not to have access to money. Third…the local bus stop is now farther away. Finally, the mining projects regularly change the landscape and the locations of roads, creating confusion and uncertainty" (Lahiri-Dutt & Ahmad, 2011, p. 131).

4.4 The Importance of Enabling Environments

An important finding of our research is that domestic and international political and legal environments can enable (or hinder) impact assessment practices that account for the experiences of invisible members of communities. The subsections below identify aspects of human rights law and state practices that can contribute to creating enabling environments for intersectional impact assessment, if human rights commitments are meaningfully implemented in practice. A change in government can dramatically change the degree to which domestic political environments are enabling for particular groups within communities.

4.4.1. Civil Society and Human Rights Defenders

Whether an enabling environment exists within a particular country or extractive context depends to a large extent on whether international human rights and domestic legislative commitments are meaningfully implemented by states and corporations. In many cases, governments and corporations must be pushed to implement practices that meet those commitments. Civil society actors and human rights defenders are often the ones to do the pushing, although there is shrinking space for civil society globally. Amnesty International's (2019) report on the experiences of women human rights defenders notes:

> The rights to freedom of peaceful assembly, association, expression are essential prerequisites to effective human rights work and creating an enabling environment for civil society. However, HRDs across the world are increasingly coming up against the enactment of laws and practices that unduly restrict these key human rights, including: arduous NGO registration and reporting processes; restrictions on receiving and accessing funding [and many others] (p. 25).

Similar findings about constraints on civil society and human rights defenders are reported by other international human rights organizations, including Front Line Defenders (2020) and Human Rights Watch (2020).

Human rights defenders who confront extractive industries and extractive-oriented states often do so at considerable personal risk (Thomson, key informant interview; Amnesty International 2016b; Government of Canada, 2020). For example, HRDs in Guatemala have been labelled as "the 'opposition,' 'enemies of the state' and even 'terrorists'" (Amnesty International 2016b, p. 7). These attitudes have been linked to increases in violent attacks against HRDs and criminalization of their activism (Amnesty International, 2016b). Amnesty International's (2019) report notes that women human rights defenders experience some of the same risks as all HRDs but additional specific risks linked to their gender and/or sexuality including "gender specific forms of verbal and physical violence, including sexual violence as a form of torture, and [they] encounter further challenges just because of who they are and/or because the rights they defend are connected to women's rights, gender equality and sexuality" (p. 8). Patriarchal gender relations shape the distinct experiences of WHRDs in multiple ways, including that they "are more likely to face violence and other types of pressure from their partners and family members" than male HRDs (Amnesty International, 2019, p. 18).

Effective systems of protections for human rights defenders are an important part of an enabling environment. However, in many cases, "states may be unwilling or unable to protect human rights defenders" (Amnesty International, 2019, p. 13). The Inter-American Commission on Human Rights has the power to grant 'precautionary measures' – "a protection mechanism for serious and urgent situations creating a risk of irreparable harm to a person or a group of people" – to protect HRDs (Amnesty International, 2016b). The enforcement of these precautionary measures generally falls on states. In Honduras, Amnesty International (2016b) reports that HRDs who were granted precautionary measures continue to face violence. Canada has specific 'Voices at Risk' guidelines to support the work of HRDs around the world, including directions for Canadian missions abroad to offer assistance to human rights defenders where possible (Government of Canada, 2020). Recognizing that some Canadian resource companies are engaging in violence against HRDs, Canada has also created an Ombudsperson for

Responsible Enterprise to review these allegations (Government of Canada, 2020). However, members of our Advisory Circle report that, in their experiences, the effectiveness of the Ombudsperson is limited by their lack of investigative power. Thinking carefully about how to reduce the personal risks to people and HRDs who choose to speak out about extractive industries is an important part of inclusive impact assessment practices (Thomson, key informant interview).

4.4.2 International Human Rights Law

In addition to the human rights law protecting the political and civil rights noted in the previous section, a number of international instruments exist to protect the rights of historically excluded groups. Some recognize Indigenous knowledges and nationhood.

The International Labour Organisation's (ILO) Convention 169 is an important instrument for protecting Indigenous and tribal peoples' rights. Article 6 of the Convention requires consultation. Hanna and Vanclay (2013) argue that Article 7(1)[4] can be interpreted as requiring governments to seek consent for decisions that will affect Indigenous and tribal peoples' lives and lands, although others caution that the Convention "is generally associated with consultation rather than consent...[Nevertheless] ILO 169 needs to be applied in a manner consistent with the larger body of international human rights norms and standards where the right of Indigenous peoples to participate in decision-making has been consistently interpreted as including a free, prior and informed consent requirement" (Benjamin, key informant interview). Several of the state parties to ILO Convention 169 are countries of interest in this report, including Chile (Carruthers & Rodriguez, 2009), Guatemala (Fulmer et al., 2008), Peru (McDonell, 2015), Bolivia (Pellegrini & Ribera Arismendi, 2012), and Norway (Broderstad, 2011). However, a limiting factor is that only 23 countries have signed it (ILO, 2017). Another is how it is applied and interpreted by governments. Across the literature we reviewed, there are several examples of the partial application of the Convention. For example, Colombia has incorporated the Convention into a number of domestic laws as "indigenous and afro-descendant communities' right to free, prior and informed consultation," not consent[5] (Bastida & Bustos, 2017, p. 250). The Constitutional Court in Colombia has slowly pushed the norm towards "requiring consultation, at least in some cases, to obtain consent" (Bastida & Bustos, 2017, p. 250). Literature about its limited application in Brazil (Hanna & Vanclay, 2013), Guatemala (Fulmer et al., 2008), Peru (McDonell, 2015), and Norway (Johnsen, 2016) is also available.

In comparison to ILO Convention 169, a large number of countries, 148 in total, have voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This discrepancy is likely due to its non-binding nature[6] (Hanna & Vanclay, 2013). "The Declaration is the most comprehensive global instrument specifically created to protect

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[4] Article 7(1) states: "The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development…" (ILO, 1989).

[5] At the time of article publication

[6] Although UNDRIP does "incorporate provisions that are binding due to their being part of established customary international law or because they echo provisions also set out in Conventions" (Benjamin, key informant interview)

the rights of Indigenous peoples. It is also the first international human rights instrument created through the direct participation of the rights holders themselves, so it is usually understood to be particularly authoritative. Critically, the requirements of the Declaration go beyond those of [Convention] 169 especially in relation to self-determination…. The UN and American Declarations are unique in their effort to demonstrate the indivisibility of individual and collective rights" (Benjamin, key informant interview). Articles 21 and 22 of the UNDRIP state that "particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities" (UNDRIP, 2018).

Several other international human rights conventions[7] could be used as tools to ensure historically excluded groups within communities are included in impact assessments and enjoy the benefits of extractive industries. Barcia (2017b, p. 16) points out that the International Covenant on Civil and Political Rights (ICCPR) guarantees individuals the right to participate in public affairs and that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) "also includes the right of women to participate in the formulation of government policy (article 7(b)) and further clarifies that women in rural areas have the right to participate in the elaboration and implementation of development planning at all levels (article 14.2(a))." The CEDAW also addresses eliminating gender discrimination in employment and requires governments to work to eliminate human trafficking (Hill, 2017; Kemp & Keenan, 2009). Similarly, the ILO Declaration on Fundamental Principles and Rights at Work, makes it clear that human rights must be respected in workplaces, including extractive industries (Götzmann & Bainton, 2019). While not mentioned in any of the literature we reviewed, the UN Convention on the Rights of Persons with Disabilities likewise has significant potential to be used to ensure that the rights of persons with disabilities are recognized in impact assessment.

In Guatemala, Brazil, and Ecuador, Indigenous communities have taken their struggles against mining to the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights (Fulmer et al., 2008; Jaichand & Sampaio, 2013; Verbeek, 2013). Guatemalan communities have had favourable rulings from the Court, particularly related to forced relocations of communities and state violence to make way for the Chixoy Dam (Fulmer et al., 2008). In Brazil, the Commission also ruled in favour of the claim of NGOs that the state had not fulfilled its FPIC requirements in the planning of the Belo Monte dam. The government did not accept this ruling and proceeded with the licencing and construction (Jaichand & Sampaio, 2013). There are some limitations to using the Inter-American human rights system to address impacts of resource development, including that it can only hear cases after the national legal processes have been exhausted (Fulmer et al., 2008). Court processes are also limited more generally because there is a "lack of an intersectional perspective (gender, racial, class, etc.) in methods to obtain evidence; the limited expertise of judicial staff investigating these types of violations; and the existence of prejudices and gender and racial stereotypes in judicial processes and communities" can hinder litigation efforts (Barcia, 2017a, p. 17).

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[7] The UN Human Rights Committee has also made a number of decisions related to minority rights that may be applicable to IA, including *Apirana Mahuika et al. v. New Zealand* (2000) and *Ángela Poma Poma v. Peru* (2009), and has issued general comments on minority rights and the participation of persons with disabilities (Benjamin, key informant interview).

4.4.3 State Practices

A number of countries have codified Indigenous rights in their constitutions. While this is promising, the research literature reveals a number of downfalls that limit the effectiveness of this codification. For example, Colombia's 1991 constitution recognized ethnic groups' distinct rights, including "rights to territory, participation, autonomy, self-determination, and self-government" (Machado et al., 2017, p. 1076). The Code of Mines gives Indigenous and Afro-descendant (Black) communities differential rights in regard to resource development with areas of the country designated specifically as Indigenous or Black communities' mining areas where members of those communities have first priority for mineral extraction (Bastida & Bustos, 2017). While the legislative framework is promising, a significant implementation gap exists in terms of putting it into practice (Weitzner, 2017). See Appendix 3 for a discussion of Indigenous rights provisions in constitutions and legislation in Brazil, the USA, Bolivia, Guatemala, the Philippines and the Nordic countries.

There is limited evidence in the academic and community literature of political and legal instruments creating enabling environments for the rights and concerns of other historically excluded groups to be recognized in impact assessment and the extractive industries more generally. Several examples are worth highlighting here. Brazil has created the Ministério Público (Public Ministry, MP). "The MP is a special autonomous branch of the judiciary charged with protecting the collective interest, including indigenous and environmental rights.... Granted proactive and reactive powers, the MP can initiate cases and is obliged to investigate citizen complaints. Strengthening institutional protections while making agencies more accountable for their decisions, the proactive MP permits a prosecutorial enforcement of the state's legal obligations" (Burrier, 2016, p. 345). The MP has intervened in resource development, prompting new information being shared with communities, pressing concerns to be addressed by the proponent or state, and some projects to be halted (Burrier, 2016). The MPs may now be more constrained with recent rollbacks of environmental protection measures. Australia's 2012 Workplace Gender Equality Act requires annual reporting by all non-public sector companies with 100 or more employees on a set of gender equality indicators. This offers baseline data against which to measure change (Macdonald, 2017).

Other countries have models of state-recognized Indigenous governments. In Norway, the Sami people have had their own Sami Parliament since 1989, a form of self-government which some argue is "a political body with a real say" in Norwegian politics (Broderstad, 2011, p. 901). Given that the Sami are a minority population in their ancestral homelands, the Parliament has been quite effective in integrating itself with the municipal and county governments that govern the non-Sami majority, aided in part by the enabling environment created by the Finnmark Act (Broderstad, 2011). Sweden and Finland also have Sami Parliaments, although those are reported to be much less effective than Norway's (Broderstad, 2011).

Indigenous Peoples concerned about resource development often end up taking their concerns to courts when other methods of engagement fail. In Mexico, Indigenous communities have been using the tool of amparos that exist in Mexican law to challenge resource development. In July 2013, the Me'phaa (Tlapaneca) community of San Miguel del Progreso-Júba Wajíín "filed an amparo alleging the [mining] concessions [in their territory] violate their constitutional rights to territory and consultation, and challenging the

constitutionality of the Mining Law" (Carlsson, 2017, p. 15). Three other amparos have been filed by a combined 71 Indigenous communities in two states. Amparos accepted by the courts typically result in temporary injunctions on mining while the cases proceed. While the Mexican Supreme Court overruled the favourable decision of the district court in the Júba Wajíín amparo case, it does show the potential of this tool for Indigenous Nations to assert their rights over developments in their territories. Three other examples of using court cases in relation to extractive industries are found in Appendix 3.

4.5 Promising International Practices in Impact Assessment

When political environments are enabling, they can support practices in impact assessment that are attentive to the experiences of historically excluded members of communities. Without enabling environments, impact assessments far too often remain "window dressing" (Russell, key informant interview). While we set out to find examples of intersectionality in impact assessment practice around the world, we have found few examples of practices that use intersectionality, either implicitly or explicitly. In particular, we note the virtual absence of practices that specifically engage some of the most invisible members of communities, including people with disabilities and LGBTQ2S+ folks, and their intersectional identities beyond those categories. However, our research did find several promising examples for community-informed and community-led practices in impact assessment, some of which explicitly engage Indigenous knowledge systems, and others that emerge from Indigenous or racialized minority communities.

4.5.1 Gender and Impact Assessment

Gender or gender-responsive impact assessments offered the closest to an intersectional approach in the international and community literature. In many ways, this practice resembles Canada's approach to embedding GBA+ in impact assessment. The new *Impact Assessment Act* requires that the "intersection of sex and gender with other identity factors" be assessed in every project approval process (IAA, 2019, sec. 22(1)(s)). This is a promising addition to Canada's regulatory framework because without the explicit inclusion of gender and identity, the differential impacts experienced by people of different genders remain "out of sight and out of mind" (Hansen, key informant interview).

However, it is also important to note that numerous scholars (including Hankivsky & Mussell, 2018; Mason, 2019; Stienstra, 2017) have critiqued the 'gender-first' approach to intersectional analysis that has characterized Canadian governments' implementation of GBA+ thus far.[8] In practice, it remains largely focused on women, with some consideration of diverse identities among women depending on the practitioner. It has often failed to address masculinity, non-binary identities, and experiences of disability, among others. In its bureaucratization, GBA+ often struggles to meaningfully transform systemic and structural barriers that shape intersectional experiences of oppression (Mason, 2019). The gender impact assessment practices described in this section also appear to adopt 'gender-first' approaches to

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[8] The province of Manitoba's model of gender and diversity analysis is a possible exception to this trend.

intersectionality. With that being said, members of our Advisory Circle remind us that, even with their limitations, practices that use a 'gender-first' approach to intersectionality represent important progress for recognizing diversities within and between communities, and thus should be considered promising because they may reveal implications for diverse women. These approaches, when adopted – however shallowly – by states and corporations, also create important opportunities for civil society and community actors to push for greater change and for the fuller recognition of intersectional diversities within impact assessment.

4.5.1.1 How Do We Include Gender in Impact Assessment?

A gender impact assessment "provides an understanding of the many causes of marginalization in a community, including gender. It also identifies likely project impacts on women, men, girls, and boys, and offers recommendations for mitigating negative impacts" (Hill, 2017, p. 11). It can be part of a social or human rights impact assessment or a standalone process (Hill & Newell, 2009). Important principles to guide gender impact assessment include:
- participatory methods
- a focus on the most marginalized
- a rights-based approach
- transparency (Hill et al., 2017).

Hill and Newell (2009) advocate for what resembles an intersectional approach, saying "analysis should not be restricted to gender but consider the other aspects of relationships between people, such as ethnicity or indigeneity, economic status and disability" (Hill & Newell, 2009, p. 11). The literature has many recommendations for making impact assessments more inclusive of women. They include:
- Ensuring women are able to participate in community meetings by being mindful of women's gendered responsibilities (for instance, childcare) in the local context (Eftimie et al., 2012)
- Building women's trust in consultation processes by using a vouching system (Götzmann et al., 2019)
- Using forms of media frequently used by women to share information about projects (Eftimie et al., 2012)
- Using anonymous voting to make important decisions during consultations to allow women to express their views freely (Eftimie et al., 2012)
- Using a gender lens in land use mapping to document women's differential uses of lands and resources (Eftimie et al., 2012; Götzmann et al., 2019)
- Ensuring women are involved in participatory monitoring of project impacts (Global Rights Alert, 2017).

In all efforts, it is important to ensure that women are not just included in a tokenistic manner (Götzmann et al., 2019). See Appendix 4 for a discussion of findings about how gender has been taken up in impact assessment internationally.

Where many discussions of incorporating gender in impact assessment tend to interpret 'gender' as 'women,' Shrestha et al. (2019) provide a refreshing reminder to use an intersectional lens and pay attention to masculinity as well. As they note:

Masculinity is not only performed differently by different men, it is performed—both in private and public domains by both men and women. Here, factors other than gender— for example, age, class, hierarchy, position, disability etc. – all come into play in defining who dominates how, where, when and why. When working within a space that inherently promotes and values dominant, hegemonic attitudes and practices, i.e. a masculine organisation, some women may identify themselves and act as 'one of the boys' to fit into the hegemonic masculine culture (Shrestha et al., 2019, pp. 136–137).

4.5.2 Specific Promising Practices

In addition to the considerable literature on gender impact assessment described in the previous section, our literature search revealed a number of other tools have been used in impact assessments internationally. The table below shares 9 examples of promising practices in impact assessment. We identify them as promising because of their potential to be intersectional and meaningfully include the voices and concerns of multiple historically excluded members of communities. A more complete description of each of these promising practices is found in Appendix 5, along with any information we located about the effectiveness and limitations of each practice not shared in the table.

Practice	Description	Intersectional Potential
Equipo Comunitario (EC), Colombia	Afro-descendant communities formed a team of 29 people to support the communities' involvement in the consultation process for the Environmental Management Plan for the Salvajina dam. Members of the EC supported community capacity building through workshops on different aspects of resource development and through directly supporting community leaders and community members in their engagements and negotiations with the company and the government (Machado et al., 2017).	• Recognizes significant power differentials between communities and companies/the state and responds accordingly • Community-developed, specifically by Afro-descendant communities, that increases the capacity of ordinary community members to participate • Likely features contextually relevant decision-making processes, which other authors discuss as being important for facilitating inclusion
Social Water Assessment Protocol (SWAP), Australia	Collins and Woodley (2013) propose using a Social Water Assessment Protocol (SWAP) to identify social and human rights impacts related to water and how they are experienced by diverse members of communities. The SWAP includes 14 themes that capture a wide range of impacts for different members of communities, as	• Focuses on how natural resources are used differently by different community members; specifically including Indigenous people and people of different genders • Uniquely considers domestic and recreational uses of water • Considers the use of water over time, adding a temporal dimension

Practice	Description	Intersectional Potential
	well as guiding questions for each theme. A full list of themes is found in Appendix 5.	that is often overlooked in impact assessments • Biophysical focus might be more easily integrated into impact assessment processes than tools focused on 'social impacts'
Consultas Comunitarias, Guatemala	Civil society actors have organized consultas comunitarias (community consultations) to allow members of communities to express their approval or disapproval of mining developments near their communities (Holden & Jacobson, 2008). Most consultas ask members of communities to vote 'yes' or 'no' as to whether mining should be allowed in their area. Informed by Mayan traditions of decision-making, consultas have been widely implemented across Guatemala (Laplante & Nolin, 2014).	• Allow communities to assert their decision-making power, and their right to self-determination, whether or not those powers are formally recognized by the state or proponent • Inclusive of many members of communities, including women and in some cases youth • Based in Indigenous methods of decision-making, and thus are an important form of resistance to colonial consultation processes
Community-Based Impact Assessment (CBIA), Multiple Countries	Some communities have used CBIAs to identify impacts likely to be experienced by members of their communities. These processes are led by members of the community, informed by local and Indigenous knowledges, and can look quite different depending on community priorities. Our research uncovered two different specific models used in Sweden and Papua New Guinea, described in Appendix 5. There are also several examples of CBIAs in Canada (See Appendix 8).	• Community-led, unlike many impact assessments that are largely directed by the proponent or their consultants • Fill gaps in the official regulatory process, particularly by identifying the issues and impacts that are important to communities that might fall outside the established scope of assessment • Can also guide negotiations for benefits, and as evidence in the courts for asserting that companies have failed to meet consultation and human rights obligations
Joint Project Siting, Australia	A Traditional Owner Taskforce created through the Kimberly Land Council engaged in a collaborative process with the state government to determine a mutually acceptable site for an LNG development, with the intention of minimizing harmful impacts for Indigenous people. The	• Works to identify sites that are acceptable to both communities and proponent from the start • Genuine acknowledgement of Indigenous knowledges and land rights, including in siting decisions and in distribution of benefits among the multiple Indigenous title

Practice	Description	Intersectional Potential
	process was informed by Indigenous knowledge and culturally appropriate methods of decision-making (O'Faircheallaigh, 2013).	groups in the region, showing the potential for reducing inter-community and government-community conflict
Health Impact Assessment (HIA), Alaska	The Alaska Inter-Tribal Council used a HIA to identify potential impacts of a proposed oil and gas project for Inupiat communities in Alaska. The HIA identified a wide range of both negative and positive impacts and used an approach informed by the social determinants of health. Wernham (2007) asserts that the focus on health (an issue of concern to both those who support and oppose the development) allowed for a more inclusive process for identifying impacts.	• Initiated by an Indigenous organization • Focus on health makes this practice more likely to be taken seriously in 'science-centered' impact assessment and reported to be less contentious within communities than other forms of impact assessment • "Offered a means to blend indigenous perspectives with public health data, and to present the results in a form that was both informative and compelling for planners and regulators" (Wernham, 2007, p. 509) • Social determinants of health (SDoH) approach used to frame 'health' is promising because factors such as social exclusion, Indigenous identity, race/ethnicity, gender and disability recognized; note that disability was largely invisible in this particular HIA
International Peoples' Health Tribunal, Guatemala	The International Peoples' Health Tribunal was an event held in 2012 by members of the San Miguel Ixtahuacán community in Guatemala, one of the communities most impacted by Goldcorp's Marlin Mine, in partnership with the local Catholic Church and two social movement organizations. The community invited members of communities from other countries where Goldcorp owns mines. The Tribunal put Goldcorp on trial for the negative impacts experienced as a result of its operations in multiple countries (Aguilar-Støen & Hirsch, 2017).	• Brought together members of resource-affected communities from multiple countries; therefore an effective solidarity building exercise among affected communities • Resembled a tribunal court and found the proponent guilty of many offences against communities, thus a powerful example of communities asserting their jurisdiction to determine what outcomes of resource developments are just or unjust

Practice	Description	Intersectional Potential
Human Rights Impact Assessment (HRIA), Multiple Countries	HRIAs focus specifically on the human rights implications of proposed projects. Many HRIA advocates argue that for HRIA to have the best possible impact, they should be adopted early in the planning and decision-making process (Götzmann & Bainton, 2019; Hanna & Vanclay, 2013). Some HRIA approaches are specifically attentive to gender and gendered impacts (Götzmann et al., 2019; Götzmann & Bainton, 2019), while others focus on Indigenous rights.	• Built on a legal basis for the protection of human rights, potentially increasing government obligation • Many international human rights conventions (treaties) protect specific rights for historically excluded groups including women, children, people with disabilities, and racialized persons, and are legally binding for the countries which have signed them; use of these conventions – and non-binding declarations (such as UNDRIP) – as guiding frameworks has potential to highlight most problematic impacts
Development Forums, Papua New Guinea	Development forums are convened between provincial and national government officials and local stakeholders for major resource development projects in the country. They are intended to sort out community concerns and the provision of benefits to local groups before allowing a project to proceed on tribal lands. Any agreements resulting through development forums are supposed to follow FPIC principles (Burton & Onguglo, 2017).	• Recognized internationally for achieving benefits for the customary owners of lands where resource development projects are proposed • Unlike community-company agreements (typically called IBAs in Canada) made between proponents and communities in other countries (see Appendix 9 for a fuller discussion of these), development forums in PNG are negotiations between communities and the national and provincial governments, and are governed by national legislation

In identifying these practices as promising, we are not suggesting we export and adopt these models exactly as they are. We recognize that since some are specific to particular cultural contexts and Indigenous knowledge systems, to do so would be yet another form of colonialism. What we are suggesting is that we can look to these processes to identify principles and potential design features that can inform more inclusive impact assessment in Canada. These examples might resonate with particular Indigenous and community knowledge systems here and/or spark ideas about homegrown practices that can improve the experiences of historically excluded members of communities as they participate in impact assessment.

It is also important to note that, while these practices are promising, they have not all been effective in achieving their aims in practice (see Appendix 5 for further discussion). They do not on their own solve the many substantive issues (see Appendix 6) that prevent impact

assessments from adequately identifying and mitigating the frequently negative impacts experienced by historically excluded members of communities. In particular, none of these practices specifically address the experiences of people with disabilities and LGBTQ2S+ folks, or the barriers to their participation in impact assessment. These practices also do not fundamentally shift the gross power disparities between local communities and resource corporations and the state that shape impact assessments in Canada and internationally. As well, they fundamentally do little to address the substantial personal risks for marginalized members of communities or human rights defenders in some contexts who choose to speak out against resource development and push for recognition of negative impacts and rights violations (Thomson, key informant interview). As mentioned at the beginning of this section, a change in government can dramatically shift the political landscape within a country which has implications for the effectiveness of these practices and others which promote attention to diversity (Amnesty International, 2016b; O'Faircheallaigh, 2013).

4.6 Evidence of Benefits of Intersectionality in Impact Assessments

There is much more attention paid to women's experiences (and in some cases, Indigenous women) than to the experiences of other historically invisible groups, and no examples of what we determined to be fully intersectional processes. It is thus not possible to isolate and associate specific outcomes with particular intersectional practices. Further, the literature we reviewed suggests that associated benefits are not guaranteed; positive outcomes frequently depend on the will of proponents and states. As well, many barriers persist. For instance, the Danish Institute for Human Rights highlights six areas (they point out that this list is non-exhaustive) that still pose challenges for meaningfully taking up human rights concerns related to resource extraction. The report does, however, highlight examples of promising practices for advancing community benefit, including program interventions related to gender-based violence, both within communities and on job sites (Götzmann et al., 2019).

Many cases of community benefit are highly circumstantial – resulting from a particular commitment and constellation of actors, rather than from a set of consistent effective practices (Keenan et al., 2016). Examples of this are found in Bolivia (Campero & Barton, 2015), Ghana, the DRC (Geenen, 2019), and Brazil (Hanna et al., 2016). Nevertheless, there is some evidence to suggest general benefits to communities, as well as benefits to safety, accessibility and inclusion, and health and wellbeing that can result from resource extraction related policies and initiatives, and that are oriented to intersectionality in their efforts.

4.6.1 General Benefits to Communities

An Oxfam International report (Hill, 2017) highlights a few promising examples of generating community benefit through resource extraction. For instance, India's Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act of 2013 shows "how legislation can begin to address gender issues. This act establishes a special category of people impacted by resettlement who are entitled to compensation, including widows, divorcees, and women abandoned by their families…. the law acknowledges that compensation must be paid to … female-headed as well as male-headed households" (p. 9).

The same report highlights the adoption of gender equity and equality policies by international financial institutions, and singles out Rio Tinto as "the only company with a stand-alone gender commitment, having developed detailed guidance on how its staff should incorporate human rights and gender issues into its community work" (Ibid., p. 10). The effectiveness of this commitment is debatable, as Rio Tinto has been linked to many examples of human rights abuses internationally. Haisla and settler women in Kitimat, British Columbia described general feelings of fear related to working for Rio Tinto, and considerable negative impacts associated with the modernization of the local aluminum smelter in northern BC (Community Vitality Advisory Group & Research Team, 2018).

A report about women in artisanal and small-scale mining in African countries (Weldegiorgis et al., 2018) discusses both benefits and challenges of Female Miners' Associations, including their efforts to facilitate women's access to mining work – for instance by encouraging programs that facilitate equipment purchases and provide childcare. The authors note that these organizations sometimes lack credibility because of their association with the government, and that they can be inaccessible to the most marginalized women. Still, "in Uganda, some women were able to accumulate capital from food vending and gold panning which they then invested in new farmland, buying raw ore for processing, renting out tools, and owning shafts" (Weldegiorgis et al., 2018, p. 19).

There is evidence of community-led consultations resulting in the cancellation of resource projects, through "companies withdrawing their projects and/or losing the support of their investors. That was the case with the Manhattan Minerals Company in Tambogrande, Peru, that had to leave the region, losing nearly 60 million dollars, after 98% of the community indicated its rejection" (Carvajal et al., 2015, p. 24). In a Colombian example, "the Embera people decided to hold their own consultation, in which communities, including boys, girls, and elders, voted against mining exploitation. They performed rituals for the protection of the Mountain and received national and international solidarity…. With the support of the Interchurch Commission of Justice and Peace, the Supreme Court in 2009 had to rule in favor of the community and ordered a stop to activities and the convening of prior consultation with no irregularities" (Carvajal et al., 2015, p. 25). We include examples of projects being stopped as evidence of community benefit given the many negative consequences that accrue for communities in the presence of resource extraction activity.

An example of women's strong involvement in decision-making comes from the negotiation "for revised compensation agreements at the OK Tedi mine in Papua New Guinea…. Through their involvement, they secured an agreement giving them 10 percent of all compensation, 50 percent of all scholarships, cash payments into family bank accounts (to which many women are co-signatories), and mandated seats on the governing bodies implementing the agreement (including future reviews of the agreement). What is more, women's entitlements became legally enforceable rights…. Such an arrangement was – and remains – unprecedented anywhere in the world" (UN Women, 2014, p. 4).

4.6.2 Benefits to Community Safety

Perks (2011) reports a number of safety, inclusion, and health-related benefits associated with initiatives targeting women and men artisanal miners in the DRC, including increased

awareness and reporting of instances of sexual and gender-based violence (SGBV). For instance, "[prevention models] build on current UN coordination mechanisms for reporting and addressing SGBV while introducing stronger economic and gender re-definition aspects. This includes literacy and savings programs [called WORTH] to build positive male social capital, reduce indebtedness towards 'negociants' and traders, and allow for economic transition opportunities to facilitate family reunification and normalisation of social relations" (Perks, 2011, p. 190). The WORTH program includes literacy and savings education, as well as vocational training. "Over the course of one year, 80 former artisanal women miners have successfully transitioned out of artisanal mining into other economic opportunities…. Beyond the tangible economic and health benefits, women attest to a greater sense of self-worth and confidence provided by the literacy program" (Perks, 2011, p. 187). Basic reproductive health training has also been included in this initiative, leading to increased availability of condoms.

In their description of an Indigenous-led crime reduction strategy targeting resource industry-related crime, Deer and Kronk Warner (2019) argue that "after instituting its own unique set of criminal programs, the Tulalip Tribe reported a steep drop in crime… [and won an award for] helping 'offenders to recover rather than just 'throwing them away'" (p. 30).

4.6.3 Improvements in Participation and Inclusion

In a study about oil development in Alaska and integrated health impact assessments concerned particularly with the health of Inupiat people there, Wernham (2007) describes intensive Inupiat participation and public testimony as having been key to ensuring the consideration of health issues as part of the environmental impact assessment. He notes that the topic of health was a useful catalyst for inclusion because it was important to both proponents and opponents of the project.

In their examination of the Socio Bosque conservation program in the Ecuadorian Amazon, Krause et al. (2013) note that despite the fact that gender inequities can be upheld within the program, "the increased presence of Socio Bosque staff in communities, which began during 2011, may play an important role in improving participation. The presence of skilled staff taking an active role in facilitating assemblies…may generate a more open space for discussion and dissemination of knowledge…. It can also encourage the participation of groups who are otherwise less vocal by helping to deflect some power from the leaders and can strengthen the direct participation of marginalized groups, foremost women" (p. 10).

A 2009 World Bank report examined the gendered dimensions of extractive industries in terms of the environment, employment and income, artisanal mining, and community consultations. In it, the authors highlight instances of positive community outcomes, including increases in women's employment and involvement in community decision-making (Eftimie et al., 2009), a benefit that has been reported by others as well (Keenan & Kemp, 2014). The latter study, produced by the Australian government and the Minerals Council of Australia, also suggests that in some cases, women's involvement in "discussions about how benefits should be distributed [included] pushing for education, health or scholarship funds rather than new trucks or community buses, but noted that this had not necessarily led to gender-equitable distribution of benefits" (Keenan & Kemp, 2014, p. 14).

A report by the Netherlands Commission for Environmental Assessment (NCEA) (2015) highlights examples of their positive involvement in bringing gendered considerations into decision-making. For instance, the NCEA advised on a road master plan in Yemen by noting that it was important to "involve women in the routing of roads since impacts may interfere with daily village routines… [For instance:] … Women's privacy may be compromised and their mobility restricted; Farmlands and grazing areas may be polluted and invaded by road works and waste (and compensation may be paid to men only); Water supply may be decreased and runoff harvesting systems damaged, affecting women's and men's tasks in different ways; [and] Domestic fuel wood supply, typically fetched by women, may be threatened by wood collection by third parties for commercial purposes" (p. 2). They go on to note that "Socotri women's indigenous knowledge of plants and their uses can be used e.g. in bio-engineering solutions for slope stabilisation problems" (Netherlands Commission for Environmental Assessment, 2015, p. 2). While this report does not indicate the outcomes associated with this and other interventions, attention to these types of details is an important first step.

4.6.4 Improvements to Health and Wellbeing

Werhnam's (2007) study about integrated health impact assessments in Alaska also discussed how the "BLM [Bureau of Land Management]…includ[ed] measures that it believed [lay] within its statutory authority… BLM further agreed to consider a measure that would require BLM and developers to work with a Health Advisory Board…to further delineate impacts and identify and institute appropriate mitigation for health impacts identified" (p. 509). These agreements came about even though there was limited jurisdictional authority in the situation to insist on developers' compliance.

An interesting example of a community response that speaks to advancing community health and wellbeing comes from the Mesoamerican Initiative of Women Human Rights Defenders, "[who] designed a 'Rapid Response Fund for Security and Self-Care'. The Fund focuses on the wellbeing of women defenders and the sustainability of their movements. At the individual level, the fund provides psychological and health support to defenders who face direct violence or work with people experiencing violence. At the collective level, the fund works to strengthen the capacity of organizations to resolve conflicts, to develop institutional self-care policies and to conduct trainings on safety and well-being" (Barcia, 2017a, p. 15). Although not explicitly an example of intersectionality-informed efforts leading to improved community wellbeing, it is indicative of the type of novel approach that could be helpful for securing community wellbeing in the face of adversity caused by resource extraction.

4.7 Respecting Indigenous Knowledges and Nationhood in Extractive Industries

As in Canada, Indigenous knowledges around the world are frequently dismissed, subverted and overlooked by extractive industries and in impact assessments. Above, we discuss how enabling environments can help to assert Indigenous rights. Here, we look at other ways that Indigenous knowledges (see Levac et al., 2018 for a discussion) and respect for Nationhood – understood as both the right to self-determination as set out in international legal contexts, and as "a foundational value; that is, a widely shared understanding of what a

group considers indispensable for their well-being as individuals and as a people and a principle that guides Indigenous peoples' lives, actions, choices, and decisions both collectively and individually" (Kuokkanen, 2019, p. 58) – are being advanced, including through creating more enabling environments that respect Indigenous peoples' knowledges, and through upholding important rights such as that of free, prior, and informed consent (FPIC).

4.7.1 The Effectiveness of Enabling Environments

Literature shows that enabling environments – that is, where conditions for protection and fulfillment of Indigenous and other marginalized groups' rights are fostered – result in some successes (and some failures) in ensuring that Indigenous knowledges and nationhood are respected in decision-making about resource development.

One feature of an enabling environment is its incorporation of important concepts into key domestic legislation and political values. For instance, Altmann (2014) discusses how the concept of 'good life' has been taken up in the Constitutions of Bolivia and Ecuador and explores how the idea encourages consideration of alternatives to the primacy of capitalism. Broad & Fischer-Mackey (2017) point out that "[the] actual term 'buen vivir' … has been employed by social movements, activists, and governments from Bolivia and Ecuador to El Salvador and across the Caribbean…. 'Buen vivir' is partly defined by its opposition to extractivist and neoliberal development models. But proponents … have also affirmed a broad set of positive values, including ecological balance, equity, solidarity, diversity, quality of life, community-based approaches, and … living in harmony with nature" (p. 1328).

In Brazil, there is mixed evidence as to the effectiveness of the enabling environment created by the inclusion of Indigenous rights in the constitution and the requirements to incorporate Indigenous knowledges in impact assessment. Branford & Torres' (2015) work suggests that Brazil's constitution – in combination with the work of the Brazilian government's Indigenous protection agency FUNAI (Fundação Nacional do Índio) – gives some consideration to Indigenous nationhood, but that consideration is sometimes actively subverted in the interests of extractive industries. Speaking about one Nation's efforts to oppose relocation as a result of a proposed dam, they write: *"*Brazil's constitution also appears to be on the Munduruku's side, as it bans the permanent removal of indigenous people from their land. But the land claim has to be recognised by the authorities, which can only happen after a report giving the coordinates is officially published by FUNAI, the National Indian Foundation. FUNAI began mapping Sawré Muybu eight years ago and completed the job in September 2013, but has yet to publish its report…. The Munduruku believe that the government is deliberately dragging its heels [to pave the way for a dam in their territory]" (pp. 2-3). Hanna et al. (2014) describe changes to the Onça-Puma nickel plant project that came about through the inclusion of traditional knowledge: "Originally the project intended to use water from the Cateté River for mining operations. However, after an ethno-ecological study, which was required as one of the conditions for environmental licensing and conducted with the broad participation of the affected group, it was evident that the river was essential for their livelihood and that the use of its water was strongly opposed, especially by the women" (Inglez de Souza & Giannini, 2005; in Hanna et al., 2014, p. 60). They nevertheless go on to point out ways that the rights of Indigenous people were ultimately not respected.

In the United States, there is likewise mixed evidence in regards to respect for Indigenous nationhood in the enabling environment created by the agency responsible for environmental protection:

> The EPA has interpreted some federal environmental statutes, such as the Clean Water Act, 'as authorizing tribes to implement federal programs within the scope of their inherent [tribal] powers….'. Conversely, under the Clean Air Act, the EPA interprets the Act as a delegation of authority to tribes. The tribes-as-states (TAS) provisions of major federal environmental statutes, such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act, allow tribes to act as states for purposes of implementing the statute under the cooperative federalism scheme (Deer & Kronk Warner, 2019, pp. 39–40).

More generally, Deer and Kronk Warner (2019) note the importance of tribes being able to enact and enforce their own laws as part of self-determination, which has significant implications for how domestic legal instruments are deployed in relation to impact assessments.

The enabling environment created by the Finnmark Act and other domestic legislation in Norway appears to be particularly successful examples of the recognition of Indigenous nationhood and rights in relation to extractive industries. Both Nygaard (2016) and Johnsen (2016) describe a decision by the Kautokeino Municipal Council, being asked to consider a gold mining project. Johnsen (2016), discussing the municipality's decision to reject the mining project, quoted from meeting minutes, where councillors explained, "it would be remarkable if the largest reindeer municipality in Norway approves…mining in Biedjovággi while there is an on-going examination of rights [to land] in Finnmark.…There is also a question whether it is morally right of Kautokeino municipality to allow such a significant encroachment before the customary rights of the land-users are clarified. Kautokeino municipality is an indigenous peoples' municipality with a vision to be an example to follow…. By rejecting the project proposal, the municipality gives a clear signal to national and international actors in favour of major infrastructure development that the municipality wants to safeguard the continuation of existing industries" (Kautokeino Municipal Council meeting April 2012, issue 13/12; in Johnson, 2016, p. 72). Nygaard (2016) points out that the municipality's ability to reject the project was enabled by 2009 revisions to the Planning and Building Act, "[which] lays the foundation for municipal planning of land use within its territory…. [and which] states, 'The Act shall protect the natural basis for Sami culture, economic activity and social life'" (p. 20). He goes on to note that "this new paragraph implies that the municipality must consider the effects of all kinds of land use and land changes that affects a wide range of Sami interests…. This means that the municipal council actually has a veto and can stop the development of a planned mine" (Nygaard, 2016, p. 20).

4.7.2 Practices Relating to FPIC

In international and domestic law, free, prior and informed consent (FPIC) "is currently provided exclusively for Indigenous and other 'traditional peoples', such as the descendants of escaped slaves (quilombolas in Brazil) and tribal peoples in Africa" (Hanna & Vanclay, 2013, p. 148). It is derived from the human right to self-determination, which is codified in several treaties and human rights declarations, including the UN's founding Charter (Hanna & Vanclay,

2013; Verbeek, 2013). The right to FPIC is recognized by the inter-American human rights system (Hanna & Vanclay, 2013) and to a limited extent by some extractive industries (Oxfam, 2015). The FPIC standard was not the focus of this literature review or our research questions, thus we have not done a thorough analysis. We note that it is an important standard to respect when proposed projects are situated in Indigenous territories, and support interpretations of FPIC that focus on consent and generating agreement through respectful and reciprocal processes. We agree with Hanna and Vanclay (2013) who suggest that FPIC should be honored when resource projects have the potential to affect Indigenous Nations, even in the absence of formal FPIC legislation or domestic requirements. They further suggest that SIA and HRIA are important tools to integrate FPIC into project assessment processes (Hanna & Vanclay, 2013).

While there are some promising examples of FPIC implementation, there are also many examples of FPIC problems and failures in relation to extractive industries. A point of particular concern for pursuing intersectional impact assessment is that who is chosen or seen by the consulting body as representatives of 'the community' is often hotly contested. Intersectional impact assessments depend on very broad understandings of 'the community.' The FPIC standard's requirements in this respect are stated in Articles 18, 19, 22, 25 and 27 of UNDRIP (Benjamin, key informant interview). There are numerous examples in the literature of groups affected by a resource project being left out of consultation processes, of companies elevating individuals in favour of the project to be the community's 'leaders' for the purposes of consultation, and of exclusions within the community being replicated in consultation processes (e.g. a company consulting only with male leaders) (Flemmer & Schilling-Vacaflor, 2016; Hanna & Vanclay, 2013).

4.7.3 Indigenous Ownership of Consultation and Indigenous Knowledge in Impact Assessment Processes

Increasingly, governments and corporations encourage the incorporation of Indigenous knowledges in impact assessment. While this is promising, many Indigenous Nations and researchers express concerns about the extent to which Indigenous knowledges are seen as valid evidence. Mitchell and Leach (2019) distinguish between 'fast' and 'slow' knowledge, where "[f]ast knowledge in the form of expert, applied, and new scientific knowledge was mainly generated by project team members. Slow knowledge in the form of local, cultural, traditional, and experiential knowledge was primarily generated by the local communities and indigenous groups" (p. 92). They note that fast knowledge from subject matter experts tends to be privileged. For example, Himley (2014) provides a detailed explanation of how – despite efforts to implement community-based water monitoring in relation to a Peruvian mining project – area residents'[9] knowledge about changing water quality and the consequences of such changes is dismissed via arguments about lack of scientific evidence. Barber and Jackson (2012) also point out that a sufficient level of trust is often not present in the relationship

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[9] The author (Himley, 2014) doesn't specifically identify the 'area residents' as Indigenous peoples, but his analysis resonates with Canadian-based critiques of failures to respect Indigenous knowledges in impact assessment and mitigation.

between Indigenous Nations and resource companies for Indigenous people to openly share all aspects of Indigenous knowledges. They may fear what the company will do with that information or that protocols around who has access to particular knowledge will not be respected.

However, there are also a number of promising examples of Indigenous ownership of consultation and impact assessment processes in the literature. Doohan (2013) offers a detailed description of how "the Gija Traditional Owners of the Argyle mine site [in Australia] have utilised and enacted two cultural principles – wirnan and manthe – as a way to manage the behaviour and responses of the mining company (as represented by senior management and the miners)" (p. 220). Carvajal (2016) discusses how Indigenous women's organizations across Central and South America "propose collective measures and practices of protection and healing, which take into account indigenous, Afro-descendant and garífuna spirituality… [These] concepts are counterpoised to a technocratic vision of territory, one that supposes the rationalization of 'natural resources' and which, along the way, instrumentalizes women's and native peoples´ knowledge and contributions" (p. 48). The study produced by the Australian government and the Minerals Council of Australia also suggested that "companies with processes that established a solid understanding of community context were better placed to enable women's participation. A good understanding of context and culture helped ensure that preparations and the negotiation itself were designed in a manner that foregrounds the rights of women. For example, some interviewees mentioned making special efforts to hold meetings at known 'women's sites' where women's right to speak and decide could not be questioned by men, or where their culture permitted women to be more vocal than in other places" (Keenan & Kemp, 2014, p. 11).

4.8 Community Resistances and Responses to Resource Development

Our literature searches uncovered a wide variety of resistances and responses from resource-affected communities internationally. Many communities engage in forms of direct action, including protests, blockades, and sabotaging company equipment, among others. These actions are often effective in bringing national and international attention to communities' concerns, and sometimes are effective in having communities' demands met by the government and proponent. One of the downfalls of direct action as a strategy of resistance is the substantial amount of effort involved in large-scale mobilization. As O'Fairchellaigh (2008) argues in the context of Australia, "it may be feasible to mobilize political support around a small number of high profile projects, but it is not feasible to do so around the scores of mining projects that are initiated in Australia every year" (p. 33). A number of communities have also found effective allies for their struggles against resource companies in networks of scholars and researchers, environmental organizations, faith-based organizations, and pan-Indigenous organizations.

Some communities have developed their own responses to inequalities in resource industries. In Bolivia, some Indigenous people have created "mining cooperatives in order to re-gain power over lands and territories, and ultimately, natural resources" (Eichler, 2018, p. 266). Community-based cooperatives, while often part of larger regional networks, largely control their own affairs to meet their people's different responsibilities and needs. Eichler (2018)

argues that these cooperatives are "a mechanism that creates an equal economic playing field and promotes peace and inclusion, also vis-à-vis indigenous youth, the elderly or women" (p. 267). Aside from generating income, they also can help excluded groups to bring attention to their political concerns.

Indigenous people also assert their Nationhood and foreground their knowledges through their efforts to resist resource extraction and "in efforts to assert their right to make their own decisions about what development should occur and under what terms" (Benjamin, key informant interview). In the only article we found discussing LGBTQ2S+ folks in the context of resource extraction, Amor (2018) discusses the importance of 'queering' environmental activism by drawing connections between environmental destruction (violence) and gendered violence, a practice that can also help to reveal Indigenous ways of knowing related to land, gender and sexuality; "When the environmental movement fails to acknowledge the continued violence against Two Spirit activists, and against sovereign Indigenous bodies both earthly and human at large, it reinforces the same coloniality that puts the planet at risk…. Activists say a greater embracing of the Two Spirit identity may be taking hold in response to the many attacks on the land" (p. 46). Whyte's (2018) article about the Dakota Access Pipeline (DAPL) offers an important discussion about the ways in which the governance of the #NoDAPL camps was informed by traditional Dakota and Lakota governance systems, including honouring women's leadership, governing in a way that remains "attuned to the dynamics of local ecosystems", and promoting sharing over hoarding (p. 325). As well, the community-led consultations in Colombia discussed by Carvajal et al. (2015) are understood as ongoing processes. In some cases, the process "involves physical and spiritual mobilization, as well as conceptualization evolving from an integral conception of territory, where the river is regarded as the blood, as the very body of the Wayuu people" (p. 26).

Other communities have declared their territory free of resource development and asserted moratoriums. "It remains to be seen what legal validity and lasting political impact these declarations have. For the moment, declaring territories free of mining has a powerful symbolic and political importance…" (Yagenova & Garcia, 2012, p. 158, in Middeldorp et al., 2016, p. 936). See Appendix 7 for a fuller discussion of community resistances and responses.

4.8.1 Spotlight on Women's Leadership

Women have often taken leadership roles in community-based organizing, even despite substantial cultural and structural barriers. These contributions are not always recognized in the literature; therefore, this section describes two examples of women's leadership.

In Nyabibwe, a community in the South Kivu province of the DRC, many women work as 'shashulere' or managers. They act as 'go betweens' for the artisanal miners who extract minerals and buyers who want to purchase those minerals in local markets (Bashwira et al., 2014). They are not formally recognized by the government, and the work they do is technically illegal. Therefore, they have no protection from police or government when something goes wrong in their dealings with a miner or buyer (Bashwira et al., 2014). To advocate for their formal recognition as an important part of the local economy and deserving of protections, they have formed "their own organization called the Association de Mamans Chercheures de la Vie (Association of Mothers looking for Life). AMCV … currently boasts a membership of 50

people" (Bashwira et al., 2014, p. 112). However, they were not invited to community engagement sessions on mining reforms (Bashwira et al., 2014). They have also developed creative strategies to strengthen opportunities for women in the artisanal mining sector such as asking the government for permission for three women to share one artisanal mining licence so they could operate legally. These licences are very expensive to buy on one's own and women have very little access to credit compared to men in the DRC (Bashwira et al., 2014).

In Colombia in 2014, 70 Afro-descendent women marched from Suárez to Bogotá as part of the community-organized 'Mobilization of Afro-descendant Women for the Care of Life and of Ancestral Territories.' The goal of the mobilization was to draw attention to the illegal mines operating on territory controlled by their community council, the lack of prior consultation for those mines and the human rights abuses taking place in their territory (Carvajal et al., 2015). While the Colombian government agreed to take action, that action never materialized. As Carvajal et al. (2015) write "the women and their communities had to remove the excavators by force. The lack of response from the government vis-à-vis mining activity has caused several deaths and an increase in the vulnerability of black communities in the North of Cauca" (p. 21).

5. Implications

Our findings – summarized in our seven key messages – point to three key implications for research, policy and practice:

1. New tools and more fulsome intersectional, Indigenous, decolonial and rights-based commitments are needed to identify impacts most likely to be experienced by diverse, invisible members of communities.
2. Different approaches and careful attention are needed to ensure that the most invisible members of communities are included in impact assessment processes.
3. Community control and ownership in impact assessment and resource-related decision-making processes are a necessary part of advancing GBA+ in impact assessment.

5.1 Identifying Impacts for Invisible Community Members

Key Message 1*: There are significant research gaps on impacts experienced by, and strategies for including, historically excluded groups in general, and people with disabilities, LGBTQ2S+ folks and youth in particular.*

Key Message 2: *There are few examples of intersectional analysis in impact assessment at any stage (e.g., from scoping to monitoring and mitigation). Siloed responses and discussions are less helpful in capturing the experiences of historically excluded groups who can experience impacts as a result of multiple and intersecting oppressions.*

Key Message 3: *Community consultations need to be both culturally relevant and culturally humble.*

The findings presented in this report echo our findings in the Canadian context (Manning et al. 2018a, 2018b; Stienstra et al. 2016, 2019), which show that historically excluded members of communities are likely to experience disproportionately negative impacts associated with resource extraction. As in our previous research, the findings presented here highlight a similar lack of tools for meaningfully engaging with invisible community members in IAs.

For us, an intersectional analysis in impact assessment focuses on those who are most likely to be excluded from decision-making and most likely to experience disproportionately negative impacts as a result of resource projects. This is consistent with the common practice within impact assessment of assessing 'highest risk' categories first. These groups often include Indigenous people, women, LGBTQ2S+ people, people with disabilities, non-Indigenous people of colour, young people, older people, people living on low incomes, and people who identify with multiple of these groups. Impacts disproportionately affecting members of these groups – which result from multiple and intersecting inequalities – are often inadequately identified and mitigated in impact assessment practice. As one of our key informants noted, "we've certainly seen a lack of real understanding of looking at sexual orientation and gender identity in the assessment process and looking at non-Indigenous racialized folks and [others]" (Hansen, key informant interview). Attending to diversity and focusing on the role of inequities in shaping impacts is critical to intersectional practice in impact assessment. Tools that can support this work include the resources found in Appendix 8, as well as some of the promising practices identified in Section 4.5.2. Going beyond immediate impacts of a project to examine the cascading effects of those impacts (and benefits) for diverse members of communities (as discussed in Section 4.1.2) is also part of an intersectional approach. For example, "I've never seen a project look at whether or not future generations are going to be bearing the burden of impacts…, and not enjoying the benefits because the benefits are going to be felt in the immediate term" (Johnston, key informant interview).

Community consultations need to be both culturally relevant and culturally humble, especially when involving members of Indigenous Nations. Practices and preferred methods of decision-making can differ significantly between and within Indigenous Peoples and Nations. For example, members of our Advisory Circle remind us that even within Inuit Nunangat, consultation and negotiation practices can differ significantly depending on which political actor is leading the process, and on the local context of the community itself. No 'one size fits all' process is sufficient. This is also why the promising practices we identify in Section 4.5 should provide inspiration for what a culturally relevant and humble process might look like, rather than being treated as a rigid implementation template. From Canada, the Firelight Group has produced an excellent guide on the assessment of culture and rights in impact assessment (Gibson et al., 2017). Ultimately, the appropriateness of any particular method of engagement or consultation should be determined in partnership with communities.

5.2 Including Invisible Members of Communities

Key Message 4: *Intersectional analysis can start with a gendered lens but needs to move beyond that to represent the diversity of the community.*

Key Message 5: *To create a context in which intersectional impact assessments are possible, international human rights commitments need to be implemented meaningfully through domestic laws, regulations, policies and practices.*

Our efforts to uncover intersectional analyses of resource extraction, or the application of intersectional analyses in impact assessments, have revealed that people with disabilities, LGBTQ2S+ folks, youth, and non-Indigenous racialized groups are rarely discussed, neither in terms of the potential benefits and consequences of resource extraction and development in their lives, nor in terms of the inclusion of their knowledge. None of our key informants could recall a time that disability was specifically considered in impact assessment. Women and Indigenous women are more frequently considered, but their experiences are often negative, their inclusion is uneven, and the effects of their inclusion are uncertain. Recognizing that many people appear to be 'mainstreamed out' of impact assessment, the question becomes: what would it take to reach and include often marginalized and invisible members of communities in resource consultations and decision-making?

Answering this question depends on understanding why so many people remain invisible. Our research suggests that part of the problem lies in the unequal power relations embedded in political structures, both within communities and within governments and corporations more broadly. Colonialism, sexism, heterosexism, racism, ableism, and classism are mutually reinforcing and often go unchallenged. Inclusive decision-making practices recognize that communities are bigger and much more diverse than those people who are in positions of authority (e.g. elected officials) and help to ensure that project scoping, reviews, and mitigating measures reflect the realities and knowledges the broad diversity of the community.

Attending very deliberately to inclusive practices in impact assessment helps to create a space where often invisible members of communities are able to participate and feel welcomed to do so. Practical guidance on how to create inclusive spaces can be found in the Inclusive Practices Toolkit and other tools in Appendix 8. Taking direction from, and developing inclusive strategies with, invisible groups and their representative organizations (e.g. disabled peoples' organizations, youth groups) within communities is a step that both governments and corporations can take in impact assessment. Inclusive practices might also involve different forms of participation not typically found in formal regulatory processes. For example, including Indigenous youth might come in the form of holding "a poster competition with the kids, so…at the hearing they… [tell] youths' stories but through their drawings" (Gosling, key informant interview).

International human rights commitments are important frameworks for promoting inclusivity and asserting the rights of marginalized groups within communities. For them to contribute to enabling environments for inclusive impact assessment, they need to be implemented meaningfully through domestic laws, regulations, policies and practices. Notably, this means interpreting free, prior and informed consent as going beyond the duty to consult. In promoting inclusive impact assessment, it is important to ask, "what are the risks that community members face in participating openly and actively in these processes, and how can we make sure that the process doesn't increase the level of risk? And how can we prevent harm in these settings?" (Thomson, key informant interview).

Another part of the answer, discussed further below, is to give communities more power in impact assessment and decision-making. The examples of community-based promising practices that we discuss in Section 4.5.2 and Appendix 5 offer strong potential for being inclusive of invisible members of communities and are much more inclusive than some state and corporate-led consultation and impact assessment processes.

5.3 Community Power in Impact Assessment and Resource Decision-Making

Key Message 6: Civil society and community-led processes are essential components of any impact assessment.

Key Message 7: Sufficient funding is needed for community impact assessment and capacity building. Sufficient time is also needed for consultation and public engagement to allow for multiple and iterative conversations across and within communities.

Even when impact assessments take community concerns seriously, official regulatory processes can undermine community efforts to have their concerns recognized and addressed. For example, "In [the] Site C [dam case], the panel concluded that the project would result in significant and adverse impacts and that the impacts couldn't be justified because BC Hydro hadn't proven that the project was necessary. The government went ahead and approved it, contrary to the panel's recommendation" (Johnston, key informant interview). Another key informant noted that "we need to link community consultation to community consent in order for [consultation] to be meaningful. Government approval of a project is not community approval of a project, especially in contexts where governments are implicated in human rights violations" (Russell, key informant interview). Attending to calls to recognize the standard of Indigenous rights to free, prior and informed consent is essential as is being mindful of the diversity of the community.

Our research shows that community-based and civil society-led impact assessments (described in Section 4.5.2 and Appendix 5) complement official regulatory processes in ways that respond to problematic gaps. They do this in part by identifying impacts that are scoped out of corporation-led and government-led assessments. "There's so much focus on the official assessment process and how we engage with government, as opposed to saying, we also need to really support people [and communities]…to be resourced to do their own assessments to help them determine how to engage in those official processes" (Hansen, key informant interview). Appendix 8 includes examples of community and civil society-led impact assessments from Canada. Communities also can play an important role in monitoring impacts and developing indicators for doing that (Gosling, key informant interview).

Doing inclusive community consultations and assessments require significant funding and time. Funding is not always available for this kind of work from governments and corporations (Thomson, key informant interview). Even when it is available, it is often insufficient to carry out the scope of activities in which communities wish to engage. The compressed timelines of many impact assessment processes also represent a significant constraint for meaningful and inclusive community engagement. One key informant described it this way: "often this stuff is…a train that's just barrelling down…so often what we see are people scrambling and trying to

input at the eleventh hour" (Hansen, key informant interview). Another pointed out that compressed timelines may disproportionately affect Indigenous Nations and have implications for the inclusion of Indigenous knowledges: "often assessments occur at the time of the year when they're out on the land and … out hunting, for example…which can be a barrier to that participation and therefore to the consideration of Indigenous knowledge" (Johnston, key informant interview). Flexibility in impact assessment timelines can allow for multiple and iterative conversations across and within communities, rather than the rushed, one-time engagements that tend to be the norm.

6. Conclusion

In attempting to answer our questions about promising intersectional practices in impact assessments, our research results highlight more troubling impacts of resource extraction and development, and persistent gaps in our understanding of the experiences of invisible community members, including LGBTQ2S+ folks, people with disabilities, youth, and racialized non-Indigenous folks. We have identified several promising practices with intersectional potential and outlined ways that these could be enhanced or developed further in line with intersectional commitments as well as respect for Indigenous Nationhood and knowledges. What is clear is that collaborative research efforts to develop, apply, and monitor the efficacy of impact assessments that are community-informed, underpinned by intersectionality, and attentive to Indigenous rights to self-determination are paramount. As we confront the limits of growth and sometimes violent interactions between land protectors and the companies that aim to exploit land for economic gain; and as consciousness about the rights of invisible communities and Indigenous peoples increases, it is time to move energy and material production to the right side of history.

7. Knowledge Mobilization Activities

This project is undertaking knowledge mobilization in coordination with the Advisory Circle of knowledge experts and users. We have generated two knowledge outputs (this report and an accompanying evidence brief) that relied on engagement with a variety of audiences throughout the project. These outputs will be disseminated through various means: online, through social media, and in print by drawing on the networks of our Advisory Circle members and networks of the Live Work Well Research Centre and Northern Women's Wellbeing Project at the University of Guelph. Members of the Advisory Circle will also use the findings to advance their respective ongoing work. As a part of our commitment to accessibility, we will make sure that documents produced are accessible, both in terms of formatting and plain language, and where possible and desired, translated into additional languages. The following table notes a number of target audiences for this knowledge mobilization.

Audience	Specific Groups, Organizations, Agencies and Departments
Research Networks	Urban Aboriginal Knowledge Network; Community Engaged Scholarship Institute, University of Guelph; ArcticNet; International Union on Circumpolar Health

Audience	Specific Groups, Organizations, Agencies and Departments
Indigenous Groups	Assembly of First Nations; Native Women's Association of Canada (NWAC); Pauktuutit Inuit Women of Canada; Inuit Tapiriit Kanatami (ITK); Congress of Aboriginal Peoples; Métis National Council (MNC); National Association of Native Friendship Centres; Reconciliation Canada; First Nations Energy and Mining Council; Quebec Native Women's Association; Manitoba Keewatinowi Okimakanak (MKO) Inc.
National and Regional Organizations	Conference Board of Canada – Centre for the North; Women in Mining, Mining Sector Council; Mining Watch; Federation of Canadian Municipalities (Northern/women's committee); International Association of Impact Assessment (Western and Northern Canada); Canadian Labour Congress; Canadian Centre for Policy Alternatives; Kairos; and Mennonite Central Committee; Girls Action Foundation; Council of Canadians with Disabilities; Égale Canada; Northern Policy Institute; Oxfam; Amnesty International; Canadian Research Institute for the Advancement of Women
Government Agencies and Departments	Indigenous Services; Crown and Indigenous Relations; Women and Gender Equality; Environment and Climate Change; provincial departments with mandates for Indigenous and northern affairs, employment, economic development, environment, women and gender equality, disability and youth

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Appendix 1: Project Advisory Circle

Craig Benjamin is an Independent researcher and consultant, and former member of staff for Amnesty International.

Bonnie Brayton is the National Executive Director of the DisAbled Women's Network of Canada (DAWN Canada).

Jackie Hansen is a Gender Rights Campaigner at Amnesty International Canada.

Lema Ijtemaye is the Manager, Social and Economic Development at Pauktuutit Inuit Women of Canada.

Jane Stinson is a Research Associate with the Canadian Research Institute for the Advancement of Women and an Adjunct Professor in the Institute of Political Economy at Carleton University.

Appendix 2: Methods

To complete the academic literature search (step 1), we searched four relevant databases using categories of terms related to resource extraction, countries of interest, identities, power relations, and policy tools and responses. The countries of interest were those identified in cursory literature searches and noted by members of the Advisory Committee and research team. We also ensured the inclusion of countries from the global north and global south, and from all regions of the world (see Table 1 for search terms).

Table 1: Search Terms

Resource extraction	(Hydroelectric OR Dam OR Mining OR Mineral OR Mine OR Gas OR Oil OR Fracking OR Clear-Cutting OR "Resource development" OR "Resource extraction" OR Electricity OR Infrastructure OR Pipeline OR "Extractive industries")
Countries	(Australia OR Colombia OR Finland OR Guatemala OR India OR Norway OR Papua New Guinea OR Sweden OR Uganda OR United States OR Alaska OR Honduras OR Brazil OR Philippines OR Bolivia OR Chile OR Congo OR Ghana OR Mexico OR Nigeria OR Panama OR Peru OR South Africa)
Identities	Group 1: (Indigenous OR Aboriginal OR "First Peoples" OR Tribe OR Tribal OR Native OR Pastoralist OR Nomad) Group 1.1 – Country/Region Specific Peoples: ("First Nation" OR Inuit OR Inuk OR Métis OR Adivasi OR "Torres Strait Islander" OR Sámi OR Sami OR "American Indian" OR Benet OR Batwa OR Ik OR Karamojong OR Basongora OR Maya OR Quechua OR Aymara OR Mbuti OR "Baka gäbe" OR Buglé OR Guna OR Emberá OR Wounaan OR "Bri bri" OR "Naso Tjërdi" OR Igorot OR Lumad OR Mangyan OR Bakola OR Tswa OR Batwas OR Babongo OR Baaka OR Mbendjeles OR Mikayas OR Bagombes OR Babis OR San OR Khoekhoe OR Khoe-San) Group 2: (Gender OR Sexuality OR Sex) Group 3: (Wom?n OR Girl OR Female) Group 4: (Male OR M?n OR Boy) Group 5: (Transgender OR Transsexual OR Two-Spirit OR Non-binary OR Intersex OR "Gender non-conforming") Group 6: (LGBT* OR Lesbian OR Gay OR Bisexual OR Queer)

	Group 7: (Race OR Racialized OR "Visible minority" OR Ethnic* OR "of color" OR "of colour" OR BIPOC) Group 8: (Disab* OR Impair* OR Blind OR Deaf OR Mad OR "Mental health" OR Illness OR Mobility OR Psychiatric) Group 9: (Young OR Youth OR Elder OR Senior OR Teen OR Adolescent OR Child*) Group 10: (Poverty OR "Low income" OR Unemploy* OR Poor OR Class OR "Socio-economic status") Group 11: ("Single mother" OR "Single parent" OR "Lone parent") Group 12: (Homeless OR Transient OR "Hard to house") Group 13: (Migrant OR Immigrant OR Displaced OR Newcomer OR "Temporary foreign worker" OR Refugee OR Undocumented)
Power Relations	Group 1: (Sexism OR Homophobia OR Transphobia OR Heterosexism OR Patriarchy) Group 2: (Ableism) Group 3: (Displacement OR Dislocation) Group 4: (Racism OR Colonialism OR Coloni?ation OR Ethnocentrism OR Imperialism OR "White supremacy") Group 5: (Classism OR Capitalism OR Neoliberalism OR Globali?ation) Group 6: (Power OR Discrimination) Group 7: (Equity OR Equality)
Policy / Tool / Framework	Group 1: ("Gender analysis" OR "Sex analysis" OR "Gender based analysis" OR Mainstreaming OR "Intersectional analysis" OR "Gender responsive" OR GBA*) Group 2: (Decoloniz* OR UNDRIP OR "United Nations Declaration on the Rights of Indigenous Peoples" OR FPIC OR Consent OR Knowledge OR "Indigenous rights" OR "Ways of knowing" OR "Buen Vivir" OR "Madre Tierra" OR Cosmo-visions OR "Consulta de Buena

	Fe")
	Group 3: ("Policy lens" OR "Gender lens" OR "Diversity lens" OR "Disability lens" OR "Indigenous lens" OR "Inclusion lens")

We limited our results to full text articles published in English, between 2006 and present (January 2020). Articles were included for initial review if the abstract spoke to one or more of the guiding questions or to the community impacts of resource extraction generally. This process resulted in the identification of 498 articles, an overwhelming number that warranted a need for further screening. We therefore developed and applied additional exclusion criteria. During this second review of abstracts, articles were excluded if they:
- had a historical focus (including case studies of events prior to 1980);
- were theoretical or conceptual in nature;
- focused on macro-economic issues, Canadian mining/extraction abuses abroad, or media reporting related to resource extraction;
- did not focused on marginalized groups, or on our countries of interest;
- made no mention of a promising tool/model/policy/practice, or focused exclusively on widely acknowledged critiques (e.g., the proponent failed to talk with the community after promising consultation);
- focused exclusively on financial compensation or on testing the "resource curse" hypothesis

After completing the exclusion process, 128 articles were retained for inclusion, and reviewed using the a priori analytical framework (step 2), which was comprised of 17 questions intended to identify and extract key information from retained articles. The framework included questions that focused our attention on the experiences and concerns of historically invisible groups, such as women with disabilities and LGBTQ2S+ identifying folks. It also included questions that pushed us to search for promising inclusive engagement practices, as well as evidence of positive outcomes resulting from more intersectional approaches. The full list of questions includes:

1. What are the impacts of resource extraction for historically excluded members of communities? Identity any major political, social, economic, health or cultural impacts and include both positive and negative impacts.
2. Are there any good examples of intersectional analysis of impacts or experiences?
3. What are the experiences of, or concerns expressed by, people of different gender and sexual identities in relation to resource extraction?
4. What are the experiences of, or concerns expressed by, people of different ages (especially youth) in relation to resource extraction?
5. What are the experiences of, or concerns expressed by, people with disabilities in relation to resource extraction?
6. What are the experiences of, or concerns expressed by, Indigenous people (especially Indigenous women), communities and Nations in relation to resource extraction?

7. What are the experiences of, or concerns expressed by, racialized persons or ethnic minorities in relation to resource extraction?
8. What policies, tools, methods or actions were used to identify community harms related to resource development? Describe any tool or framework that was used. Did it identify or address gendered or intersectional impacts?
9. What policies, tools, methods or actions were used to respond to, influence or mitigate resource development? Describe any tool or framework that was used. Did it identify or address gendered or intersectional impacts? Was funding available and for whom? What is the role of communities in this process?
10. Do governments or policies conceptualize impacts or experiences intersectionally?
11. To what extent have rights claims been used in resource extraction? Who uses rights claims and for what purposes?
12. What engagement and participation practices have been implemented or are proposed to ensure the involvement of affected communities? To what extent are they accessible to and inclusive of diverse members of communities? What is the role of communities in this process?
13. What evidence is there that communities experience increased benefits as a result of these practices?
14. What evidence is there to demonstrate increased community safety as a result of these practices?
15. What evidence is there to demonstrate increased accessibility and inclusion as a result of these practices?
16. What evidence is there to demonstrate increased health and wellbeing as a result of these practices?
17. What evidence is there to demonstrate respect for Indigenous nationhood and Indigenous knowledges through these practices?

During the process of applying the analytical framework, we identified significant gaps in the literature related to our guiding questions. We used these gaps as a foundation for undertaking a targeted Google community and policy literature search (step 3). A slightly modified approach was utilized during this process. In order to yield a manageable amount of search results, smaller key word searches were conducted. We screened the first 50 to 100 search records and extracted the relevant community and policy literature before moving onto the next keyword search. During this process, we also scanned the bibliographies of key community documents to identify other potential organizations that have written on this topic. As part of step 3, we also sought guidance from the Advisory Committee and key informants, and searched explicitly for promising policies, practices or tools from other countries based on their recommendations. This process resulted in the inclusion of 46 community reports and policy documents. This literature was assessed, and if deemed relevant (and had not been identified through the earlier database searches), was included for analysis.

Finally, we conducted semi-structured interviews with 7 key informants (step 4). Key informants were identified through discussions with the Advisory Committee, and through our review of the academic, community, and policy literature. Key informants were people who had either direct or indirect experience with impact assessments in countries other than Canada.

Key informants were asked if they could give examples of impact assessments that have been more inclusive of people with disabilities, youth, and LGBTQ2S folks. They were also asked to share their ideas and recommendations for developing more promising intersectional impact assessment practices. Interviews were tape-recorded and transcribed verbatim for use in the analysis. This project received approval from the University of Guelph Research Ethics Board (REB# 18-07-008).

Our analysis was grounded by step 2 (described above); we extracted information from the academic literature using the questions included in the a priori analytical framework. To do so, we read each included article and document, copying relevant chunks of text into a word document organized according to each of the 17 questions. Subsequently, we applied the analytical framework to all community and policy literature.

Appendix 3: Indigenous Rights Provisions

As mentioned in the main report, changes in government can bring substantial changes to domestic laws and institutions and impact assessment practices. The findings below come from our literature review. These particular measures may be no longer in place in some of the countries discussed given changes in government since the cited literature was published.

Constitutions, Legislation and Laws

Brazil's 1988 constitution contains protections for Indigenous rights including provisions for rights to their lands based on recognized land claims and a prohibition of removal from their lands to make way for resource development (Burrier, 2016; Branford & Torres, 2015). In addition, the state is "obligated to respect boundaries and preserve all environmental resources, including flora and fauna" (Burrier, 2016, p. 344). Brazil requires the use of Indigenous knowledge in the impact assessment and mitigation plans for all projects proposed on Indigenous lands (Hanna et al., 2014).

The US Constitution "recognized tribal sovereignty through the Indian Commerce Clause…which acknowledges that Indian tribes are legally distinct from federal or state governments" (Deer & Kronk Warner, 2019, p. 37). The federal government can delegate authority for issues that are typically under federal jurisdiction to tribal governments through a treaty or statute endorsed by Congress (Deer & Kronk Warner, 2019), including environmental protection.

One of the key principles of Bolivia's 2009 constitution is 'living well' or suma qamaña (Bastida & Bustos, 2017) which is derived from Indigenous knowledge. Indigenous people in Bolivia represent a majority of the population. Clauses in the constitution dictate that natural resources should be developed in a way that reduces poverty and facilitates inclusion (Bastida & Bustos, 2017). Indigenous Nations have the right to mandatory prior consultation when resource development is proposed in their territory (Bastida & Bustos, 2017; Perreault, 2015) but no specific consultation process has been established so companies can bypass these requirements (Campero and Barton, 2015). The 1992 Environmental Law provides not only for proponent-led consultation during the impact assessment (consulta pública) but also for audiencia pública which are "initiated at the request of communities, and are administered by the state (via the Ministry of Environment)" (Perreault, 2015, p. 436).

Despite national ownership of subsoil resources enshrined in Guatemala's constitution, other laws enable consultation mechanisms, including the Municipal Code which states that traditions of Indigenous people should be respected by the state. However, the Code "establishes a higher standard of participation for such votes to be considered binding (50 percent of registered voters instead of 20 percent [for non-Indigenous communities])" (Fulmer et al., 2008, p. 100). This higher standard has been critiqued as being racist. Mining companies are also quick to dismiss decisions made according to Indigenous traditions in consultation processes as invalid (Fulmer et al., 2008).

In the Philippines, the Indigenous Peoples' Rights Act requires companies to ensure FPIC in areas inhabited by Indigenous Peoples (Minter et al., 2012). The National Commission on Indigenous Peoples is mandated for certifying FPIC. FPIC is defined as "[t]he consensus of all

members of the [Indigenous community] which is determined in accordance with their respective customary laws and practices free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the plan/program/project/activity, in a language and process understandable to the community" (as quoted in Minter et al., 2012 p. 1242).

In the Nordic countries, Sami rights are based in civil law and differ depending on the jurisdiction. In Norway, there is currently no nation-wide recognition of Sami individual or collective land rights. Some legislation requires consultation with the Sami for mining projects in some regions (Horowitz et al., 2018). In the most northern region of Norway, for example, the Finnmark Act "recognizes the Sami as an indigenous people with substantive rights. The law creates a framework for the return of rights to property previously held by the state, and for the identification and recognition of existing rights" (Broderstad 2011, p. 904). This Act also includes provisions related to Sami customary rights. In Finland and Sweden, mining legislation provides limited protections for Sami reindeer husbandry, although "mineral extraction tends to prevail over Sami rights and interests" (Horowitz et al., 2018, p. 406). There are no requirements for consent in Swedish law and Sweden has been criticized by the UN for its lack of recognition of Sami rights (Lawrence & Larsen, 2017).

Courts

Colombia's Constitutional Court has made several favourable rulings that support requirements for consultation and consent for Indigenous and Afro-Descendant Peoples when resource development is proposed near their land (Weitzner, 2017).

In a 2010 case in Bolivia, the Constitutional Court, reinforced Indigenous peoples' right to consent on a case that involved the territory of the Assembly of Guaraní Peoples (APG) Itika Guasu. The APG Itika Guasu argued the use of a work camp for the repair of roads in the area would affect their territory and they had not been consulted. The Court relied on UNDRIP and ILO 169, as well as a 2007 Inter-American Court of Human Rights case, Saramaka People v. Suriname, in its decision. The Court not only upheld Indigenous Peoples' right to prior consultation, but also expanded the circumstances in which consent may be withheld by affected Indigenous Peoples. Unfortunately, "Bolivia's executive organ has not taken any meaningful steps to comply with the Constitutional Court's ruling" (Tockman 2018, p. 336).

A South African case highlights the use of both domestic and international legal instruments to affirm Indigenous nationhood and rights. The court upheld customary law as equal to but not the same as common law. It ruled that that infringing or impairing customary communal rights may, in some circumstances, require obtaining the traditional community's consent, or their free, prior and informed consent. The case illustrated that "constitutional recognition of traditional communities, especially in a bill of rights, can be important to traditional owners and address broader goals, like redressing historical wrongs and advancing reconciliation" (Young 2019, pp. 197-198).

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Appendix 4: How Has Gender Impact Assessment Been Taken Up Internationally?

An ongoing challenge in gendering impact assessment internationally is the lack of uptake of a gendered lens in government departments with responsibilities for extractive industries. In other cases, a gender lens exists in policy but not in practice. These problems have been noted in Peru (Carlier, 2017), Ghana (Weldegiorgis et al., 2018), and many other countries.

The benefits of gendering impact assessment are increasingly being recognized by some corporations. Rio Tinto has been recognized as a leader in this area in the literature, despite a dubious corporate record on community violence and harms, including in Canada (Community Vitality Advisory Group & Research Team, 2018). In policy, they appear to recognize the many benefits of a gender lens to their operations: "A 'rights-compatible' gender and diversity approach will help increase our capacity to minimise negative impacts of mining; gain and maintain a social licence to operate; provide local and Indigenous employment opportunities; uphold corporate commitments to human rights; improve access to project finance; and advance Rio Tinto's sustainable development goals" (Kemp & Keenan, 2009, p. 22). Rio Tinto's guidance document also acknowledges that "gender intersects with other diversity aspects" (Kemp & Keenan, 2009, p. 26).

Many well-meaning governments, civil society organizations and companies themselves have created checklists and toolkits with suggestions for improving gender inclusivity in impact assessments and extractive industries more generally. Examples of these toolkits include those created by the European Institute for Gender Equality (see Peletz & Hanna, 2019), Oxfam Australia (Hill et al., 2017), and Rio Tinto (Kemp & Keenan, 2009). However, some scholars are critical of the real impact of these initiatives. Shrestha et al. (2019) argue: "the intention to reduce gendered inequalities through toolkits is grossly inadequate in challenging and transforming complex inequalities by gender… at best, toolkits serve to mask and ignore the profoundly political and patriarchal context of development" (p. 135).

One initiative intended to improve community safety and security in the artisanal small-scale mining (ASM) sector of the eastern Democratic Republic of Congo (DRC) is worth examining in detail because it shows the importance of using gender-based analysis in the design of mitigation measures. This region has been greatly affected by armed conflicts fueled in part by mineral extraction. Since 2012, the Congolese government has implemented a system of coloured labelling for mine sites in the eastern part of the country. Mine sites receive "green, yellow or red labels depending on the degree to which the social and security conditions in and around the mines meet the standards" set by two international bodies, the Organization for Economic Cooperation and Development (OECD) and the International Conference on the Great Lakes Region (ICGLR) (Bashwira et al., 2014, p. 112). Only mine sites labelled green can export their mineral ore internationally under this system. This is meant to be an incentive to ensure that communities near mine sites enjoy a certain degree of safety. However, this initiative in practice has unintended gendered consequences for women working in the ASM sector. A condition of a mine site achieving a green label is that no pregnant women can work there. The logic of this condition is that mercury is used in the processing of minerals at many of these mine sites, and mercury is especially dangerous for pregnant women and their

unborn fetuses. But as Bashwira et al. (2014) note, a blanket ban of this sort ignores that women fulfill many different roles in ASM and may not be directly working with or in the vicinity of mercury to do their job at the mine site. Thus, they are being unfairly excluded from access to income that is likely vital to their family's wellbeing, given the high levels of poverty in the region. The same condition has also been used to justify preventing breastfeeding women from working at the mine sites even after they have given birth and wish to return to work. Bashirwa et al. (2014) argue that, despite the arguably good intentions of this condition, "instead of serving as an instrument to protect women miners' health, it is currently being abused as a tool to consolidate the male-dominated nature of the ASM industry in eastern DRC" (p. 112).

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Appendix 5: Specific Promising Practices

Equipo Comunitario (EC)

Afro-descendant communities in Colombia developed an innovative community-based consultation model for the state and company consultation process during the development of the Environmental Management Plan for the Salvajina dam. The equipo comunitario (EC) was a team made up of "people from the six community councils involved (Aznazú, Aganche, Mindalá, Pureto, La Meseta and La Toma). The 29-person EC team included three participants from each of the six community councils, three community-based rapporteurs, five professionals in social, environmental and legal issues, and three overall coordinators" (Machado et al., 2017, p. 1079). The EC was directly involved in the consultation process with communities and helped Black communities formulate their demands for the company and the state.

As a strategy for countering the power imbalance between communities and government and company representatives, members of "this team accompanied community members and traditional authorities during meetings with the company and the state" (Machado et al., 2017, p. 1079), sometime intervening to ensure that community members' views were heard. The EC also arranged for capacity-building workshops for the 42 communities represented by the community council on "ethnic rights, prior consultation, and environmental management plans, including technical and legal aspects" (Machado et al., 2017, p. 1080), to prepare community members to participate in consultation meetings.

As part of the consultation preparation process, the EC also helped to develop each community's Buen Vivir plan. These plans were particularly useful to communities in their engagement with the company during the consultations. As Machado et al. (2017) write:

> At the technical level, the company attempted to identify the impacts in separate dimensions without seeing the complex relations among them. This disarticulation corresponds with a fragmented way of looking at the world and harmed the communities because it profoundly disarticulated their relational way of seeing and constructing their territories… By framing their analyses in terms of their Buen Vivir Plans, they fostered less-fragmented strategies. (p. 1080)

Social Water Assessment Protocol (SWAP)

Noting that impact assessments for mines in the Australian context do not adequately consider social and human rights impacts related to water, Collins and Woodley (2013) propose using a Social Water Assessment Protocol (SWAP) to identify these impacts and how they are experienced by members of communities. At the time of publication, the tool had not been implemented, but it provides a promising example of a tool for intersectional impact assessment.

Collins and Woodley (2013) say that SWAP is a scoping tool to be used by mining sites that "aims to assist sites to identify the value of water beyond purely technical metrics and to connect these values to its operational water management" (p. 158). They have developed 14 themes, covering a wide range of impacts for different members of communities, to be documented in the SWAP. There are guiding questions for each theme. The 14 themes include:

1. a snapshot of the physical water sources within the context;
2. a survey of the climate conditions of the context;
3. a survey of how water is used for domestic purposes within the context;
4. a survey of the water infrastructure within the context;
5. a survey of how water is used with the formal economy and within industry;
6. a survey of the water interactions of and significance of water to Indigenous peoples within the context;
7. a survey of the cultural and spiritual values that people place upon water in this context;
8. a survey of the recreational use of water in this context
9. a survey of general human rights issues related to water in this context;
10. a survey of gender issues related to water in this context;
11. a survey of health issues related to water in this context;
12. a survey of how other key stakeholders in the context interact with water;
13. a survey of the interaction that occurs between stakeholders within the context;
14. a survey of the legislation, policy and politics related to water within this context (Collins & Woodley, 2013, pp. 161–162).

Many different sources of information should be used in the SWAP the SWAP. Collins and Woodley (2013) argue that the SWAP "[can] reveal areas where a more in-depth social or human rights impact assessment is required" (p. 162).

Collins and Woodley (2013) emphasize that diversity within social groups, such as women and Indigenous people, should be recognized within SWAPs. While not calling it intersectionality specifically, they do state that, when assessing water-related impacts for women "consideration should be given to how their requirements with regard to water relate to those of men, as well as how differences such as class, race and age come into play" (Collins & Woodley, 2013, p. 163). In addition to the specific themes that mention gender and Indigenous Peoples, the themes that ask companies to consider the domestic and recreational use of water, human rights issues, and health issues could be effective in revealing intersectional impacts if the person conducting the SWAP is attentive to diversities within communities and inequalities within and among stakeholder groups when gathering data.

Beyond the initial approval phase of a mine, Collins and Woodley (2013) suggest that SWAPs would ideally be done repeatedly to document changing impacts of a mine over its lifetime. They suggest that in the Australian context, it could be combined with the Mineral Council of Australia's Water Accounting Framework which is conducted annually.

Consulta Comunitaria

Civil society actors in Guatemala have organized consultas comunitarias (community consultations) to allow members of communities to express their opinions about mining developments near their communities (Holden & Jacobson, 2008). Most consultas operate on a 'yes' or 'no' vote system, asking community members whether mining should be allowed in their area. They essentially amount to a community referendum on developments. The majority of voters in consultas tend to near unanimously vote 'no' (Holden & Jacobson, 2008; Janzen, 2018). LaPlante and Nolin (2014) write that "Between 2005 and mid-2013, 78 communities and

approximately 1 million people have participated in similar consultas across western Guatemala" (p. 236).

Despite the strong opposition to mining voiced by communities through these consultas, the Guatemalan government has allowed mining to proceed (Janzen, 2018). It has challenged the legality of consultation held in the community of Sipakapa opposing the Marlin Mine in the Constitutional Court. In 2007, the Court ruled that the consulta was "legal (but not binding) on the basis that Guatemala lacks a legal framework enabling such referendums" (Holden & Jacobson, 2008, p. 339). This is disappointing given that Guatemala is a signatory to ILO Convention 169, the constitution prioritizes international treaties over domestic law, and the Municipal Code has provisions for community consultations (Holden & Jacobson, 2008; Laplante & Nolin, 2014).

Consultas comunitarias have emerged from "Mayan methods of communal decision-making" (Holden & Jacobson, 2008, p. 339). Consultas are a method of resistance for Indigenous communities to assert their rights to self-determination despite the lack of recognition of that right by the government (Janzen, 2018; Laplante & Nolin, 2014). One Mayan leader described the Sipakapa consulta as "'revindicating the rights of people who have been the owners of these territories for at least the last 5,000 years'" (cited in Laplante & Nolin, 2014, p. 235). The democratic orientation of consultas lend them additional legitimacy on the world stage (Janzen, 2018). In any case, "the sight of campesino voters rejecting mining makes a dramatic spectacle…that the Guatemalan government, the mining industry, and the World Bank cannot casually ignore" (Holden & Jacobson, 2008, p. 339). However, mining developments typically proceed even with a unanimous 'no' vote.

The literature reports that consultas are generally quite inclusive. Women are allowed to vote in consultas (Laplante & Nolin, 2014). Laplante and Nolin (2014) note that some consulta processes have "allowed unofficial tallies of youth (ages may vary between consultas, but one author witnessed young grade-school children participating)" (p. 236).

Community Based Impact Assessment (CBIA)

Community-based impact assessments can be effective in identifying impacts likely to be experience by invisible or excluded members of communities.

Swedish Example

Lawrence and Larsen (2017) engaged in a CBIA of the proposed Boliden copper mine with a Sami community in Northern Sweden. This was a "'shadow' environmental impact assessment (EIA) process that ran parallel to Boliden's own statutorily required EIA process" (Lawrence & Larsen, 2017, p. 1166). The CBIA was intended to counter the inadequacies of the proponent's consultation process. As Lawrence and Larsen (2017) explain:

> [Proponents are] required to undertake an impact assessment that addresses the impacts of proposed mining activities on existing lands uses – including Sami lands uses – yet they are not legally required to consult with affected Sami communities…Where consultation now does generally occur, it is routinely limited to a fairly narrow one-way communication: Sami communities are asked to provide

proponents with information about Sami land uses in the proposed concession area. The assessment of actual impacts is generally undertaken by the proponent/ consultant with limited Sami participation, consequently rendering Indigenous knowledge and experiences of impacts invisible, or subservient at best (p. 1171).

The CBIA was a process that stretched over two years. Workshops, meetings, participatory mapping and interviews were used. Measures to include diverse members of the community included that "a separate workshop was held for youth and women" (Lawrence & Larsen, 2017, p. 1170). The CBIA also covered a greater area (10 kilometres) around the proposed site, in contrast to the restrictive scoping of the company's EIA, which limited the assessment of impacts to the mine site itself. Potential cumulative impacts missing from the proponent's EIA were included in the CBIA. While the CBIA was not successful in stopping the mine development, it provided a counter-narrative to the official EIA. The results of the CBIA are now part of the community's legal efforts to attempt to stop the mine (Lawrence & Larsen, 2017). One downfall noted about this particular CBIA was that it was quite expensive to do and involved significant amounts of researcher time.

Papua New Guinean Example

Roche et al. (2019) have developed an 'extractive dispossession framework' for the identification of common community impacts from large scale developments. They identify 11 factors of dispossession: gendered inequality and equity; fraudulent consent; poor and degraded services and facilities; enclosure of the commons; displacement; destruction of sacred sites and places; imperialism/epistemicide; displacement of traditional sustenance and economic activities; environmental impacts; social impacts; and, militarization, conflict and violence (Roche et al., 2019). This framework was used in a community-centered assessment process for the proposed Wafi-Golpu mine in Papua New Guinea. They used illustrations and the local language in discussion groups with members of communities, drawing on their lived experience to identify ways that the mine might affect their lives. Like in the Swedish case above, separate discussion groups were held for women and men. Roche et al. (2019) write that this is a "common practice responding to cultural norms and sharp gender divides in PNG, that allows women's voices to be heard more fully" (p. 979).

Community members indicated that they found this framework much more accessible in understanding potential impacts of the proposed mine than the information provided by the proponent. Roche et al. (2019) write that it aided in the "identification of genuine concerns, experiences, fears and anxieties which have been exacerbated by confusion and an almost total lack of relevant, independent information" in regard to the proposed mine (p. 990).

This tool could be adapted to incorporate intersectionality more explicitly. As Roche et al. (2019) acknowledge, gendered oppression is implicated in most of the factors in the framework. Indeed, comments offered by community members throughout the process support this point. They caution that community "engagement [by consultants, proponents, the state, etc.] can easily be 'double blind' to gender and indigeneity and overlook multiple burdens of disadvantage" (Roche et al., 2019, p. 990).

Joint Project Siting

A promising example of including Indigenous Nations and Indigenous knowledges in project scoping decisions is the Western Australian government's siting process for the Kimberley LNG Precinct. It was intended to minimize the onshore impact of offshore gas developments in the Browse Basin by combining the land-based LNG processing facilities into a single 'LNG Precinct' used by multiple companies (O'Faircheallaigh, 2013). The government committed to ensuring the Precinct "created significant economic and social benefits for Aboriginal people and had the 'fully informed consent' of Traditional Owners" (O'Faircheallaigh, 2013, p. 24).

In 2007, the Kimberley Land Council (KLC) received government funding for a Traditional Owner Consultation process. The KLC convened a meeting of senior Indigenous men and women who developed "a consultation process and culturally appropriate representative structures" to be used in the state siting process (O'Faircheallaigh, 2013, p. 24). Examples of these structures include "separate men's and women's meetings and consensus decision making" (O'Faircheallaigh, 2013, p. 25).

At this meeting, the Indigenous representatives decided to establish "a Traditional Owner Taskforce (TOTF) representing all native title claims groups along the Kimberley coast, as an equivalent representative and administrative body to the State's NDT" (O'Faircheallaigh, 2013, p. 25). All fifteen title groups in the area had to be consulted. This decision was based in 'wunan' which recognizes relationships of reciprocity and interconnectedness "'among people, between people and county, and between people, the country and the Dreaming'" (Doonan (2007) quoted in O'Faircheallaigh, 2013, p. 25). Four representatives from each title group were part of the TOTF. A Senior Leadership Group was created to provide advice to both the KLC and communities during the consultation process.

Wunan was central in all stages of the TOTF process. To comply with wunan, decision-making had to be inclusive and based on consensus. No final decisions about consenting to the LNG Precinct's location could be made by the TOTF representatives alone – all members of the Indigenous title groups were to be given the opportunity to be involved in decision-making. Wunan also informed future-oriented decision making where the "benefits arising from any development would have to be distributed widely among connected groups rather than confined to a single group that might ultimately end up with an LNG Precinct on its traditional land" (O'Faircheallaigh, 2013, p. 25).

Unfortunately, the promising potential of Indigenous involvement in a major siting decision was cut short when a new state government was elected in 2008. The new government cut the KLC's funding to continue the TOTF and community consultations. Later the government attempted to force the Indigenous title groups to consent to the government's chosen site within a short time frame under the threat of the state beginning a process of compulsory acquisition (O'Faircheallaigh, 2013).

Health Impact Assessment (HIA)

Wernham (2007) reports on the use of a health impact assessment process by the Alaska Inter-Tribal Council to identify potential impacts for Inupiat communities of a proposed oil and

gas project in Alaska. Health impacts are not generally included in the United States' impact assessment process (Wernham, 2007), so the drafting of a community-based HIA to be included as a supplemental EIS in the public review process was an innovative approach. The HIA followed a similar process to many EIAs with steps for screening, scoping, assessment (including establishing a baseline), recommendations, reporting and monitoring (Wernham, 2007). In fact, they used a combination of data from the original EIA and new data from community meetings, interviews and previous studies of Inupiat communities to conduct the HIA.

The HIA was effective in identifying a wide range of potential negative impacts, including "increases in diabetes and related metabolic conditions as a result of dietary change; rising rates of substance abuse, domestic violence, and suicide; increased injury rates; more frequent asthma exacerbations; and increased exposure to organic pollutant, including carcinogens and endocrine disruptors" (Wernham, 2007, p. 500). Positive impacts identified in the HIA include funding for healthcare and related services, as well as a general increase in income in the community from new employment opportunities, which could assist in positive health outcomes (Wernham, 2007). The identification of impacts broader than just physical health show the importance of the social determinants of health framing used in the HIA.

Acknowledging the difficulty of accurately predicting the magnitude and effect of potential health impacts, especially when the availability of data is limited, Wernham (2007) employed a cautious approach. He described it in this way:

> Our approach emphasized the description of relationships between oil and gas activities, health determinants, and health outcomes, and we avoided predictions regarding the likelihood or direction of health outcomes unless the available data strongly supported the conclusion. This approach allows the identification of measures that might not only minimize harm but might maximize benefits as well (Wernham, 2007, p. 504).

International Peoples' Health Tribunal (IPHT)

The International Peoples' Health Tribunal was an event held in 2012 by members of the San Miguel Ixtahuacán community in Guatemala, one of the communities most impacted by Goldcorp's Marlin Mine, in partnership with the local Catholic Church and two social movement organizations. They were joined by representatives of domestic and international NGOs and of communities where Goldcorp operations were located in Honduras, Mexico and Canada (Aguilar-Støen & Hirsch, 2017).

Aguilar-Støen & Hirsch (2017) state that "The IPHT aimed to bring attention to the concerns of local communities in which Goldcorp operates and to engage in bottom-up processes of Goldcorp's accountability as well as to create a space for community members to exchange knowledge and strategies." The Tribunal effectively put Goldcorp on trial for the negative impacts experienced as a result of its operations, drawing on the testimony of experts who had been working with affected communities and conducting their own assessments of gaps in official EIAs. Members of communities from all four countries also testified to the impact of mining operations on their lives. "The verdict was presented to politicians in Canada, the USA and Guatemala, to Goldcorp's shareholders and to other actors" (Aguilar-Støen & Hirsch, 2017, p. 230). While the IPHT was not necessarily successful in getting Goldcorp to

recognize and take actions on communities' concerns, it did publicize the impacts experienced by communities and created a transnational space for members of communities to share knowledge.

Human Rights Impact Assessment (HRIA)

Human rights impact assessments focus specifically on the human rights implications of proposed projects. Many HRIA advocates argue that for HRIAs to have the best possible positive impact, they should be adopted early in the planning and decision-making process (Götzmann & Bainton, 2019; Hanna & Vanclay, 2013). Hanna and Vanclay (2013) cite the UN Global Compact's tools for assessing companies' impacts on human rights as an example of guidance that can help to identify human rights impacts of proposed projects. Many resource companies have signed onto the Voluntary Principles on Security and Human Rights, in which they have made extensive commitments to respect human rights in their corporate conduct (Götzmann & Bainton, 2019). Conducting an HRIA is an excellent first step in meeting those commitments.

Goldcorp, the proponent of the very controversial Marlin Mine in Guatemala, commissioned a HRIA after substantial pressure from its investors and communities affected by the mine's operations in 2008. While the HRIA was completed and a report delivered in 2010 (On Common Ground Consultants, 2010), Goldcorp has been accused by local civil society of "creating a predetermined process without merit or the ability to remedy the impacts of the operation" (Laplante & Nolin, 2014, p. 232). One of our key informants stated "The fundamental problem with that impact assessment, even though some of its findings are really quite interesting, is [that] it was paid for by Goldcorp. Goldcorp decided who would be on the executive body of the human rights impact assessment that was assessing itself. So, the impact assessment itself was controlled and paid for by Goldcorp" (Russell, key informant interview) Many members of communities and local organizations refused to participate in the HRIA. This example shows the importance of doing HRIA early, rather than after human rights impacts have already occurred.

Götzmann and Bainton (2019) conducted a HRIA of the proposed Papua LNG project in PNG. This example is particularly notable because of the gender responsive approach used in the HRIA. Götzmann et al. (2019) argue that a gender responsive approach "encompasses understanding and taking into consideration socio-cultural factors underlying sex-based discrimination (gender sensitivity); but also, critically, it involves proactively identifying gender gaps and biases, as well as planning actions to overcome these challenges in order to improve gender equality (gender responsiveness)" (p. 8). Their assessment noted that sexual and gender-based violence is a serious impact of other resource projects in PNG (see Manning, 2016), and proposed a number of measures to mitigate this potential impact in the LNG project. They included:

> engaging an independent third party to implement a community program
> addressing domestic violence, sexual health and family planning, targeting both
> women and men separately as needed and carried out in accordance with models
> that have a proven track-record in the PNG context, such as small working groups
> with men and embedding attention to gender-based violence in government and
> non-government actors to address sorcery; ensuring that any in-migration planning

is gender sensitive; and addressing sexual and gender-based violence within
Voluntary Principles on Security and Human Rights (VPSHR) management.
(Götzmann & Bainton, 2019, p. 26)

They also suggested that extra training on sexual and gender-based violence be offered to the project's security forces.

Development Forums

Local communities in PNG can exercise significant power in decision-making about resource development through development forums. These forums are convened between provincial and national government officials and local stakeholders for major resource development projects in the country. They are intended to sort out many of the details for an agreement to allow a project to proceed on tribal lands. The Mining Act of 1992 governs development forums (Burton & Onguglo, 2017). Any agreements resulting through development forums are supposed to follow FPIC principles, accurately identify stakeholders who should participate in decision-making, ensure that "benefits (royalties, compensation for loss, lease payments, employment, business spin-offs, improvements to local infrastructure, commitments to social programs) will be appropriate and divided fairly among stakeholder groups," that "there are appropriate protections for vulnerable people; [and] monitoring and evaluation is carried out to professional standards" (Burton & Onguglo, 2017, p. 264).

The Lihir Development Forum "provided an opportunity to secure joint endorsement for the project, and to produce a set of agreements between these stakeholders that outlined the costs, benefits, rights and obligations arising from the project" (Bainton, 2010, p. 24). Issues discussed in this development forum included an equity stake for local landowners, relocation, improvements to community infrastructure and a community benefits package (Bainton, 2010). Bainton (2010) offers the following critique of the Lihir development forum:

While the Development Forum provided local leaders with a seat at the negotiation table, and has assisted greater self-determination, we must recognise that the forum process — and the industry of which it is a part — is still structurally geared towards dependency. It is effectively an opportunity for landowners to present a wish list to the government and the company, who are then held responsible for delivering these dreams through a series of agreements. In return, landowners just have to promise to be well-behaved and not disturb operations. The pages of government and company commitments outlined in the IBP are set against the single Lihirian commitment to 'cooperate'. Granted that there is some moral justification for this imbalance in the fact that landowners make substantial sacrifices, and that the benefits which accrue to the company far outweigh anything received by the community, this arrangement still fails to address the difficult task of converting resource rents into long-term development (p. 27).

Other authors have also critiqued development forums for procedural issues that prevent them from fulfilling their potential. The Hidden Valley Development Forum talks were invitation-only, meaning that they did not follow FPIC standards in negotiating the agreement (Burton & Onguglo, 2017). The Development Forum for the Porgera Gold Mine has been critiqued for not including any women representatives, and for excluding

representatives of the Enga, an Indigenous People who live downriver from the mine and bear many of the negative impacts (but are not the customary owners of the land where the mine is situated), from the development forum altogether (Manning, 2016).

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Appendix 6: Problems with Current Impact Assessment Practices

The international literature revealed a number of problems with impact assessment policy and practice in our focus countries. It is worth noting that many of the issues discussed in this section are also problems in the Canadian context, as evidenced by our own work (Manning et al., 2018b; Stienstra et al., 2016, 2019) and the work of members of our Advisory Circle (Amnesty International, 2016a; Pauktuutit et al. 2014).

What is the Scope and Timing of Impact Assessment?

The limited geographic scope of impact assessments in many countries is noted as a significant problem in the international literature. In the Assam area of India, Baruah (2012) notes that "official impact assessments give almost no attention to the serious threats to the livelihoods of the hundreds and thousands of people who depend on small-scale fishing and subsistence agriculture in the downstream areas of Assam and beyond" (p. 42). Proponents of major dam projects in Brazil have likewise attempted to ignore downstream impacts (Hanna et al., 2016). Current processes also do a poor job in identifying and assessing cumulative impacts of projects. In Sweden, scoping decisions which confine assessment of impacts on the Sami's reindeer herding to the mine site under assessment itself, make it very hard to assess impacts from multiple projects on Sami livelihoods (Larsen et al., 2018).

Collins and Woodley (2013) note that social impact assessments are typically only conducted as part of the preparation of the Environmental Impact Statement rather than as an ongoing process. They also note that water is typically only considered to be an environmental impact, which ignores the ways that access to water can have social and potentially human rights impacts in some contexts (Collins & Woodley, 2013). Lawrence and Larsen (2017) argue that mainstream approaches to social impact assessment do not do a good job in accounting for issues of social justice, particularly Indigenous rights and FPIC.

The timeline of impact assessments can also be problematic. Governments face increasing pressure to shorten timelines and improve efficiency in assessment and licencing processes. Changes to timelines without associated increases to funding and capacity among government offices responsible for evaluating the quality of impact assessments can have detrimental effects on communities affected by resource development (Hanna et al., 2014). Shortened timelines also make it much harder for communities to assert their positions on proposed projects effectively (Carvajal et al., 2015).

In some federal states, proponents have been accused of venue shopping for impact assessments. In Brazil, the impact assessment for any project taking place on Indigenous lands is supposed to undergo a federal level assessment. However, Hanna et al. (2014) note that "proponents try to ignore the presence of Indigenous peoples in order to seek approval at a state level, which is considered to be easier and faster, especially in the less-developed states due to the lack of skilled personnel, material resources or political support" (p. 61).

Who Conducts Impact Assessment and How?

In most countries, companies are generally responsible for conducting impact assessments, or hiring consultants do them on their behalf (Aguilar-Støen & Hirsch, 2017; Castro et al., 2016; Painter & Castillo, 2014). This limits the role of communities in impact assessments, stifles the flow of information between communities and companies, and makes it hard for the state to monitor companies' interactions with communities (Aguilar-Støen & Hirsch, 2017; Painter & Castillo, 2014). Hanna et al. (2014) write that these consultants largely come from environmental or science backgrounds, but are also often responsible for the assessments of socio-economic impacts as well. This can lead to a minimal assessment of socio-economic impacts and Indigenous rights implications. Lawrence and Larsen (2017) argue that this model of proponent-led impact assessment is problematic in general as the proponent's goal is logically to ensure resource developments proceed, despite potential impacts.

A common critique in the literature is that impact assessments are primarily technocratic exercises of documenting biophysical impacts, rather than participatory exercises in documenting social and community impacts. This critique has been made of impact assessment processes in India (Baruah, 2012), Australia (Collins & Woodley, 2013), Guatemala (Aguilar-Støen & Hirsch, 2017), Sweden (Larsen et al., 2018), Brazil (Hanna et al., 2014), Finland (Suopajärvi, 2013), among others. This creates barriers to participation because of the complex and technical nature of much of the information used in impact assessment (Flemmer & Schilling-Vacaflor, 2016). Additional barriers include the fact that there exists an "official expectation that complaints and comments about EIAs are [also] to be presented in a technical manner that by itself excludes most citizens" (Aguilar-Støen & Hirsch, 2017, p. 228).

There are many other barriers to inclusive participation of communities in impact assessment. Some researchers report problems with information not being available in local and Indigenous languages, despite official requirements to do so (Aguilar-Støen & Hirsch, 2017). Others note tight timeframes for project approval and impact assessment as a barrier (Aguilar-Støen & Hirsch, 2017). In Guatemala, "despite the existence of regional MARN offices across Guatemala, information related to mining and hydropower projects' EIAs is kept in Guatemala City," making it very hard for communities in rural and remote regions of the country to receive adequate information through the course of the impact assessment process (Aguilar-Støen & Hirsch, 2017). Public servants who work for MARN have indicated that the Ministry does not have sufficient capacity to ensure that information dissemination and post-approval monitoring regulations are met (Aguilar-Støen & Hirsch, 2017). Aguilar- Støen and Hirsch (2017) note that public servants in Guatemala display a "rampant paternalistic or utterly racist attitude towards indigenous peoples and other rural peoples" (p. 229). In Uganda and India, low levels of literacy were a barrier to participation in meetings by some members of communities (Lahiri-Dutt & Ahmad, 2011).

In some countries of the Global South, a critique of impact assessment policies and legislation is that they have been imposed by international organizations as conditions of development assistance or financial investment (Baruah, 2012). The requirements of legislation and policies are often mandated and standardized by these organizations (Baruah, 2012), leaving little opportunity to develop local and culturally responsive methods of impact assessment. It is promising that the Equator Principles, an initiative of over 80 private banks

which fund major resource development projects, require an adequate assessment of social and health impacts and the development of appropriate mitigation measures as a requirement of their loans (Castro et al., 2016). Campero and Barton (2015) assert that these institutions also exert considerable pressure on countries to "to not impose additional specific national regulations on firms," such as strict requirements for community consultation or consent, that might impede resource development (p. 173).

What is the Role of Communities in Impact Assessment?

Many local communities directly affected by resource development have relatively little power to influence decisions about projects. In Peru, Bebbington et al. (2009) found that most major decisions were made in the capital city, far away from the rural communities most directly impacted by the developments. They note a power differential as well, in that "local actors feel far less at ease in the formal environments of Lima than do mining officials" (Bebbington et al., 2009, p. 17299).

Communities often have substantial concerns with different consultation mechanisms used in the impact assessment process. For example, major mining projects in Western Ghana typically try to form consultation committees to improve the relation between mines and communities. However, Bush (2009) notes that "these were seen as vehicles for traditional authorities to cement relations with mine managers rather than representing the grievances of the poor in the community or the youth" (p. 60). In Bolivia, Campero and Barton (2015) note that the Environmental Law guarantees that communities have the right to receive information about proposed projects but that this right has not been interpreted as the right to consultation (with the exception of Indigenous communities) or participation in decision-making. Community members they interviewed also said that companies control decisions about which information community members are given access to. They often limit access to general information, and "specific data is only provided if a proven legal interest is established" (Campero & Barton, 2015, p. 179). In Guatemala, consultants hired by companies to conduct impact assessments have been accused of deceitful practices to demonstrate community consent, including bribes and collecting signatures at community meetings without disclosing what they will be used for. Aguilar-Støen & Hirscha (2017) share a particularly troubling example:

> The EIA reports we had access to show that people are asked biased questions. Such as for example whether community residents wish to have 'development' in their communities, if they 'wish to have schools and jobs or health centers' and if they 'wish to have electricity'. Those who agree in wishing such things, usually the majority, must sign a paper that is later presented in the EIAs as proof of community consent for the project (p. 228).

In general, a lack of representation of diverse groups within communities is a problem in many consultations, especially women and members of racialized minority groups (Barcia, 2017a).

Approaches to impact assessment that identify different groups of stakeholders within communities are positive in that they often allow differentiated impacts on groups within communities to be identified. However, as Barber and Jackson (2012) point out,

"the stakeholder model still tends to reduce the unique rights, deep cultural connections, and extended residence times characteristic of Indigenous people to those of other 'stakeholders' with usually very different relationships to the locations and resources being discussed" (p. 49). As well, there are typically limited opportunities for stakeholder participation beyond the assessment and permitting phase of a project (Barber & Jackson, 2012). In Sweden, the Sami have substantial concerns about the lack of consultation in general. Most problematically, in the phase of the impact assessment process where impacts on Sami land use is documented, no consultation with the Sami groups affected is legally required (Larsen et al., 2018).

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Appendix 7: Community Resistances and Responses

Direct Action

When alternative methods of engagement fail, some communities respond with direct action. These actions take many forms and have varying levels of success. The Munduruku people, after trying legal channels to stop the proposed Sao Luiz do Tapajos dam in Brazil and have Brazil fulfill its consultation obligations, "took three biologists hostage and paraded them, hands bound, in the square of Jacareacanga, a town beside the Tapajos. The government reacted quickly, promising to carry out the consultations and the biologists were released" (Branford & Torres, 2015, p. 2). In Peru, Bebbington et al. (2009) assert that a sense of hopelessness about the power to influence government decision-making among local communities leads many to "frequently conclude that violent conflict is the only way to make their knowledge count" (p. 17299). This points to the importance of ensuring community knowledges are meaningfully included in impact assessment. In 2011, mostly Indigenous protestors shut down a border crossing between Peru and Bolivia in response to a lack of consultation regarded a proposed mine in the Puno region (McDonell, 2015). Interestingly, in Chile, some scholars have noted a connection between the turn to democracy and the increase in direct action. In Chile under the dictatorship, Indigenous groups were not able to engage in protest activities. Since democracy has been introduced to Chile, conflicts between Indigenous groups, government and resource companies have become much more frequent (Barton et al., 2008). Carruthers and Rodriguez (2009) write that the "Mapuche…have adopted an increasingly activist stance since re-democratisation, grabbing headlines with marches, sit-ins, property invasions, equipment sabotage, legal challenges and pointed confrontations with political parties and leaders" (p. 744).

The international literature shows that women have played important roles in direct action and in activist organizations, however their contributions are not always recognized or acknowledged (Dosh et al., 2010). Drew (2014) attributes this phenomenon in the Garhwal Himalaya region of India in part to the media's attention on male leaders of the dam opposition movement.

Dosh et al. (2010), in their study of women's representation on the executive councils of popular organizations in Bolivia and Ecuador, identified a number of factors that affect the degree to which women's voices are able to influence decision making in activist organizations. Sexism within societies and cultures are a substantial barrier to women's voices being taken seriously. Familial responsibilities can prevent women from seeking high-status positions or force them to leave those positions early. Verbal abuse in meetings can create an inhospitable work environment. Organizations which provide leadership training opportunities that are open to women are more likely to have high status positions on the executive council occupied by women. Interestingly, one of the factors most likely to determine women's inclusion or exclusion was the structure of decision-making within the organization. They distinguished between hierarchical and horizontal structures, where "horizontal structures are those that allow members at the base to have input into decisions at the executive level" (Dosh et al., 2010, p. 216). Horizontal structures are more likely to be inclusive of women than hierarchal structures.

Women in the Garhwal Himalaya region of India, disappointed by lack of opportunities to speak in public meetings about controversial hydroelectric dams, engaged in a practice of "'overspeak' — an effort to deliberately speak or sing over men's comments and conversational domination" (Drew, 2014, p. 238). Drew (2014, p. 238) further notes that only women who had a certain degree of privilege and power engaged in the practice of 'overspeak': "Overspeak was not only gendered but could include class and age hierarchies among women. The women who most often engaged in overspeak had already established themselves as leaders among the other women, due either to their elevated roles in other committees and social hierarchies or to their past campaign accomplishments."

Alliances & Solidarity

Communities concerned about resource development have found forming alliances and relationships of solidarity with other actors and groups a particularly useful strategy in getting governments and regulatory agencies to pay attention to their concerns.

Scholars and professional associations are particularly helpful allies because they are often involved as consultants in the assessment and licencing process. In Brazil, the northern Brazilian Archaeological Society was concerned about Indigenous rights being violated in order to pursue dam development in the Tapajos basin and issued a call for its members to stop cooperating in the environmental assessment process (Branford & Torres, 2015). A number of scholars have worked with local communities to document the impacts of resource projects that were missed or excluded during the original impact assessment process. For example, in PNG, the Lihir Liaison Committee worked with two anthropologists to conduct a socio-economic assessment of the potential impacts of a proposed gold mine. Their assessment revealed many community concerns about royalties and their distribution that were missing in the baseline study conducted by the proponent (Bainton, 2010).

Many historically excluded communities who are opposed to resource development have found effective allies in environmental non-governmental organizations and environmental law practitioners. The historically Black community of Union Hill, Virginia, which is opposed to the Atlantic Coast Pipeline that would run through their community, have benefitted from the political lobbying of the Sierra Club and the court cases launched by the Southern Environmental Law Centre (DeConto, 2019). In Chile, the Mapuche have worked with a number of national and international environmental NGOs in their struggles against forestry and hydro developments in their territory (Carruthers & Rodriguez, 2009).

Faith-based organizations are also important allies for many historically excluded communities. The main thrust of activism in Union Hill's opposition to the pipeline has come from members of the local Baptist church and they have found a national network of allies in the Interfaith Power and Light network (DeConto, 2019). In many Latin American countries, Indigenous peoples concerned about the effects of resource developments on their territories and cultures have sought out the Catholic Church as an ally and recognized "its capacity to engage and partially persuade national elites" (Bebbington et al., 2018, p. 121). Similarly, Indigenous groups in Australia left out of the original Good Neighbour Agreement with the proponent of the Argyle mine found church groups to be useful allies (Doohan, 2013). In the Philippines and Guatemala, liberation theology has greatly influenced the Catholic Church, and

in both countries, members of the church actively oppose mining, citing its disproportionate harm on the poor (Holden & Jacobson, 2007, 2009).

Pan-Indigenous organizations are important networks of solidarity to support Indigenous Nations and communities resisting resource development in their territory. In Chile, the national pan-Indigenous organization mobilized in response to the resettlement of the Pehuenche community to make way for the Raleo Hydroelectric Project (Carruthers & Rodriguez, 2009). In Peru, many Indigenous people previously identified based on their class-based identities (i.e., as campesinos), but have begun identifying as Indigenous in the context of their mining activism (Coxshall, 2010; McDonell, 2015). McDonell (2015) writes that this allowed for the formation of alliances with other international and regional Indigenous organizations, and for strengthened rights claims. Many Andean Indigenous Peoples have formed relationships of solidarity in resistance to resource extraction centered on the principles of 'buen vivir' or living well (Zimmerer, 2015).

Community Moratoriums

A number of communities have declared moratoriums on resource developments near their communities. Carlsson (2017) writes that "hundreds of communities in Mexico have declared themselves free from mining" (p. 15). The consultas comunitarias in Guatemala discussed in Section 4.5.2 of the main report often result in community moratoriums. The Norwegian Kautokeino Municipal Council's decision to stop mining in their municipality – discussed in Section 4.7.1 of the main report – could be considered another example of a community moratorium,

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Appendix 8: Tools and Resources

Culture and Rights Impact Assessment: A Survey of the Field (The Firelight Group):
    https://firelight.ca/wp-content/uploads/2016/03/MCFN-303_MAPP-Report_Final.pdf

Diversity Through Inclusive Practices Toolkit (DAWN Canada & FemNorthNet):
    http://fnn.criaw-icref.ca/images/userfiles/files/InclusivePracticesToolkit.pdf

Feminist Intersectional Policy Analysis: Resource Development and Extraction Framework
    (Manning, FemNorthNet):
    http://fnn.criaw-icref.ca/images/userfiles/files/FIPAFramework.pdf

Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of
    Industrial Change (The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en):
    https://firelight.ca/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-
    2017_FINAL.pdf

Out of Sight, Out of Mind: Gender, Indigenous rights, and energy development in northeast
    British Columbia, Canada (Amnesty International): https://www.amnesty.ca/outofsight

Strengthening Impact Assessments for Indigenous Women (Manning et al., Canadian Research
    Institute for the Advancement of Women): https://www.criaw-
    icref.ca/images/userfiles/files/FINAL_CEAAReport_Dec7.pdf

Submission of the Assembly of First Nations (AFN) on Free Prior and Informed Consent (FPIC) for
    the Expert Mechanism on the Rights of Indigenous Peoples:
    https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/FPIC/AssemblyFirstNations_C
    anada.pdf

The Impact of Resource Extraction on Inuit Women and Families in Qamani'tuaq, Nunavut
    Territory – A Qualitative Assessment (Pauktuutit Inuit Women of Canada):
    https://www.pauktuutit.ca/project/the-impact-of-resource-extraction-on-inuit-women-
    and-families-in-qamanituaq-nunavut-territory-a-qualitative-assessment/

Appendix 9: What About Community-Company Agreements?

Community-company agreements, often called impact and benefit agreements (IBAs), community benefit agreements (CBAs), or community development agreements (CDAs), are signed in many countries between communities likely to be affected by resource projects and project proponents. Some Nations link these agreements to their right to economic self-determination. Such agreements can represent considerable improvements over deeply exploitative past practices that gave even less regard to Indigenous Peoples and their rights and tenure linked to affected land and resources. In Canada and Australia, these agreements are typically signed between Indigenous communities and corporations, but in other countries, based on the literature we reviewed, it seems that any community (that may or may not identify as Indigenous) likely to be affected by a project can enter into an agreement with a company. No matter what these agreements are called, they tend to contain similar provisions for community benefits, including related to: preferential employment opportunities, education and training, funding for community services and infrastructure, business opportunities and development, health services, cultural heritage protection, community involvement in monitoring, royalties, and compensation for lost land or livelihoods (Campero & Barton, 2015; Doohan, 2013; O'Faircheallaigh, 2008; Scambary, 2013).

These types of benefits – while critical – are often negotiated in the context of persistent state failures to provide similar levels of supports and services as are afforded non-Indigenous communities. While Indigenous Nations, communities and other groups have the right to negotiate benefits on their own behalf, the results of our knowledge synthesis highlight several reasons to be concerned about community-company agreements, in terms of their design and content, the conditions under which they are negotiated, their enforceability and realized benefits, and the extent to which they take up intersectionality.

Hanna and Vanclay (2013) suggest that benefit agreements can be effective tools in the process of securing the free, prior and informed consent of Indigenous Nations. However, the authors also caution that such agreements do not necessarily mean that an Indigenous Nation has given free, prior and informed consent. This is because the steps to make the process free (e.g., without coercion), prior (e.g., before major project decisions were made or construction started), and informed (e.g., company did not disclose all impacts or give communities adequate information and time to review information) may not have happened. Questions of whose participation is freely possible are critical when considering the likelihood of historically silenced voices having been heard. So too are meaning discrepancies. For example, the Good Neighbour Agreement – related to an Argyle mine in Australia – has been criticized for its secrecy, for being signed in a faraway place, and for not adequately involving all the Traditional Owners of the area (Doohan, 2013). Different understandings between the company and the Traditional Owners of what it means to be a 'good neighbour' seeded significant opposition. For affected Indigenous communities, 'good neighbours' create long-term relationships based on reciprocity whereas initially, the proponent was focused on how to "contain a difficult and potentially damaging situation for the development of the mine" (Doohan, 2013, p. 222).

Keenan and Kemp (2014) make several recommendations to "incorporate gender equality goals more effectively into agreement making processes" (p. vii). These include: "undertake and utilise gender analysis; improve operational-level competency in promoting gender equality; build women's capacity to engage in agreement processes; strengthen coverage and implementation of gender policies and commitments; and others" (for a complete list of recommendations see pp. vii – ix). They suggest that some tools – such as stakeholder mapping – can be useful for ensuring that all potentially affected groups within communities have been consulted in the drafting of an agreement and receive a share of the benefits (Keenan & Kemp, 2014). At the same time, they caution that "targets specifying women's involvement could be divisive within a community, as well as difficult to implement and manage" (Ibid., p. 28). These concerns and recommendations highlight the importance of understanding the context in which agreements are negotiated. As in our earlier discussion of promising practices, intersectionality in community-company agreements means explicitly attending to how existing power inequities might be affecting possibilities for fulsome participation and genuine consent.

More recently, in their research about negotiations between proponents and Indigenous or ethnic minority communities, Keenan, Kemp and Ramsay (2016) have suggested that "companies with a commitment to relationship building tend to have been more inclusive of women in their engagement practice" (p. 611). Still, they argue that a gender lens is largely missing in the negotiation of company-community agreements. Because of this, combined with the male-dominated nature of resource industries, "it is women whose rights, needs and priorities are more often excluded" (Keenan et al., 2016, p. 610). The extent of women's participation in consultation processes and in negotiating agreements is heavily influenced by cultural gender norms in both the local culture and the culture of where the company is based (Ibid.). For example, the authors state that "interviewees observed gender dynamics in patriarchal post-contact, missionary or post-colonial culture being reproduced in mining agreements, limiting women's participation. This included women's loss of traditional rights to make decisions about land" (Ibid., p. 611). In cultures where men have traditionally held decision-making authority, it is less likely that women are represented at the negotiating table. Keenan et al. (2016) do, however, caution that an absence of women at negotiating tables does not necessarily mean that their views are not being taken into account: "in some cases…women would 'let the men do the talking' and the women would take an advisory type of role that did not necessarily involve them being at the forefront of discussions" (p. 611). They go on to note that some groups of women are more likely to be excluded from agreements than others, including: middle-aged women who had yet to acquire the status of 'elder'; young women and young mothers; women (and their families) who have married or migrated into the community; women in male-headed households; and female-headed households (e.g. widows and single mothers) (p. 611).

Gender dynamics were also related to the socio-economic status of women and among women, which in turn can inhibit women's equal involvement in agreement processes, just as it can limit their involvement in impact assessments more generally. Although not discussed in the literature we reviewed, considerable limitations for the participation of women with disabilities, LGBTQ2S+ folks, and other historically invisible groups are also likely. Many of these limiting factors are mentioned in the 'gender and development' and 'gender and mining' literatures, and include lack of education, language fluency, poor health, early motherhood,

caregiving responsibilities (for children, grandchildren and elders), and lack of time, autonomy and recognition of women's economic roles (Keenan et al., 2016, p. 611). Of these factors, women's financial independence (or lack thereof) was most likely to determine their inclusion or exclusion (Ibid.). Ultimately, several challenges related to design, negotiating condition, and intersectionality can severely compromise the broad-scale benefits that these agreements promise. Even relatively straightforward measures, such as holding separate meetings for men and women, are "not always sufficient for men's and women's views to be considered equally in decision making…" (Ibid., p. 611).

Finally, the efficacy of company-community agreements is also called into question. Based on a study of 41 CBAs in Australia, O'Faircheallaigh (2008) suggests that protecting cultural heritage and important spiritual sites is often a priority of Indigenous Nations when negotiating CBAs – a focus that has resulted in part from state failures to offer meaningful protections. He suggests that two factors – the level of protection, and the means of achieving such protections – are both important. He creates an index to consider these two factors and finds that 76% of agreements score 3/5 or less related to level of protection, and 66% of agreements score 3.5/6 or less related to means of protection. He also notes "that including a requirement for a high level of protection in an agreement is no guarantee that this level of protection will actually be achieved" (p. 43). Related, monitoring and enforcement of commitments made in benefit agreements are often lacking. Hanna et al. (2014) suggest that independent committees of community representatives are a good tool for holding companies accountable. Care must be taken in determining the composition of these committees, as a lack of representation of some groups within communities or other impacted communities can cause significant social division (Hanna et al., 2016). In contexts where resource development leads to high levels of conflict between communities, the state and proponents, "oversight by an 'honest broker' (such as an office of public integrity or corruption commission) is necessary from an early stage, and not only after conflict occurs" (Hanna et al., 2014, p. 65).

While this is not a comprehensive overview of company-community agreements, it does highlight a number of reasons that extreme caution is warranted. It is clear that GBA+ is a minimum requirement for framing the negotiation of such agreements, and also that careful consideration of the context in which such agreements are developed is required.

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