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Environmental Impact Assessment Review

Volume 22, Issue 2, March 2002, Pages 111-127

Reconsidering the Canadian Environmental Impact Assessment Act: A place for traditional environmental knowledge

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[https://doi.org/10.1016/S0195-9255\(01\)00095-6](https://doi.org/10.1016/S0195-9255(01)00095-6)

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Abstract

There is a fundamental assertion by indigenous communities, which is now beginning to be recognized globally, that “we belong to the land.” The position of indigenous people, both locally and globally, as traditional knowledge holders and legal entities with rights and title to lands is challenging the authority of nation states in the development and management of lands and resources. International bodies, such as the United Nations and World Bank, continually place emphasis on bridging the implementation gap between the inclusion and exclusion of indigenous communities in public policy.

However, increasing tensions exhibited between indigenous nations and nation states continue to surface. Much needs to be written about the shortsightedness of state governments that continue to ignore indigenous rights and title and the perils that await them. This paper will focus on a small part of this larger question, examining the

emerging struggle of legal recognition of indigenous title, rights and cosmologies into the Canadian body politics as it relates to environmental policy. In addition to broad policy implications associated with the acceptance of indigenous people's knowledge, there are also ethical issues of "integrating" traditional knowledge as well as practical problems with "implementing" traditional environmental knowledge (TEK) into legal and regulatory environmental regimes, practices and policies. A significant new way to examine these questions is to examine them through an Aboriginal resource planning approach. This approach will be formalized in relations to current activity in British Columbia, Canada, where Aboriginal communities and two levels of Canadian government are negotiating a balance between indigenous and state aspirations to find complimentary and sustainable mechanisms for environmental assessments.



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Dr. Chris Hannibal-Paci completed an interdisciplinary PhD (History, Zoology and Natural Resources Institute) from the University of Manitoba with a thesis title is "His Knowledge and my Knowledge": Cree and Ojibwe Knowledge of Lake Sturgeon and the Possibilities for Co-Management in Manitoba. He has been an Instructor at the University of Northern British Columbia since 1999, developing community-based curriculum in First Nations Studies and teaching in the areas of traditional environmental knowledge and Aboriginal community resource planning. He has published papers in the *Canadian Journal of Native Studies, Manitoba*

Archaeology Journal and *Etudes/Inuit/ Studies*, as well having published several book chapters and numerous reviews. Chris has presented his work at Canadian and international conferences.

Ann Tobin obtained her Master of Science in Natural Resource Management (1996) from the University of Northern British Columbia. Her published thesis entitled *Huckleberry Mine: A Case Study in the Implementation of the BC Environmental Assessment Act* was a critique of the newly enacted provincial and federal environmental legislation (*Canadian Environmental Assessment Act*). Currently, she works as the Natural Resource Manager for the Carrier Sekani Tribal Council (CSTC). The CSTC represents eight First Nation communities in treaty negotiations with the provincial and federal governments. She is involved with a provincial-based First Nations' Environmental Assessment Technical Working Group (FNEATWG) that has the mandate to deliver a First Nations "tool kit" to assist First Nation communities that have project development subject to the provincial and federal acts on their reserve or traditional territory. The FNEATWG was involved in providing comments for the CEAA 5-Year Review.

Peter Robb completed a Bachelors of Arts in Geography (1996) from Bishop's University then continued on to obtain a Bachelors of Science (2000) in Environmental Planning with a concentration Aboriginal Planning. During his education, he worked in the British Columbia Treaty Process in the field of forestry and community development. Currently, he is working for Ministry of Energy and Mines, Aboriginal Relations Branch, in Victoria, BC where he represents the Ministry's interests in the BC Treaty Process.

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