Notice of the Final Oral Examination for the Degree of Doctor of Philosophy

of

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LLM (University of Calgary, 2010)
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“Hydro Dams and Environmental Justice for Indigenous People. A Comparison of Environmental Decision-Making in Canada and Brazil”

Faculty of Law

Friday, March 26, 2021
10:00am (PDT)
Remote Defence

Supervisory Committee:
Prof. Deborah Curran, Faculty of Law, University of Victoria (Supervisor)
Dr. Pooja Parmar, Faculty of Law, UVic (Member)
Dr. Michele-Lee Moore, Department of Geography, UVic (Outside Member)

External Examiner:
Dr. Sara Seck, Schulich School of Law, Dalhousie University

Chair of Oral Examination:
Dr. Pierre-Luc Landry, Department of French, UVic

Dr. Stephen Evans, Acting Dean, Faculty of Graduate Studies
Abstract

This research project focuses on decision-making about large hydropower dams, particularly the process and outcomes of impact assessment, involving state, corporations, and local Indigenous communities. The objective of the study is to investigate whether state-led impact assessment, as one tool of regulatory decision-making, can be a way to address environmental justice concerns for Indigenous peoples affected by natural resource infrastructure. The core of this research is a case study comparison between the Belo Monte dam (Brazil) and Site C dam (Canada) to examine the effectiveness of environmental impact assessment (EIA) and decision-making. I analyse these processes’ ability to address the inequities caused by disparate adverse effects of dams on Indigenous peoples. Despite evidence of the impacts of large dams on Indigenous peoples, there is limited literature on their experiences with large hydropower projects and their decision-making processes, and mechanisms that would account for Indigenous peoples’ experiences. This research aims to fill in that gap in the literature by exposing the limitations of impact assessment and proposing recommendations for environmental decision-making to address Indigenous peoples’ concerns and experiences. I start with a review of the development of the environmental justice (EJ) literature as the research’s analytical framework. Environmental justice focuses on diagnosing the inequities caused to localized communities under the argument of a necessary ‘smaller evil,’ so that the larger society may benefit from natural resources development. However, the research participants’ experiences pointed to the need to revise the EJ framework towards a more integral approach to environmental decision-making, recognising the fundamental relationship between land and human beings. This research project concludes that EJ for Indigenous peoples helps reinstate decision-making purposes – evaluating the impacts, proposing alternatives to projects, promoting transparency and accountability, and considering the possibility of rejecting projects – when done within a genuine government-to-government collaborative framework between state and Indigenous governments.