

nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



Complicated, or Complex: Social License in Shifting Sands

Presented by: Robert (Bob) Watts
Vice-President, Indigenous Relations

Canadian Nuclear Safety Commission

From Social License to Collaborative Development

- CEA Act (2012) significantly restricted the scope and depth of EA, and role of the public and Indigenous peoples, as compared to CEA Act (1992)
- By 2016 many major energy and infrastructure projects were rejected, or remained stalled, due to lack of social license
- Recent developments suggest a shifting landscape vis-à-vis our understanding of social license, and what it takes to achieve it:
 - UNDRP/FPIC
 - Report of the Truth and Reconciliation Commission
 - Positive Energy Project
 - Final Report of the Expert Panel for the Review of Environmental Assessment Processes

United Nations Declaration of Rights of Indigenous Peoples

- May 10, 2016: Canada adopts UNDRIP
- UNDRIP based on notion of free, prior and informed consent (FPIC):
 - Objective of FPIC is to establish a participatory role for Indigenous participation at the early stages of project development in Indigenous traditional/ancestral territory
 - Asserts indigenous jurisdiction over resource management and decision-making
 - Provides for non-consent if project is deemed not in the interests of Indigenous population
 - Onus on state to ensure that consent (or non-consent) is informed, not just left up to proponent (consistent with Honour of the Crown)

Report of Truth and Reconciliation Commission

- “Though grounded in an examination of the impact of residential schools, TRC made wide-ranging recommendations to address the legacy of colonialism writ-large
- Viewed the limited and mostly negative experience of Indigenous peoples in resource and infrastructure development as a hallmark of colonialism”
- Called on governments to adopt UNDRIP as framework for reconciliation
- Called on corporate sector to adopt as UNDRIP framework for reconciliation, and “apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.”

Positive Energy Project (CWF & UOttawa)

- Case studies examined role and experience of local and Indigenous communities in regulatory process for a variety of energy projects across Canada
- Conclusions:
 - local values more important than interests (except health)
 - legacy issues and lack of understanding of local landscape = distrust
 - nature, source and medium of information-sharing matters
 - involvement and role of local authorities critical to social acceptance



“A Matter of Trust: the Role of Communities in Energy Decision-Making”

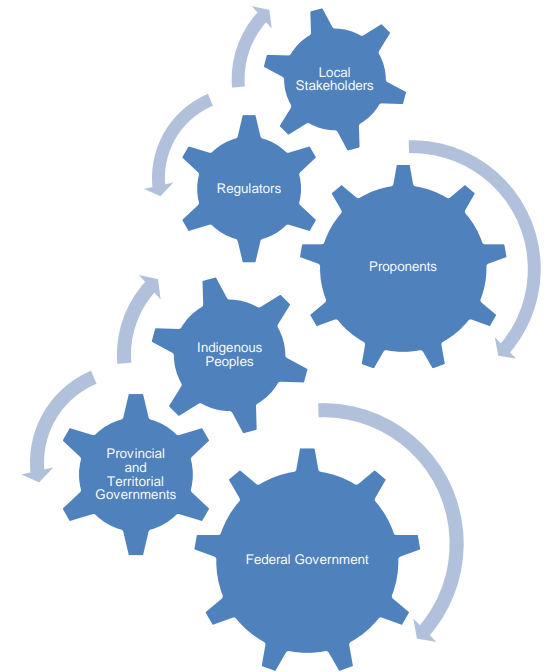
<https://www.uottawa.ca/positive-energy/>

“Building Common Ground: A New Vision for Impact Assessment in Canada”

- Final Report of the Expert Panel for the Review of Environmental Assessment Processes has recommended a more comprehensive, and holistic, relationship-based approach to Impact Assessment (IA):
 - incorporation of Indigenous knowledge, laws and jurisdiction into IA governance and processes
 - involvement of local and Indigenous peoples in project planning, review, decision-making, monitoring and follow-up
 - comprehensive and holistic framework of IA assessment (“sustainability”) reflective of Indigenous world view
 - “collaborative consent”

Social Licence: a Systems Theory Analysis

- a “system” can be seen as an entity with interrelated and interdependent parts
- more than the sum of its parts (i.e. subsystems) but boundaries do exist
- change in one part of the system affects the system as a whole – these changes can be observed to identify patterns and make further adjustments, with fewer unintended consequences



Positive growth and adaptation of a system depends upon how well the system is adjusted with its environment

Simple, Complicated, or Complex?

In Systems Theory, systems can be seen as lying along a broad continuum from **simple**, to **complicated**, to **complex**:

Simple problems may encompass some basic issues of technique and terminology, but once these are mastered, following the 'recipe' carries with it a very high assurance of success.

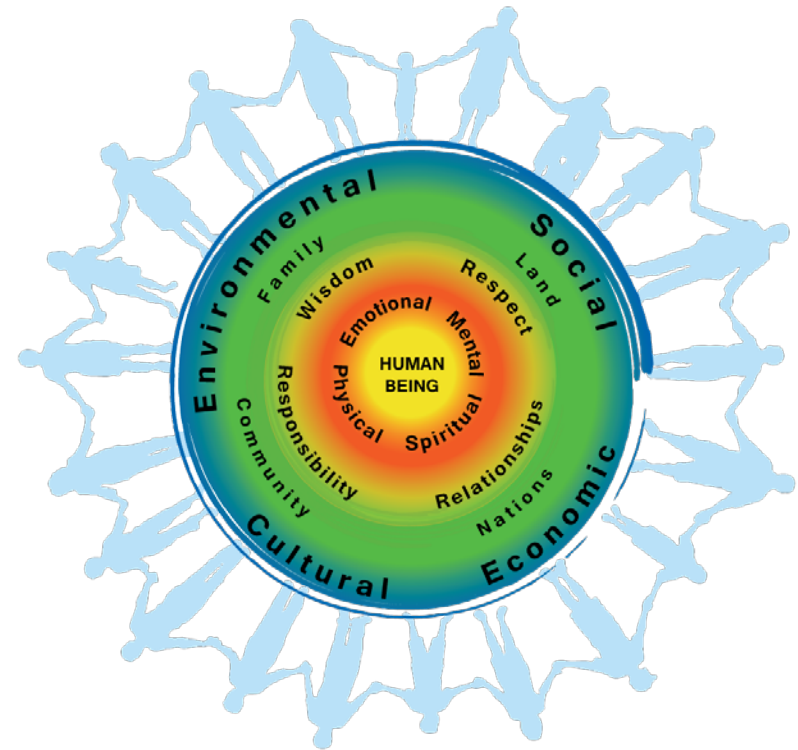
Complicated problems (like sending a rocket to the moon), are different. Their complicated nature is often related not only to the scale of the problem, but also to their increased requirements around coordination or specialized expertise. However, rockets are similar to each other and because of this following one success there can be a relatively high degree of certainty of outcome repetition.

Complex systems are based on **relationships**, and their properties of self-organisation, interconnections and evolution. Research into complex systems demonstrates that *they cannot be understood solely by simple or complicated approaches to evidence, policy, planning and management.*

www.learningforsustainability.net

Indigenous Knowledge Systems

- Interconnection is the basis of First Nations, Inuit and Metis worldviews and ways of knowing e.g. “All my relations”
- Everything in the universe is connected by **relationships** (family, community, physical, natural, nation-to-nation)
- In some ways similar to “systems theory,” IK is applied to analysis of health and wellness, community planning, land use, resource management and development, etc.



www.fnha.ca

As with systems theory, a disruption in one sub-system (e.g. “Land”) leads predictably to disruption system-wide.

Shifting from a Complicated, to a Complex Social/Regulatory Environment

- Canada's system for achieving "social license" for major resource developments has traditionally been geared to a merely complicated environment:
 - demand-driven and proponent-led development
 - multiple (federal and provincial) jurisdictions
 - evolving policy positions
 - evolving legislative and regulatory regimes
 - multiple interests ("stakeholders") and the local, regional and national level
 - First Nations, Métis and Inuit concerns/interests for the most part addressed on same playing field as other "stakeholders"

Effective functioning of the regulatory system has depended primarily on relationships between governments and proponents

Achieving Social License in a *Complex* Environment

- With a number of key decisions by the Supreme Court of Canada with regard to Aboriginal rights and title, UNDRP/FPIC, and the TRC Report, achieving social license has become increasingly *complex*, particularly for proponents:
 - Understanding the centrality of relationships to Indigenous world views, and thus potential impacts to that inter-connectedness
 - Understanding the history and impact of colonialism on those relationships (e.g. family, environment, traditional governance, gender roles, etc.)
 - Understanding how to develop new relationships cross-culturally
 - Investing in capacity-building and community wellbeing, and moving from relationships, to *partnerships*

Achieving social license will become increasingly dependent on partnerships: proponents + communities, & regulators + communities

NWMO Principles of Aboriginal Engagement

- Integrating Indigenous Knowledge
- Broad-based engagement
- Respect for Aboriginal and treaty rights
- Community wellbeing
- Relationships
- Reconciliation
- IK Policy Video



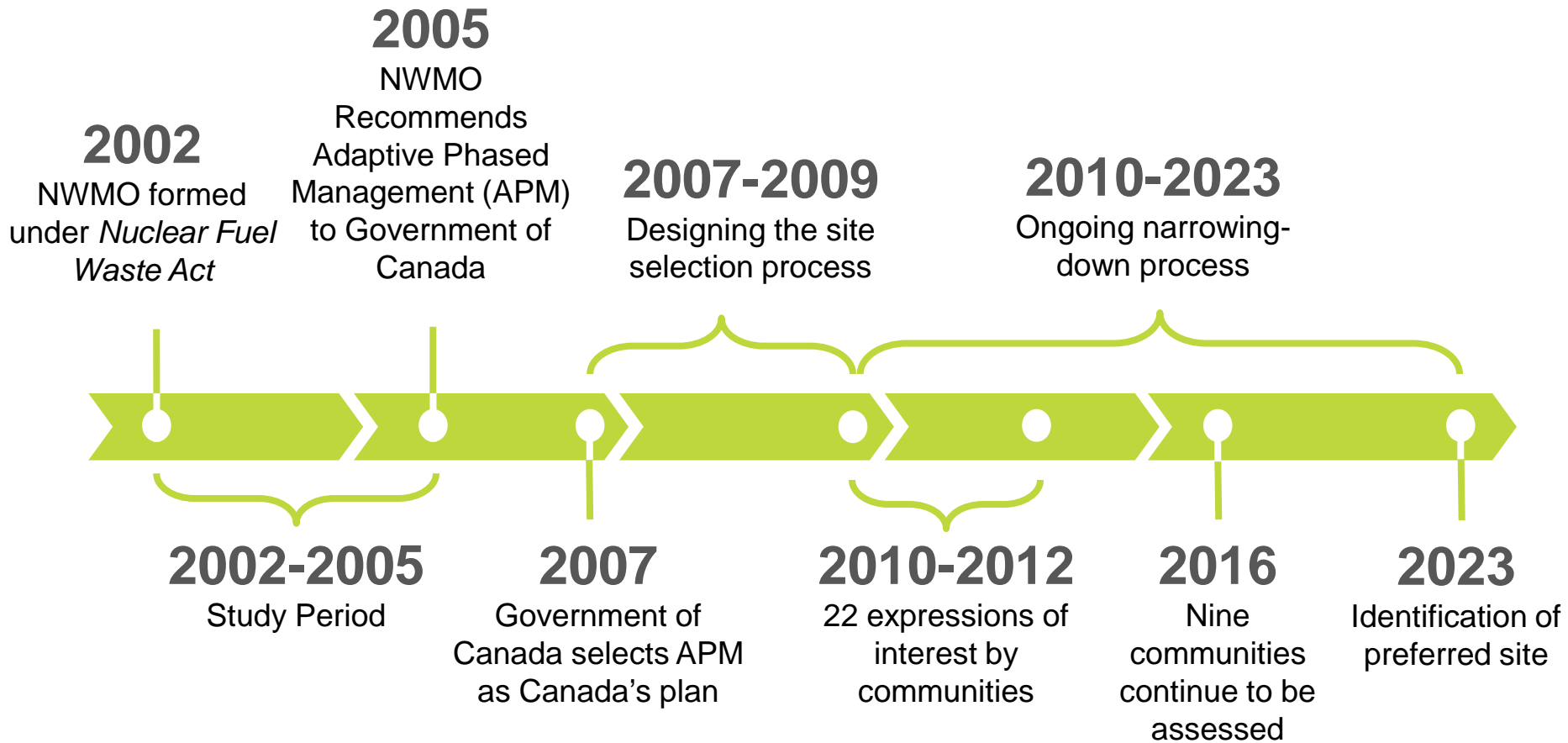
Conclusion

- The NWMO continues to work with and learn from communities about implementing APM in partnership.
- Social considerations in Canada give rise to a complex environment in which to identify a preferred site for a DGR, a socially-acceptable transportation plan, and strong partnerships.
- NWMO must sustain its engagement of people and communities throughout the site selection process.
- Moving forward, the NWMO will continue to respond to the evolving social, legal and policy landscape in which it operates.





NWMO: 2002 - 2023





Partnership

The project will only proceed with the involvement of the interested community, First Nation and Métis communities in the area, and surrounding communities, working in partnership to implement it

