



Achieving Effective and Meaningful Engagement with Indigenous Communities

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Outline for Presentation



- Please remember this is a topic that takes many months of planning and understanding and this is meant to be an overview. If you like to know more, please come see me afterwards.



So away we go.



- It is funny, both the federal and provincial governments say, you must work with Indigenous Peoples. But typically,
 - They may not provide you with the right communities to contact,
 - And most importantly they don't tell you exactly when to do it.
- Often the planning processes is initiated by some sort of catalyst.
 - An issue that people are concerned about or interested or apart of a overall planning exercise.
 - So it this the right time to start engagement? Should we do it when we do all stakeholder consultations?
 - Are Indigenous Peoples stakeholders?

Creating an Effective Relationship with First Nations



- It always comes down to two things:
 - Language
 - People
- If:
 - **both parties** know and respect each other as people and;
 - **both parties** know how to communicate effectively with each other

REMEMBER: First Nations are like anyone else, we are people too.

The Basics...

Governance Structure



•Chief and Council (Governing Body)

- Elected one of three ways by the Membership:
 - Indian Act Election (two year term)
 - First Nation Election Act (four year term)
 - Custom Election Code (based on traditional custom)

•Leadership

- Generally, One Elected Chief (Akwesasne has district Chiefs) as well
- One Councillor for every 100 members of the First Nation (min 2 – max 12)
- A Chief is not a mayor
- Chief is a term of respect on a First Nation and demands respect.

The Basics...

Operational Structure



- Job titles vary greatly from First Nation to First Nation
- Department delineations do remain fairly consistent – generally influenced by funding streams from INAC
 - Administration, Economic Development, Public Works, Health, Housing, Consultation, Social, Education are all common.
 - Specific skills and job positions may or may not be present (IT person, GIS specialist, etc.) depending on individual community's need.
 - There is no planning department in most FN's.
- The role of the Consultation Team at a FN can vary.

The Basics...

Lands



- **Traditional Territories:**
 - the geographic areas identified *by a First Nation* to be the area of land which they and/or their ancestors traditionally occupied or used.



Overview for a Framework of Indigenous Engagement Planning



There are five elements to this concept:

1. Knowing Yourself and Your Approach,
2. Create a Collaborative Working Relationships,
3. Knowing All Our Relations in the Area,
4. Achieving Consensus on the Plan, and
5. Bringing it to Life



Step 1: Knowing yourself and your approach



Participation



Non-Participation ~Manipulation

- Little to no information is shared,
- Little to no opportunity to provide feedback or decision making,
- Gives the illusion of participation,
- Participants may be blamed for their concerns, rather than looking for underlying causes.

Tokenism~ Consultation

- Create communities or boards without clear roles or mandates,
- Information is shared but with no time or allowance to provide feedback for the decision making process,
- Maintains the status quo.

Community Empowerment



- Community input determines the direction and formation of policies or programs,
- Create partnerships where the community makes decisions alongside public officials,
- Community control and self determination of its goals and values.

You Don't Know, What You Don't Know



- Ask yourself:

- What is your past experience when working with Indigenous Communities?
- Your knowledge of the community or Indigenous Peoples?
- Your organizations history of working with communities?
- Who is the best team to put forward-BE HONEST!

- Does your team know:

- Traditional/Indigenous Knowledge Systems? And how to incorporate them?
- Indigenous Governance Systems,
- Cultural Protocols and/or Traditional Law,
- The Communities Inherent right to the land,
- Language and
- Communities Vision and Value System.

Develop your Position



1

- Understand where your relationship is now

2

- Identify the internal issues and hurdles to a good relationship

3

- Identify what your vision for the relationship is
 - You need to know what you want from this relationship

4

- Develop a distinct and value-based strategy to develop the relationship

5

- Formally engage with the First Nation community

6

- Modify / Tweak / Rework based on initial engagements

Organizational Actions



Make a Formal Commitment

- Make a commitment that isn't tied to a perceived, one-sided benefit
 - Make the commitment for the overall good, not to have single project success
 - If you have the overlying commitment, it paves the way for all future projects
- Ensure your commitment is desired or warranted and meets the desired mark
- Engage the First Nation community to assist in the development
- Have a budget

Organizational Actions



Educate Your Team

- Develop a training plan for staff
 - Train those interacting and related to First Nation people
 - The training may be far outside of their normal training activities
 - Training should involve the way the policy is to be interpreted and applied
- Make sure the team member you use is the right one
 - Personal politics and potential prejudices need to be understood

Organizational Actions



- Begin to develop joint vision and more formal agreements
 - This is where the action meets operational need
 - Previous actions were to set the table to get to work
 - Your actions build the trust – how your actions are perceived builds trust
- Right team members from both sides to work together

Want to try something?



Start by getting to know each other:

- Cross cultural training
 - A bit formal, but effective to reduce the fear of miss stepping in a safe learning environment
- Open Houses
 - Departments, units or entire organizations
- Tours
 - Share your community pride
- Feasting (pot-luck)
 - Home and home
- Offer free admission to community events
 - Mayor's dinner; community pow wow, grand openings, etc.
- Jointly participate in a charity event
 - Dragon boat team / walk for a cure / walk for water

So you have a project *idea or need!*



Questions that should come to mind might be:

1. When do we need to contact the Indigenous Communities?
2. Which ones in our area do we contact?
3. How do we contact them or who do we contact?
4. What is our municipalities responsibility over the province?

Step 2:

Creating a Collaborative Relationship



The Consultation Obligations



- The duty to consult requirements can vary widely and depend on the circumstances of a project.
- Factors that can influence the consultation obligations include:
 - nature and scope of the established or asserted First Nation or treaty right
 - strength of the claim to an asserted First Nation or treaty right
 - potential impact of the proposed conduct on the established or asserted right

What Does Consultation Involve?



1. Information Components:

- providing timely and accessible information to the Aboriginal community on the proposed project, activity or decision
- obtaining information on any potentially affected rights

2. Response components

- listening to any concerns raised by the Aboriginal community
- determining how to address these concerns, including attempting to avoid, minimize and/or mitigate adverse impacts on Aboriginal or treaty rights

The First Nation Role



- The courts have stated that there is an onus on First Nation communities to:
 - make their concerns known
 - respond to ministries' (or third parties') attempts to meet those concerns
 - attempt to reach some mutually satisfactory solution

Third Parties' Role (Engagement Specialist)



- The Crown may delegate to a proponent certain aspects of consultation. For instance,
 - to provide information regarding a proposal and
 - gather information about the impact of a proposed project on asserted or established Aboriginal or treaty rights.
- BUT...the ultimate legal responsibility to meet the duty to consult lies with the Crown.
- Where might that leave you?
 - Powerless, Frustrated and Confused
- It doesn't have to.

The Desire to Engage



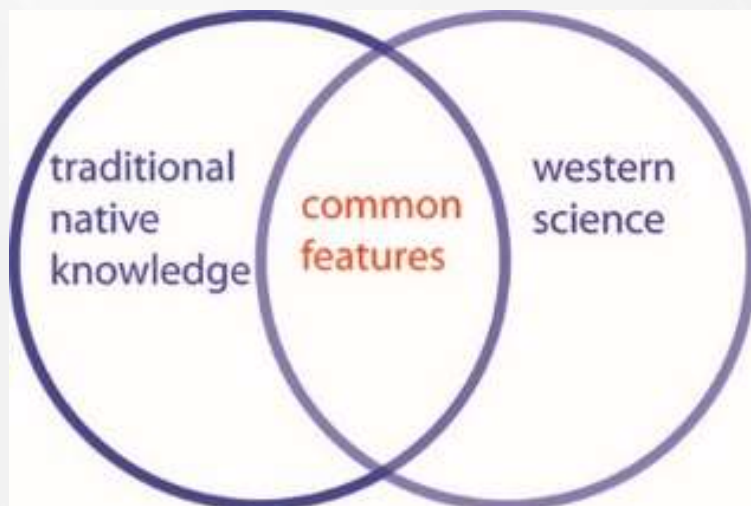
- The Duty To Consult and Accommodate is a forced action by legal doctrine.
- A New Perspective:
 - Forget about the Duty to Consult obligation and
 - Develop an organizational culture of desire to engage

Why Adopt a “Desire to Engage” Culture?



- It is beneficial to your operations:
 - It encourages long term, stable and mutually beneficial relationships
- It accelerates your speed of business and improves efficiency
- It opens up many more potential opportunities

Needs Analysis



The Community

- Technical Support/Expertise!
- Time

You

- General Community Coordinator/Engagement Coordinator
- Realistic expectations/timeline
- Focused study design



- So review each community's consultation protocol prior to contacting them (google it).
- Draft a letter to meet the requirements of the individual protocol
- Wait 2-3 weeks before following up.

Now you get a response



- Hopefully you asked the simplest of questions, what is the best way to present information to the community:
 - Workshops,
 - Meetings,
 - 1 on 1 interviews or online surveys.
- “I recommend that the Watershed Planning as an Awareness Building opportunity. Some membership may not know all the environmental issues within their watershed.
- It is a social time/gathering and time for everyone to share their knowledge.”

Considerations when planning a community meeting



- Compensation for engagement
 - Honoraria, meals and accommodation are all apart of it.
 - People pay Western experts and compensate them for time so Indigenous Peoples should not be any different.
- Engaging Different Groups in the Community.
 - Youth: they're the next generation. Supporting them to speak up and act on their ideas are important in their development as potential leaders.
 - Elders: The knowledge holders of the community. Please be aware of accessibility challenges and time required to meet with them effectively.

Brainstorming of Participants



- This is a great way to track potential partners. Create a table of stakeholders and rights holder

Government or organization	Primary contact	2nd contact	Contact info	Nature of Interest	History with Ind. Peoples or others	Status of relationship	Shared Goals	Additional Information
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Bringing People Together



- Once you have an understanding of your basic network of partners, bring everyone together.
- I suggest a feast/meal followed by an informal introduction.
- Try to figure out the strengths or common interests that all members of the group bring when at the table. .
- Create a code of conduct
- Bring in additional mediators or facilitators who are not apart of the project
- Security? Maybe!

What to do When People Just Won't Come to the Table



- Sometimes a stakeholder or a **rights holder** won't participate in the process. They may clearly say they are not willing to participate or they may just not show up. If this stakeholder or rights holder is affected by changes in the watershed then you are of the legal obligation to communicate with them.
- So for starters, find out why they are not participating.

- Does it have something to do with the process, the consulting team?
Representation of how the process or direction is headed?
- In most cases it could be a miscommunication or understanding that needs clarification.
- Perhaps they do not have the capacity to properly participate.

- Offer support. Try to create a strategy that shares updates or flexible meeting times to help cover these challenges.
- Other communities may not feel comfortable participating given that other critical negotiations or concern are being address. These process could potentially impact your watershed plan thus it needs attention.
- Be sure to document all attempts and strategies you propose to work with these rights holders. Continue to keep them informed and they may come around but continue with the process.

Sub-Working Groups



- As the project is underway you may find that core working group can not tackle or handle the workload of every single aspect effectively (sorry to my fellow consultants) or in a timely manner.
- An elder once suggested to me that you create sub-working group to better understand objectives or goals people are interested about.

These may include:



- Gathering Western Science data about the area/project.
- Gathering Indigenous Knowledge about the area/project.
- Understanding the policy context, legislative and natural law on how it applies to the watershed
- Strategies for outreach and better communication

Clear Terms of Reference



- Goals or mandate of the working group
- Core Principals
- Membership to the group
- Frequency of Meetings
- Member responsibilities
- Accountability
- Relationship to the sub-committees.

Summary~ How Long Will It Take?



A frequent question is how much time a project proponent should anticipate effective engagement to take. There isn't a simple answer to that question for a couple of reasons.

- First, engagement is not “one size fits all” - each community is unique unto itself as is each company and each project.
- Second, prior to engaging with the community you can't predict how the relationship will unfold, or how you, your team, and your project will be viewed.
- With just those two factors in mind, it becomes clear that an engagement strategy can't be built with a rigid timeline nor can it be fast tracked. It also means that your engagement strategy should be written into the early phases of your project plan

How Much Will it Cost?



- Engagement should not be something done off the corner of the desk. It's a critical component of your development plans and should be afforded an appropriate budget.
- Hiring a qualified Indigenous Engagement Specialist would be an asset for both your company and the community you hope to work with.
- The advantage lies in that person being the sole point of contact which ensures that the community has someone reliable and knowledgeable to approach with questions, and messaging about the company and project is on point.
- An Indigenous Engagement Specialist does not have to be an Indigenous person but they should at the very least have had training and several years experience with proper mentoring.



Miigwetch! Questions?



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