



NATIVE WOMEN'S  
ASSOCIATION OF CANADA

L'ASSOCIATION DES FEMMES  
AUTOCHTONES DU CANADA

## **Bill C-69: Impact Assessment Legislation and the Rights of Indigenous Women in Canada**

### **BRIEF**

Submitted to:

Standing Committee on Environment and Sustainable Development  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa, ON K1A 0A6

Submitted By:

Native Women's Association of Canada  
Ninth Floor, 1 Nicholas Street  
Ottawa, ON K1N 7B7

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## Table of Contents

Summary .....	2
Concerns and Recommendations .....	3
Free, Prior and Informed Consent .....	3
Administrative Decisions.....	4
Disposal or Storage of Hazardous Materials.....	5
Project Approval .....	5
Self-government and Self-determination .....	6
Effective and Special Measures to Improve the Socio-Economic Condition of Indigenous Women and Children.....	8
Measures to Protect Indigenous Women and Children from All Forms of Violence.....	8
Conclusion.....	10
About NWAC.....	10
Summary of Recommendations.....	10

## Summary

Where Indigenous peoples are denied decision-making authority over matters that affect their internal and local affairs, they are denied their rights to give or withhold consent, exercise self-governance and realize self-determination. Impact assessment legislation has significant implications for the rights and interests of Indigenous peoples across the country. The processes and decision-making authority under this legislation can and do affect the environments that First Nation, Inuit and Métis Canadians depend on for sustenance, culture and spirituality.

Impact assessment legislation must respect the government's responsibility to take measures to improve the economic and social conditions of Indigenous women and protect them from all forms of violence. Industrial projects often have major implications for Indigenous communities, especially Indigenous women, children and LGBTQ2+ persons. While the benefits of federally regulated projects tend to formulate at the national level, most of the risks and deleterious effects tend to materialize at the local or regional scales.

The Canadian government has committed to follow and implement the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action as part of building reconciliation with Indigenous peoples. Call to Action 92 states, "We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include but not be limited to, the following:

- (i) Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- (ii) Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- (iii) Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*. Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Bill C-69 does not conform with the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples*. Impact Assessment legislation sets out how the benefits and burdens of federally regulated projects are assessed and how decisions in relation to those projects are made. In order for Bill C-69 to conform with UNDRIP, and avoid returning to the legislative process to correct deficiencies with respect to Indigenous rights following the coming into force of Bill C-262, the proposed legislation must be amended to ensure that the rights of Indigenous peoples are respected. Specifically, the legislation must respect the Indigenous rights to:

1. Give or withhold consent with respect to deleterious environmental effects on their lands and territories;

2. Exercise self-governance over internal and local affairs;
3. Benefit from effective and special measures to improve the economic and social condition of Indigenous women and children; and
4. Benefit from measures to protect Indigenous women and children from all forms of violence.

The current version of Bill C-69 does not respect the Rights of Indigenous peoples as set out under UNDRIP. References to Indigenous rights under the proposed legislation are limited to those rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. In order to ensure that UNDRIP is properly implemented and to avoid future legislative amendments following the passage of Bill C-262, reference to Indigenous rights under the Bill should include those rights set out under UNDRIP.

## Concerns and Recommendations

UNDRIP is not mentioned in Bill C-69. While it is possible for legislation to be silent on this Declaration while conforming to the rights and principles set out within it, that is not the case here. Broadly, NWAC has a single recommendation: That Bill C-69 be amended to clearly state that the legislation is to be interpreted in accordance with UNDRIP and that relevant decision-making processes be amended to reflect the right of Indigenous peoples to self-governance and self-determination. Specifically, the rights to give or withhold consent, self-determination, self-government, the amelioration of socio-economic conditions, and to be free from all forms of violence must be explicitly set out in the Bill.

## Free, Prior and Informed Consent

Impact Assessment legislation directly affects the right of Indigenous people to give or withhold their free, prior and informed consent (FPIC) in three specific ways:

1. Decisions related to assessment processes are administrative decisions that determine the type and scope of issues for proposed projects on or near Indigenous lands;
2. Approval of projects may result in the disposal or storage of hazardous materials on Indigenous lands; and
3. Impact assessment legislation sets out how projects which may affect Indigenous lands are approved.

The provisions of Bill C-69 which deal with administrative decision-making, storage/ disposal of hazardous materials, and approval of projects must ensure that, where Indigenous peoples and/ or lands or resources may be affected, their rights under UNDRIP are respected.

Presently, the only provisions of the Bill which speak to the Indigenous right to give or withhold FPIC are the confidentiality provisions under the proposed *Impact Assessment Act*<sup>1</sup> (IAA) and *Canadian Energy*

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<sup>1</sup> Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, 1st sess, 42nd Parl, 2005, CI 1 (First Reading, 8 February 2018, *Impact Assessment Act* at s 119(1)) [Proposed IAA].

*Regulator Act*<sup>2</sup> (CERA) and the taking or using of Indigenous lands under CERA.<sup>3</sup> These few provisions requiring consent to the taking or using of Indigenous lands are further limited by the authority of the Governor in Council to consent despite non-consent of Indigenous persons<sup>4</sup> or the grandfathering of Indigenous lands already in possession, use or occupation by persons or companies<sup>5</sup>.

Bill C-69 must, in order to conform with UNDRIP, ensure that the Indigenous right to give or withhold consent is respected. Specifically, this right must be respected in regard to the making of administrative decisions, disposal or storage of hazardous materials, and approval of projects.

### Administrative Decisions

Article 19 of UNDRIP requires that states must obtain the FPIC of Indigenous peoples before adopting and implementing legislative or administrative measures that may affect them.<sup>6</sup>

Under the proposed IAA, the decisions as to whether impact assessments are required<sup>7</sup> and which effects will be included in the assessment<sup>8</sup> are determined by the government.

The requirement that impact assessments must, under the proposed legislation, take into consideration the impact the projects may have on Indigenous peoples and their rights<sup>9</sup> is not sufficient to meet the Indigenous right to give or withhold consent with respect to administrative decisions that may affect them. Where an impact assessment may affect the rights, interest, lands, territories or resources of Indigenous peoples, impact assessment legislation must afford Indigenous communities with the opportunity to give or withhold FPIC to the extent of those rights and interests.

### Recommendation 1

Bill C-69 should ensure that Indigenous peoples are provided with opportunities to give or withhold their free, prior and informed consent with respect to administrative decisions that may affect their rights or interests, to the extent that their rights and interests are affected by the decisions.

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<sup>2</sup> Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, 1st sess, 42nd Parl, 2005, CI 9 (First Reading, 8 February 2018, *Canadian Energy Regulator Act* at s 58(1) [Proposed CERA].

<sup>3</sup> *Ibid*, ss 317(1), 317(3) and 318.

<sup>4</sup> *Ibid*, s 318.

<sup>5</sup> Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, 1st sess, 42nd Parl, 2005, CI 9 (First Reading, 8 February 2018).

<sup>6</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295, available at: [www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf), at Art 19 (UNDRIP).

<sup>7</sup> *Supra*, Proposed IAA note 1, s 16(1).

<sup>8</sup> *Ibid*, s 51(1)(d)(i)

<sup>9</sup> *Ibid*, s 22(1)(c).

## Disposal or Storage of Hazardous Materials

Article 29.2 of UNDRIP requires that states must take effective measures to ensure that hazardous materials are not stored or disposed of on the lands or territories of Indigenous peoples without their FPIC.<sup>10</sup> Bill C-69 legislates no requirement that consent of Indigenous peoples be obtained prior to the approval of projects which may result in the disposal or storage of hazardous materials on Indigenous lands.

The proposed IAA vests the Agency with the authority to determine whether impact assessments are required<sup>11</sup> and the Minister with the authority to set conditions for projects determined to be in the public interest<sup>12</sup>. The proposed CERA affords the Commission with the authority to determine the conditions for pipeline certificates.<sup>13</sup>

Impact assessment legislation determines which authorities set conditions for projects and these conditions may relate to the storage and disposal of hazardous materials. Where such conditions relate to the storage or disposal of hazardous materials on Indigenous lands or territories, the legislation must respect the right of those peoples to give or withhold their consent.

### *Recommendation 2*

Bill C-69 must ensure that Indigenous peoples have the opportunity to give or withhold FPIC to the storage or disposal of hazardous materials on their lands or territories prior to the approval of any projects, works or undertakings that may result in the storage or disposal of such materials.

## Project Approval

Article 32.2 requires the state to obtain the FPIC of Indigenous peoples prior to the approval of any project affecting their lands, territories or resources.<sup>14</sup> Bill C-69 vests the authority to approve projects with the Minister or the Governor in Council.<sup>15</sup>

Technically, the proposed legislation requires the Minister or Governor in Council to determine whether the “adverse effects” of the proposed projects are “in the public interest”.<sup>16</sup> It is difficult to imagine a scenario in which the adverse effects of industrial projects are in the public interest. The legislation ought to clarify whether the responsible authority is to determine whether the adverse effects of the project is in the public interest, or whether the project is in the public interest despite the adverse effects.

To the extent that a project may affect the lands, territories or resources of Indigenous peoples, those Indigenous peoples must be afforded, under impact assessment legislation, the authority to give or withhold FPIC to the extent of the intrusion of the project on their lands, territories or resources. This

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<sup>10</sup> UNDRIP, *supra* note 6, Art 29.2.

<sup>11</sup> *Supra*, Proposed IAA note 1, s 16.

<sup>12</sup> *Ibid*, s 64(2).

<sup>13</sup> *Supra*, Proposed CERA, note 2, s183(1)(b).

<sup>14</sup> UNDRIP, *supra* note 6, Art 32.2.

<sup>15</sup> *Supra*, Proposed IAA note 1, ss 60(1) and 62.

<sup>16</sup> *Ibid*, ss 60(1)(a) and 62.

does not constitute a “veto” for Indigenous peoples with respect to the entirety of the proposed project; rather, it ensures the legislation recognizes the Indigenous right to give or withhold consent to the effects of proposed projects on their lands, territories and resources.

#### *Recommendation 3*

Bill C-69 should require that approval of project effects on Indigenous lands, territories or resources must be approved by the affected Indigenous group, which include participation by Indigenous women, prior to the approval of the proposed project.

#### *Recommendation 4*

Bill C-69 should clarify whether the Minister or Governor in Council is to determine whether the adverse effects of the project are in the public interest or whether the project is in the public interest despite the adverse effects.

### Self-government and Self-determination

The requirements under the proposed legislation that Indigenous peoples be consulted<sup>17</sup> or the effects of the project take into consideration their section 35 rights<sup>18</sup> does not meet the self-government and self-determination standards under UNDRIP. In order for impact assessment legislation to respect the Indigenous right to self-determination, Indigenous peoples must be included in the governance structures for the assessment and approval of proposed industrial projects and their effects with respect to Indigenous rights, lands, territories and interests.

Article 4 of UNDRIP recognizes that the right to self-determination encompasses the right to self-government in matters relating to their internal and local affairs.<sup>19</sup>

Impact assessment legislation must recognize that the Indigenous right to self-determination is indivisible from the right to self-government, including the authority to assess the effects of industrial projects on their lands, territories and resources. This also includes the authority to determine whether such effects are acceptable and what conditions are to apply to those projects with respect to their effects on Indigenous rights and interests.

The right to self-determination is inherent for all peoples and encompasses the right to determine economic, social and cultural development.<sup>20</sup> The authority of Indigenous peoples to elect to carry out those parts of impact assessments related to their lands, territories, resources and interests ought not to be contingent on the delegation powers of federal agencies, as is proposed under Bill C-69.<sup>21</sup>

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<sup>17</sup> Proposed IAA, *Supra*, note 1, s 21(b).

<sup>18</sup> *Ibid*, ss 22(1)(c) and 63(d); *Supra*, Proposed CERA, note 2, s 56, 183(2)(e), 262(2)(e) and 298(3)(e).

<sup>19</sup> UNDRIP, *supra* note 6, Art 4.

<sup>20</sup> UNDRIP, *supra* note 6, Preamble; *International Covenant on Economic, Social and Cultural Rights*, GA Res 2200A (XXI), UNGAOR, 1966, Vol 993, p 3, Art 1.1; *International Covenant on Civil and Political Rights*, GA Res 2200A (XXI), UNGAOR, 1966, Vol 999, p 171 and Vol 1057, p 407, Art 1.1.

<sup>21</sup> Proposed IAA, *supra* note 1, s 29.

The economies and cultures of Indigenous peoples is inseparably woven with their lands and natural resources and the assessment processes and decision-making authority applicable to industrial projects under IA legislation may have significant impacts on the lands and resources of Indigenous peoples.

Land lies at the heart of social, cultural, spiritual, political, and economic life for Indigenous women. The survival of Indigenous communities, their well-being and empowerment depend on their relationship to the land and waters, and the environmental abilities of Indigenous women to transmit their knowledge. Any changes to the environment will directly affect Indigenous women's and girls' health, wellbeing, and identity, including national and international policies and regulations on lands and resources.

Under Bill C-69, the Governor in Council will be given authority to make regulations exempting assessment requirements on Indigenous lands<sup>22</sup> and, as explained above, the effects of proposed projects on Indigenous rights – constrained to section 35 rights – are factors merely to be considered in the assessment processes and decision-making by government.

The Indigenous right to participate in decision-making in matters that may affect their rights<sup>23</sup> and the right to self-government<sup>24</sup> are not adequately respected through consultation and consideration. Participating in decision-making is not satisfied through consultations but through inclusion as government decision-makers, at least to the extent of their interests in the matters.

Indigenous women's relationship to the environment is inseparable from their cultural knowledge, teachings, and identity. Their unique identities are often shaped by time spent, knowledge learned, and gifts given from the land. Environmental degradation and extractive industries influence their ability to be able to carry out their responsibilities to the land or engage in land-based activities integral to their cultural identities. Violence on the land often translates directly into violence against Indigenous women and their ability to carry out and transmit culture. Effectively, denying Indigenous women the equal opportunity to self-determination is allowing systemic cultural genocide to progress.

Impact assessment legislation sets out the decision-making authority and requirements for the assessment and approval of proposed industrial projects. These decisions have significant implications for the rights, interests, lands, territories and resources of Indigenous peoples and, therefore, implicates the Indigenous rights to self-determination and self-government. Bill C-69 is silent on these rights.

#### *Recommendation 5*

Bill C-69 must ensure that, where decision-making authority and requirements relate to Indigenous rights, – including rights set out under section 35 of the *Constitution Act, 1982* and UNDRIP – lands, territories or resources, those Indigenous peoples potentially affected by proposed projects, works or undertakings are provided with the opportunity to participate in decision-making to the extent of their interests in the project and its effects.

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<sup>22</sup> *Supra*, Proposed IAA note 1, s 109(d)

<sup>23</sup> UNDRIP, *supra* note 6, Art 10.

<sup>24</sup> *Ibid*, Art 4.

## Effective and Special Measures to Improve the Socio-Economic Condition of Indigenous Women and Children

Impact assessment legislation has significant implications for Indigenous peoples and indigenous women and children in particular. Given the effects of impact assessment legislation on the social and economic conditions of Indigenous peoples, it is important that the government's duty to ensure that the socio-economic conditions of Indigenous women and children are continuously improving<sup>25</sup> be clearly stated in Bill C-69.

The construction phase of industrial projects pose particular risks to Indigenous women and girls as work camps can result in increased rates of sexual violence and human trafficking<sup>26</sup> and increased pressures on health and community services<sup>27</sup> while potential employment opportunities with the projects benefit men in consistently higher numbers than women.<sup>28</sup> This discrepancy in employment opportunities from industrial projects is further complicated by the fact that First Nation women living on reserve experience a more than 20% unemployment rate.<sup>29</sup>

### *Recommendation 6*

Bill C-69 should set legislative requirements that ensure Indigenous women enjoy socio-economic benefits from projects that may affect their rights, lands, territories or resources. This special attention to Indigenous women, in particular, will assist in conforming the legislation with UNDRIP while ensuring that Indigenous women are provided with opportunities to meaningfully benefit from Industrial projects and improve their socio-economic conditions.

## Measures to Protect Indigenous Women, Children and Gender Diverse Persons from All Forms of Violence

Article 22.2 of UNDRIP requires that states take measures to ensure the Indigenous women and children are protected from all forms of violence and discrimination.<sup>30</sup>

Industrial projects in or near Indigenous communities can result in increased rates of violence against women, especially transgender women. This violence often materializes in the form of physical or sexual violence, but also takes the form of environmental violence that has significant impacts on health.

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<sup>25</sup> UNDRIP, *supra* note 6, Art 21.2.

<sup>26</sup> Firelight Group, Lake Babine Nation and Nak'azdli Whut'en, "Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change" (February 2017) at 22 < [http://www.thefirelightgroup.com/thoughshallnotpass/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017\\_FINAL.pdf](http://www.thefirelightgroup.com/thoughshallnotpass/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017_FINAL.pdf) > [Firelight Report].

<sup>27</sup> *Ibid*, at 28.

<sup>28</sup> *Ibid*, at 20.

<sup>29</sup> Statistics Canada, *Women in Canada: A Gender-based Statistical Report* (89-503-X), O'Donnell, Vivian and Wallace, Susan, "First Nations, Métis and Inuit Women" (23 February 2016) < <https://www.statcan.gc.ca/pub/89-503-x/2010001/article/11442-eng.htm#a24> >.

<sup>30</sup> UNDRIP, *supra* note 6, Art 22.2.

As noted above, industrial work camps can result in increased rates of sexual violence against Indigenous women in communities neighbouring the camps.<sup>31</sup> LGBTQ2+ people face disproportionately high rates of gender-based violence<sup>32</sup> due to their heightened vulnerability based on their intersectionality as Indigenous and LGBTQ2+. The high rates of sexual violence against women and LGBTQ2+ persons is largely due to systemic discrimination and male chauvinism that works to subordinate women and LGBTQ2+ persons to male power and privilege. Measures that protect women and LGBTQ2+ persons from violence must recognize and address the systemic nature of sexual violence.

Given the direct correlation between the construction phase of industrial projects and rates of violence against Indigenous women, federal impact assessment legislation must clearly address violence against Indigenous women, especially transgender women, when assessing proposed projects.

Indigenous peoples tend to have a greater risk of exposure to toxic heavy metals from industrial emissions than non-Indigenous persons do.<sup>33</sup> The effects of industrial activities are more pronounced for Indigenous peoples because of their cultural, economic and spiritual relationships with nature<sup>34</sup> with proximity to industrial waste and other ecological contaminants having a direct impact on health<sup>35</sup>.

Indigenous women and children are particularly vulnerable to industrial toxins that bioaccumulate as toxins stored in fat will tend to be transferred to a baby through breast milk<sup>36</sup> and physiological differences between men and women make women more susceptible to deleterious health effects of exposure to some industrial waste, often related to resource extraction activities.<sup>37</sup>

The disposal or pollutants into the environment in quantities that affect the health of Indigenous women constitutes a form of environmental violence that can have serious, potentially fatal, consequences. That the deleterious effects of industrial activities are realized through environmental systems makes that exposure of individuals to hazardous substances no less violent.

#### *Recommendation 7*

Bill C-69 must ensure that special measures are in place to assess the risk of all forms of violence, including environmental violence, against Indigenous women and children in determining whether the proposed project is in the public interest and that conditions are required to ensure they are protected from those risks of violence. Such statutory requirements to protect Indigenous women and children from violence must recognize the systemic nature of sexual violence and the disproportionate impact of sexual violence on LGBTQ persons.

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<sup>31</sup> Firelight Report, *supra* note 26, at 22.

<sup>32</sup> "About Gender-based Violence" (2018-02-19) Online: Status of Women Canada < <http://www.swc-cfc.gc.ca/violence/strategy-strategie/gbv-vfs-en.html> >

<sup>33</sup> National Collaborating Centre for Aboriginal Health, "State of knowledge of Aboriginal Health: A Review of Aboriginal Public Health in Canada" (2012) at 24 < <https://www.ccnsa-nccah.ca/docs/context/RPT-StateKnowledgeReview-EN.pdf> >.

<sup>34</sup> *Ibid*, at 49

<sup>35</sup> *Ibid*, at 56.

<sup>36</sup> CCSG Associates (MiningWatch Canada), "Overburdened: Understanding the Impacts of Mineral Extraction on Women's Health in Mining Communities" (May 2004), at pg 6 [Overburdened].

<sup>37</sup> Overburdened, *supra* note 32, at 15-17.

## Conclusion

Impact Assessment legislation has significant implications for Indigenous rights, particularly the rights to give or withhold FPIC, self-government and self-determination, to improved socio-economic conditions and to freedom from all forms of violence.

The government has committed to implementing the TRC Calls to Action and supporting Bill C-262. Any non-conformity within Bill C-69 with UNDRIP will inevitably require the amending of the legislation following the coming into force of Bill C-262. Ensuring conformity of legislation with UNDRIP now will conserve parliamentary resources while respecting the rights of Indigenous Canadians and contribute to reconciliation.

The demands of a renewed nation-to-nation relationship that works toward reconciliation and equality among men and women calls vociferously for the incorporation of UNDRIP principles into Bill C-69. Legislation which impacts so heavily on the rights and interests of Indigenous peoples, such as impact assessment legislation, must not be silent on UNDRIP.

## About NWAC

The Native Women's Association of Canada (NWAC) is founded on the collective goal to enhance, promote, and foster the social, economic, cultural and political well-being of First Nations, Métis and Inuit women. NWAC is an aggregate of thirteen Native women's organizations from across Canada and was incorporated as a non-profit organization in 1974.

Our mission is to help empower women by being involved in developing and changing legislation which affects them, and by involving them in the development and delivery of programs promoting equal opportunity for indigenous women.

## Summary of Recommendations

### *Recommendation 1*

Bill C-69 should ensure that Indigenous peoples are provided with opportunities to give or withhold their free, prior and informed consent with respect to administrative decisions that may affect their rights or interests, to the extent that their rights and interests are affected by the decisions.

### *Recommendation 2*

Bill C-69 must ensure that Indigenous peoples have the opportunity to give or withhold FPIC to the storage or disposal of hazardous materials on their lands or territories prior to the approval of any projects, works or undertakings that may result in the storage or disposal of such materials.

### *Recommendation 3*

Bill C-69 should require that approval of project effects on Indigenous lands, territories or resources must be approved by the affected Indigenous group prior to the approval of the proposed project.

#### *Recommendation 4*

Bill C-69 should clarify whether the Minister or Governor in Council is to determine whether the adverse effects of the project are in the public interest or whether the project is in the public interest despite the adverse effects.

#### *Recommendation 5*

Bill C-69 must ensure that, where decision-making authority and requirements relate to Indigenous rights, – including rights set out under section 35 of the *Constitution Act, 1982* and UNDRIP – lands, territories or resources, those Indigenous peoples potentially affected by proposed projects, works or undertakings are provided with the opportunity to participate in decision-making to the extent of their interests in the project and its effects.

#### *Recommendation 6*

Bill C-69 should set legislative requirements that ensure Indigenous women enjoy socio-economic benefits from projects that may affect their rights, lands, territories or resources. This special attention to Indigenous women, in particular, will assist in conforming the legislation with UNDRIP while ensuring that Indigenous women are provided with opportunities to meaningfully benefit from Industrial projects and improve their socio-economic conditions.

#### *Recommendation 7*

Bill C-69 must ensure that special measures are in place to assess the risk of all forms of violence, including environmental violence, against Indigenous women and children in determining whether the proposed project is in the public interest and that conditions are required to ensure they are protected from those risks of violence. Such statutory requirements to protect Indigenous women and children from violence must recognize the systemic nature of sexual violence and the disproportionate impact of sexual violence on LGBTQ persons.