



Images: Satellite tagging of seals

## Meaningful Engagement of Indigenous Peoples and Communities in Marine Activities (MEMA)

# Workshop Report

September 2016



## **Meaningful Engagement of Indigenous Peoples and Communities in Marine Activities (MEMA) – Workshop Summary**

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This report is a summary of a workshop sponsored by PAME and hosted by Bowdoin College, Brunswick, Maine, USA. The contents of this report contain the opinions of individual participants which are not endorsed or approved by PAME but are useful to the MEMA Project background.

## Executive Summary

On September 17, 2016, the Arctic Council's Protection of the Marine Environment (PAME) working group held a workshop on issues surrounding meaningful engagement with Indigenous peoples in the Arctic. The workshop was used to inform and validate the principles and lessons outlined in PAME's Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA) project.

The workshop presented a summary of the narrative summary conducted for the purposes of a MEMA report and included case study presentations from various actors in the Arctic related to whether current practices included processes for ensuring engagement is considered meaningful by parties involved, and whether accountability processes are in place to ensure that meaningful engagement is undertaken by parties. Following presentations, roundtable and plenary discussions were held to allow for participants to consider the case studies presented and identified issues concerning meaningful engagement.

From the roundtable and plenary discussions, the following are the major points highlighted by the workshop participants:

- Current engagement practices are not culturally appropriate as not all consider timing and community reactions to processes;
- Education and training for companies and government employees on meaningful engagement practices will reduce the disconnect between Western ideas of engagement and Indigenous perspective of what meaningful engagement entails
- Consultation is not engagement and should occur prior to engagement
- Trust and respect is important and demonstrated by understanding the communities being entered and should be between those at the table not between entities
- Research should take in as many perspectives as possible to lead to greater end results
- Successful and meaningful engagement are not the same thing
- Meaningful should include openness and willingness to understand the frames of reference and values of others at the table
- Meaningful engagement should be conducted because it is the best way to move forward, not because it is mandatory, which is based on establishing relationships among people;
- Resources can assist communities to address more pertinent issues within their communities which can enable communities to participate in engagement;
- Parties coming into the Arctic should aim to support the decision-making capacity of communities;
- Deformalizing the engagement process can allow for genuine input
- The role of the Permanent Participants in the Arctic Council is underutilized

- The Arctic Council and its working groups and task forces can improve engagement practices by highlighting acceptable engagement practices and following their own recommendations
- What constitutes meaningful engagement is determined by the Indigenous communities that are being engaged

Improving engagement practices requires a culturally appropriate understanding of engagement, allowing for Indigenous communities or entities to define what is meaningful. In addition, improving legislation to address the Indigenous organizations that are recognized as the main body for engagement purposes may be needed. The example of the United States *Indian Reorganization Act* was used and it was suggested that recognition of Indian organizations in addition to federally recognized Tribes could improve the engagement process.

In moving forward, it was suggested that the Arctic Council fulfill recommendations previously put forward; strengthen support of Permanent Participants to help facilitate early community engagement in projects; develop a working group template that outlines role of engagement and Indigenous Knowledge; expand funding for progressing engagement within working group projects; and develop protocols for working groups to incorporate Indigenous Knowledge.

## Introduction

The Arctic Council's Protection of the Marine Environment (PAME) working group is undergoing a review of meaningful engagement of Indigenous peoples and communities in marine activities ("MEMA" project)\*. Through a review and analysis of existing engagement processes, a report is being developed on current practices of engagement in the Arctic. The MEMA project, co-led by Canada, U.S. and Permanent Participants, seeks to identify best practices and lessons learned throughout the Arctic from the Arctic Council, member governments, Indigenous Peoples and communities, industry, and academia and other stakeholders.

In support of the MEMA project, a workshop was held on Saturday September 17, 2016, at the Peary-MacMillan Arctic Museum and Arctic Studies Center of Bowdoin College in Brunswick, Maine. Workshop participants provided perspectives of Indigenous Peoples, government, non-government organizations, and academia on Indigenous engagement in the Arctic. The participants came from across Canada, United States, Greenland, Norway, Iceland, and Finland (See Appendix B). The MEMA project team also participated in the workshop, providing their own insights. Workshop participants were provided with

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\* For more information on the MEMA Project:  
<http://www.pame.is/index.php/projects/offshore-oil-and-gas/mema>

background documents of the MEMA project, which consisted of a narrative analysis of 370 information sources reviewed and a background document on engagement with Indigenous peoples.

The workshop consisted of a presentation of the PAME narrative analysis along with four case study presentations that identified issues with measures of successful engagement and accountability to ensure meaningful engagement is taking place (Appendix A). Following each presentation, roundtable discussions were held along with plenary discussions to bring the group together. Students of Bowdoin College participated as note takers and rapporteurs. The workshop was co-facilitated by Dr. Susan Kaplan, Director, and Dr. Genevieve LeMoin, Curator, of Bowdoin College Peary-MacMillan Arctic Museum and Arctic Studies Center.

The workshop aimed to gather diverse perspectives from Indigenous peoples, organizations, entities and governments on issues concerning meaningful engagement to inform or validate the principles and lessons to be outlined in the MEMA report. In addition, the workshop sought to address issues not adequately outlined in the literature reviewed for the report, namely whether current practices monitor and ensure engagement is considered meaningful by parties involved, and whether accountability processes are in place to ensure that meaningful engagement is undertaken by parties. Overall, the workshop provided valuable insight to the Arctic Council on how to move forward with respect to meaningful engagement.

During the workshop, the lead analyst of the MEMA project provided an overview of the narrative analysis, presenting on the current approaches to engagement within Arctic countries. The two themes, measures of successful engagement and accountability, were identified as lacking in the information sources reviewed for the report. Each theme was used to direct case study presentations and discussions among participants on meaningful engagement.

Through feedback received on the MEMA project analysis and discussions among participants on meaningful engagement, similar engagement practices to those outlined in the MEMA report were identified. Importantly, confusion was noted among participants on the way that the term meaningful engagement was being used within the MEMA documents provided. Participants reinforced the importance of understanding that consultation is not synonymous with meaningful engagement. It was stressed that discussion must move beyond consultation to focus on equitable activities that would more adequately make up meaningful engagement.

The summaries presented within this report are not necessarily the opinions of all participants of the workshop. Participants identified challenges to meaningful engagement and ways in which to improve processes. Some challenges associated with conducting meaningful engagement identified lack of funding to support Indigenous involvement in activities; the need for trust and respect; the need for mutual education between entities

working to build a partnership; and time needed to build partnerships. Many of these challenges inadvertently impede the ability to utilize both Indigenous Knowledge and science.

Several recommendations were provided by the workshop participants throughout the discussions. These recommendations address improvements to engagement practices to ensure they are culturally appropriate, strengthening legislative and legal frameworks that seek to support engagement, and aim to improve the role of the Arctic Council in engagement.

### **Recommendations**

1. The MEMA narrative analysis should include a clear definition of engagement from Indigenous perspectives;
2. Improve existing legal frameworks and legislation that address Indigenous organizations and engagement in order to improve engagement processes. For example recognizing Indigenous organizations in addition to federally recognized Tribes under the United States *Indian Reorganization Act* was a suggested change;
3. Those looking to operate in the Arctic should understand the communities he or she is looking to engage with prior to proceeding with engagement practices – they should do their “homework”;
4. The Arctic Council and its working groups and task forces should fulfill the previously set out and agreed to recommendations for engagement with Indigenous Peoples and Permanent Participants;
5. The Arctic Council’s Permanent Participants should review why established protocols of the Arctic Council related to engagement and Indigenous Knowledge have not been followed and provide guidance and assistance on how to accomplish this;
6. A protocol for engagement to be used as a standard across working groups should be developed either by Permanent Participants or by the chair of a working group in collaboration with Permanent Participants;
7. Work plans within the Arctic Council’s working groups should be improved to incorporate Indigenous Knowledge into projects, and where appropriate, funding needs to enable incorporation into projects should be identified;
8. A template for all working groups on how engagement should be incorporated into working group activities should be developed to keep the Arctic Council accountable and supportive of engagement practices
9. Synthesize and outline current practices of engagement to encourage standardization of engagement practices while taking into account local conditions and cultural practices

## Narrative Analysis

Elizabeth Edmondson, lead analyst of the MEMA project, provided an overview of the narrative analysis on current approaches to meaningful engagement in the Arctic based on her review of 370 information sources. As a snapshot of the current engagement approaches in the Arctic, the overview highlighted how the Arctic Council has approached engagement, the ways in which the Arctic Council is aligned with practices [put forward] by other parties, and the common practices and lessons learned from the literature.

Workshop discussions on the narrative summary identified missing elements from the summary as well as details of engagement that should be expanded upon. The following limitations of the narrative summary were identified:

- It was acknowledged that the summary provides primarily a North American perspective and is missing a substantive Scandinavian and Russian Indigenous perspective;
- The goal of the MEMA project should be clearly stated, which is to provide guidance on ‘a way to engage’ and where processes can be strengthened;
- A clear definition of engagement should be provided from Indigenous perspectives and should include [a definition in terms of] the activities, means of communication, and consideration of cultural ways people naturally engage; and
- That the MEMA report is meant to provide general guidance on engagement, but regional guidance documents developed in consultation with communities should primarily be used and followed.

Most importantly the *participants highlighted the idea that current engagement practices are not culturally appropriate, and potentially may not be seen as successful, without consideration of timing, and community reactions to the process.* The importance of training and educating of people (namely government employees) operating in the Arctic was identified as essential to limiting the disconnect between Western ideas of engagement and an Indigenous perspective on what meaningful engagement entails. In addition, the need for resources to bring Indigenous Knowledge into activities in an appropriate manner was also noted to be of critical importance. Another suggestion was improving legislation that seeks to address the Indigenous organizations that are recognized as the main body for engagement purposes. The example of the United States *Indian Reorganization Act* was used and it was suggested that recognition of Indigenous organizations in addition to federally recognized Tribes could improve the engagement process.

## Session 1: Measures of Successful Engagement

Within the information sources reviewed for the MEMA report, the degree of success of engagement practices being used was not adequately addressed. The information sources recognized the need to determine whether the right people are being engaged with and whether engagement is considered meaningful by all participants as indicators of successful engagement. The case studies provided examples of engagement and lessons for how engagement processes could be strengthened for all parties to view the process as successful. The discussions among workshop participants that followed, provided opinions on defining successful and meaningful engagement.

### ***Case Study: Willie Goodwin, Alaska Beluga Whale Commission***

Mr. Willie Goodwin presented a case study on his experiences of using Indigenous Knowledge in tagging bearded seals for research purposes and how Indigenous Knowledge should be utilized in assessing Arctic waters for marine activities. Mr. Goodwin described how Traditional Knowledge has been construed as anecdotal because it is without pedigree by Western scientists. Noting that the knowledge he put forward was (sometimes) considered this way, he sought to prove the truth of his knowledge by acquiring a grant for seal tagging using Traditional methods. He discussed how his knowledge of juvenile bearded seal habitat, their migration and foraging patterns, allowed him to catch seals for tagging with biologists. The methods used to tag adult bearded seals were based on his knowledge of the species. Mr. Goodwin's work with biologists enabled researchers to capture the movement of tagged bearded seals and highlight the overlap with the area of exploration around the region of the Bering Strait Port Access Route Study. Mr. Goodwin concluded by stating that based on his use of Indigenous Knowledge, biologists have authorized local people in Alaska to conduct the tagging duties for research studies.

Mr. Goodwin highlighted the importance of engagement when looking to conduct research studies in the Arctic. He stated that consultation is a critical part of engagement. In speaking for his community, Mr. Goodwin expressed how *consultation should occur before engagement* to explain the research activities and the importance of the proposed study area to researchers. He also suggested that consultation should extend to all areas potentially impacted. He noted that Indigenous Peoples in the Arctic have a deep knowledge of resources in their region. Mr. Goodwin stated that for those who want to know about the resources, they should ask and engage from an early point. Federal Tribes in Alaska must be consulted as they are the primary organizations for communities. Mr. Goodwin noted that his tribe requires an agreement to be signed before consultation can occur and any studies can be conducted. He stated that this is a way to ensure that the correct people in the community are spoken to and included within any studies and verifies the credentials of the researchers.

### ***Group Reflection***

*Trust and Respect*

In order to develop trust in those they are signing agreements with, Mr. Goodwin stated that visitors need to prove who they are. Not everyone is automatically trusted.

A recommendation was given by a participant from Greenland that prior to a research or consultation trip to small communities, one must educate him or herself before arrival. "You need to know about the community before you go there." Trust and respect are very important which is [demonstrated by] understanding the community you are entering. He also stated that for Indigenous communities, involvement in studies can take time away from hunting and fishing activities and those who are asked to be involved should be offered something for their time.

Another point raised was "our research vs research from the outside" and the difficulty in getting scientists and governments to conduct research that is relevant to Indigenous communities which they would like to see done.

It was noted that researchers coming into communities can be an intrusion, particularly when they are looking for their own answers to their own questions and do not want to listen to community members input on their research goals. It was noted that visitors need to consider those they are putting demands on, and recognize that in some cases people are trying to know things that people in the community already know.

#### *Indigenous Knowledge and Western Science*

Participants noted that often little respect for Indigenous Knowledge is shown by visitors. Indigenous Knowledge sometimes gets equated with science, but the cultural significance of Indigenous Knowledge is the most important aspect. Indigenous Knowledge is another way to understand and interpret the world, something researchers can have difficulty understanding. Indigenous Knowledge is a perspective on life developed over thousands of years. It was felt that taking in as many perspectives as possible would lead to greater end results in research.

Other important points were raised concerning that the overlap of outside research with research being conducted by a community. And it was stated that things are seen differently from different perspectives and sometimes it should be considered whether outside research, such as scientific research, can be carried out by local people and studied "from the inside."

#### ***Case Study 2 – Susan Childs, Shell***

Ms. Susan Childs provided an overview of Shell's learning experience and subsequent efforts to improve engagement practices with Indigenous communities in Alaska. She discussed how in 2007, with Shell's proposal to drill in the Beaufort Sea with two ships, Shell advised the federal government first and then presented their plans to local Alaska organizations on their plans afterwards. The local organizations were not pleased with this process. Litigation was brought forward by the North Slope Borough and Alaska Whaling Commission to stop the drilling. As the former North Slope Borough Mayor Edward Itta phrased it, it was seen as

“too much, too soon, too fast”. In addition, Willie Goodwin informed Shell that their engagement process was wrong.

With new leadership in 2008, Shell made changes to their engagement approach and developed a “deliberate engagement strategy.” Ms. Childs described how members of Shell went before the Alaska Whaling Commission and North Slope Borough to ask for forgiveness for previous issues that had occurred. Mitigation measures were addressed to ensure it would not happen again. She described the process as “becoming a person” instead of presenting a corporation to the community. Shell developed 12 work streams including talks with Alaska co-management whaling, beluga, Nanuuq and seal commissions as well as local hunters and whaling captains about their needs. Ms. Childs stated that *“listening and respecting the advice of local leadership is paramount to what you want to do in the Arctic”*. Shell held discussions with communities on what they needed and wanted, and what communities wanted Shell to do. They were transparent about company intentions stating upfront what they could and could not do. Consideration was given upfront to how long it takes to talk to people and to understand where everyone’s positions. Value/benefit gaps for Indigenous peoples were considered as was the need for constant engagement. Ms. Childs stated it was important to follow “do what you say, and say what you mean” as a guiding principle.

In addition, Shell developed a Science Cooperation commitment with Alaska boroughs, which allowed the boroughs to decide how the money would be used for the communities to understand the environment better. Other efforts included: providing opportunities for community leaders and advisors to get onboard vessels to speak with people and ask questions, and developing an MOU with NOAA to share scientific data.

A commercial strategy was developed with the North Slope Borough Native Corporations, which formed Arctic Inupiaq Offshore Inc. that was granted a share of Shell’s oil and gas lease ownership giving communities a seat at the table, “skin in the game”. This recognized the value/benefit gap and need to address the “risk without reward” situation that prevailed previously, where residents of the North Slope Borough faced risk of impacts without any potential benefits.

Ms. Childs noted the need to plan for oil spill prevention and response. She also described the efforts to develop the local workforce through training and employment for work on drill ships, and as advisors on subsistence practices.

There was no time remaining for a group reflection following the case study presentation.

### ***Roundtable Discussion***

Two questions were posed to participants to discuss at their tables:

**Q1:** How should successful and meaningful engagement be defined?

**Q2:** Where do you see similarities and differences between the case studies in regards to successful engagement practices?

Following this discussion, the Facilitators invited participants to come together to share their thoughts with everyone.

**Q1: Defining meaningful engagement:**

A distinction between successful and meaningful engagement was identified by participants. Although successful engagement was thought to be meaningful, it was suggested that you can have meaningful engagement without “success.” However, if it is not considered meaningful by participants, it will not be successful engagement. Meaningful engagement was thought to be more important than “successful” because success depends on the goals people bring “the table”. It was suggested that the process is much more meaningful once the community sets the parameters in terms of what they want to see. One participant said that listening to each other does not mean you need to agree, but if you are not being listened to, it will not feel meaningful.

It was thought that meaningful engagement can be shown through views and perspectives being included and written into outcomes. “Meaningful” should include openness and willingness to understand the frames of reference and values of others at the table. Free, prior and informed consent was viewed as the endpoint of meaningful engagement. Where a party has no choice to say yes or no, it is not meaningful engagement.

**Q2: Similarities and differences [between the case studies in regards to successful engagement practices]:**

Levels of engagement were identified, such as at the Arctic Council level or at the community level. For each level of engagement, the process was acknowledged as being slightly different but inclusive of similar components. It was also viewed that engagement is not just consultation and so there should be consideration of the differences and relationship between consulting and engaging, and whether you move beyond consultation, and if so, how. A starting point for engagement is when a proponent approaches a community because they want something. Engagement is a two-way street that needs to maintain constant communication. For engagement to be meaningful, it will involve trust and it is important to know how the engagement mechanisms build trust.

Trust and respect were viewed to be between those at the table not between entities. Efforts need to be made to develop trust and respect in relationships. Where an entity, such as a government agency or corporation, rotates the individuals involved in engagement processes in the Arctic, the dynamics of a relationship can be influenced. Participants noted that when the people change, the conversation changes, which can change the emotional investment in relationship building. Relationship building is something that needs to be worked through along with stakeholder positions and how to move forward.

Participants also brought forward other considerations to achieve meaningful engagement practices:

- Co-management does not always mean a way of working together in reality. In some situations, communities may have more power as the rights holders and managers of the community and environment than other communities;
- Economic processes or benefits like access to information, should be established early in the process to benefit all parties, in which both sides have enough resources, not just financial, to supply information and support the process. It was commented that empowering other parties will lead to better outcomes;
- There needs to be acknowledgment of community processes that have been developed;
- Making mistakes in the process should be viewed as learning opportunities;
- In developing engagement practices communities and government work together as opposed to having predetermined steps outlined in policies and project proposals;
- Consultation is not meaningful engagement in-and-of-its-self; and
- That it is not often the Indigenous entity is given the opportunity to define what meaningful engagement is from their perspective (which would allow for a culturally appropriate understanding of meaningful engagement by all parties).

Permanent Participants were described as the conduit into communities for the Arctic Council. It was noted that the Permanent Participants need resources to bring the community level knowledge to the Arctic Council, and vice versa.

It was noted that there are different systems across countries, which can make it difficult to discuss engagement across all countries while recognizing the differences between them. It was felt that meaningful engagement should be developed to a point where it is done because people recognize it as the best way to move forward not because it is mandatory. It was suggested that this comes down to establishing relationships among people.

## **Session 2: Accountability**

For processes ensuring that engagement practices are meaningful is important to enable Indigenous communities to hold governments, industry and other organizations accountable and vice versa. The case studies provided examples of engagement processes and lessons for how entities are held accountable for improving their practices. The discussions among workshop participants that followed, provided opinions on improving accountability practices.

### ***Case Study 3 – Brian Chambers, National Energy Board***

Dr. Brian Chambers provided an overview on the National Energy Board (NEB) which is Canada's energy and safety regulator for the oil and gas industry in the Canadian Arctic.

In response to the Deepwater Horizon disaster in the Gulf of Mexico, NEB initiated a review of the safety and environmental requirements for offshore drilling in Canada's Arctic. Through the Arctic Offshore Drilling Review (2011), the NEB examined the best information available on hazards, risks and safety measures associated with offshore drilling in the Canadian Arctic. The Board invited Northern residents, scientists, other regulators, and representatives from non-governmental organizations and industry, to share information and knowledge. He described the informal and formal engagement approaches used in the Arctic Offshore Drilling Review. The review was conducted in the following phases: 1. Fact finding and information gathering; 2. Information sessions and Inuvik roundtables; 3. Public report; and 4. Continued engagement. An objective of the review was to ensure communities felt comfortable with the review and processes being put in place.

During phase one, dialogue with leaders, organizations and communities (youth, elders, hunters and trappers), at national, territorial and regional levels were utilized. Informal processes were found to provide the most information. During this phase, members of NEB developed relationships with harvesters and met regularly with game councils.

Dr. Chambers noted that the approaches and methodologies used were informed by the lessons learned in the Mackenzie Gas Project from 2004-2008.

During phase two, Inuvik Roundtables were conducted in which the meeting rooms were set up in a circle to encourage a sense of equality. It was important from the NEB perspective that the room reflect equity in the process – Indigenous representatives and government officials sat in the front rows and industry and environmental advocates sat around the periphery. The roundtables were webcasted to allow people to dial-in and listen to the conversations. Youth engagement was also noted as important to the discussions given these are the future leaders. Once completed, NEB went back to the communities to report on outcomes they had concluded and receive feedback.

Dr. Chambers highlighted the following engagement lessons from the review process:

- Engagement should be ongoing and flexible;
- Engagement requires adequate resources (travel and logistics);
- Engagement should include proper translation (written) and interpretation (at meetings). NEB had asked communities whether there was a preferred person to interpret on their behalf;
- Reporting back is essential;
- Engagement should be culturally appropriate and sensitive;
- The engagement team members should be consistent; and
- There should be a willingness to learn through mistakes.

### ***Group Reflection***

Dr. Chambers was asked about how the processes differed across the regions in which the review took place. He noted that some processes involved collective engagement with the

government, for example where agencies and Indigenous organizations came together to conduct an environmental assessment. He also stated that the roundtable planning took a year to prepare by working with Indigenous organizations and that funding received from Indigenous and Northern Affairs Canada was necessary to be able to bring people to the review.

In response to questions about what went wrong that led to the community of Clyde River appealing a seismic permit for Baffin Bay to the Supreme Court of Canada, Dr. Chambers said it will be heard November 30. The claim is that NEB failed in their duty to consult and he hopes that the court will comment on the extent to which government can rely on NEB processes to meet their duty to consult. He said that NEB engages beyond consultation

#### ***Case Study 4 – Noor Johnson, Academic Researcher***

Dr. Johnson presented on her current research concerning community engagement in offshore decision-making in Nunavut Territory related to oil and gas. Her research focuses on the 2011 proposal for seismic testing in Baffin Bay, which although in the offshore and not within land claim territory, has the potential to impact subsistence rights. Companies conducted community consultations, which were reviewed by NEB. Following, the seismic testing plan was approved, however Clyde River brought forward an appeal based on the duty to consult.

Through interviews with community members, Dr. Johnson has preliminarily identified barriers to meaningful engagement:

- Availability and communication of information;
- Practice of consultation;
- Ethic or underlying philosophy of consultation; and
- Cumulative impacts and community capacity

Dr. Johnson noted that although her questions were focused on consultation, interviewees often referenced poor practices by past researchers. It was noted that some previous researchers did not answer community questions, nor adequately considered Indigenous Knowledge. When Indigenous Knowledge was presented during consultations, community members generally did not feel their views were heard. Concerns were also raised about the short timelines imposed on communities, such that there was not enough time to ensure adequate and meaningful participation, nor respect activities of the communities or their availability. The use of jargon and more formal consultations were identified as challenging to communities, as was a lack of interpretation, diversity of perspectives, and the involvement of key institutions (such as the Nunavut Impact Review Board). As a result, community members felt that the process was oriented towards a particular outcome and they did not feel as though their expressed opinions would change the project path.

Community members were told that some of issues they expressed were “beyond the scope of consultation”. Community members felt that companies wanted to keep the discussion focused on testing for the purposes of research but communities were concerned with the potential future use of information and whether it would lead to development. Thus, it was felt that there was a disconnect between intended focus and the needs of community. Without knowing the drivers of change and effects of cumulative activities, it is difficult for a community to say yes or no to activities. Also, numerous consultations on a variety of issues in the community take considerable time, which pulls them away from their subsistence activities.

Dr. Johnson also touched on how communities are building capacity for engagement through community based monitoring, knowledge co-production, infrastructure to analyze data and accessibility for community members through visualization (use of maps).

Dr. Johnson interpreted meaningful engagement as:

- Supporting community/institutional capacity for community led research and monitoring;
- Involving Indigenous Knowledge holders in research, monitoring, assessment and decision-making;
- Investing in knowledge sharing infrastructure and networks;
- Identifying and addressing knowledge gaps;
- Adopting a holistic approach (considering cumulative effects, investing in coordination and relationship building, strategic environmental assessment);
- Broadening participation and engagement to youth; and
- Ensuring that the scope of the consultation process is clear and that various outcomes are possible.

### ***Group Reflection***

A brief discussion following the case study focused on how engagement can be improved through developing a relationship outside of issues, deformatizing the engagement process to gain genuine input, and the importance of food sharing for some communities. The simple act of sharing traditional food with one another was mentioned as important in building relationships.

Timelines were identified as a barrier across the Arctic. In addition, community fatigue was noted as straining community capacity given the increasing number of consultations.

### ***Roundtable Discussion***

The discussion focused on how to assist Indigenous communities in ensuring their voices are heard and being able to influence the interactions between parties, and the direction of activities taking place in their communities. The following question was posed to the workshop participants:

**Q1:** How do we [think about] enabling communities to actually influence outcomes?

Following this discussion within their respective tables, the participants came together to share their thoughts.

The need for resources to assist communities in addressing more immediate needs was raised. Where communities are facing bigger issues than a proposed activity, the lack of capacity can make it difficult for a community to get involved. Communities should be deciding on their needs and wants and should then be offered assistance in addressing them.

#### *Role of Communities*

Asking questions to communities to understand their needs and how they want to be engaged in activities, formalizing knowledge within communities, and the use of third parties and advocacy were expressed as ways to enable community influence on outcomes. Higher level land use planning within communities was also put forward in which a framework would set out allowable activities and screen out unacceptable activities prior to any planning. Recognizing that communities have processes for making trade off decisions, making the information available, and trusting communities to make decisions based on available information were suggested.

#### *Role of Industry & Government*

For companies and government, ensuring the right information is being distributed, inclusion of Indigenous Knowledge, co-production of knowledge, participation in processes, education, and culturally sensitive training were suggested as ways to assist communities in influencing outcomes.

#### *Role of Arctic Council*

The role of the Arctic Council in assisting communities to be in a position to influence outcomes was raised. A lack of outreach materials by the Arctic Council was noted, as was the lack of follow up with small communities by the Arctic Council.

### **Role of the Arctic Council**

The workshop participants discussed the role of the Arctic Council in supporting meaningful engagement. The idea that support for meaningful engagement in the Arctic Council should be rooted in a legal framework so that it is something already agreed to internationally and within member states was mentioned. The recent statement by the US Departments of

Justice, Interior and Defense on improving engagement in relation to the Dakota Access Pipeline was brought up as an example of the need for better engagement practices within existing legal frameworks and possible need for reviewing and revamping legislation and processes of engagement moving forward.

Accountability of the Arctic Council to fulfill the recommendations and statements already put forward on engagement was also mentioned. Several participants expressed that the Arctic Council and its working groups and task forces should always be encouraged to follow their own recommendations for engagement with Indigenous Peoples and Permanent Participants. This should include support of Permanent Participants and the inclusion of Permanent Participants in developing research questions they would like to see answered within working groups .

The role of Permanent Participants was acknowledged to be underutilized. Given that working groups should seek input and collaboration, Permanent Participants should look into why established protocols have not been followed. Another suggestion made was for the Permanent Participants to develop a protocol for engagement on behalf of the Arctic Council that could be used as a standard across working groups. Alternatively, the Arctic Council states, when assuming the chair of a working group, should develop protocols in collaboration with Permanent Participants which would allow Permanent Participants and member states to go through these step by step.

Work plans follow the recommendations set out in previous works. As this is a process driven practice, there should be stronger discussions in developing work plans to ensure Indigenous Knowledge is considered in all projects and incorporated where appropriate including funding needed to enable incorporation into projects was also noted as important.

The Arctic Council has put forward recommendations on engagement within the various working group reports. Improving support for meaningful engagement can be linked to fulfilling the previously agreed to recommendations.

A standard template developed for all working groups on how engagement should be integrated into their activities was also suggested as a means of keeping the Arctic Council accountable and supportive of engagement practices. The template could include the following information:

- percentage of budget for outreach development;
- descriptions on how PPs and local communities were engaged;
- whether research or projects involve local hires;
- how are Permanent Participants involved in a project;
- percentage of funding for support of Permanent Participants;
- outline whether Indigenous Knowledge can benefit the project and why/why not

## **Conclusions**

As a consensus-based organization, the Arctic Council should be a forum for discussions on improving engagement practices. The workshop participants noted that as an organization with connections to governments, the Arctic Council states need to recognize and adopt meaningful engagement within projects, and ensure this filters down to local practices. The Arctic Council should be a champion of meaningful engagement practices and the use of Indigenous Knowledge.

A suggestion from workshop participants was to synthesize and outline current practices of engagement as a way to encourage the Arctic Council and other parties to standardize engagement practices around what has already been established, taking into account local conditions and cultural practices. From this, a “reference guide” on how to engage could be used as a standard of meaningful engagement.

The Arctic Council should define broad principles of engagement as communities are developing their own protocols. A community’s protocols should be accepted as the way that community views engagement. However, the Arctic Council can develop working documents that identify the Arctic Council’s role in improving engagement practices by highlighting the need for acceptable engagement practices to be developed and utilized. This should include:

- Recognition and acceptance of Indigenous Knowledge recognized by a Tribe or Indigenous group;
- Taking stock of local protocols to assess how communities define acceptable engagement and use similarities to provide a baseline on engagement; and
- Identifying why established government directives are not working or being followed.

The workshop provided an opportunity to share the current work of the MEMA project and seek comments from participants. It was also an opportunity for case studies to add to the discussion on meaningful engagement. The workshop identified current engagement practices, highlighted what has been effective, what has required changes, and how the Arctic Council can position itself to help improve engagement practices in the Arctic with respect to marine activities.

The workshop outcomes highlighted the need to acknowledge the importance of Indigenous Knowledge and meaningful engagement practices in developing and implementing projects and to improve the role of Indigenous Knowledge. Most importantly it was agreed that *what constitutes meaningful engagement is determined by the Indigenous communities that are being engaged*. Without seeking the input of and collaboration with Indigenous communities, meaningful engagement will not be understood or achievable.

It was suggested that the MEMA project come out with action items, ways forward from these and previous recommendations.

### Acknowledgements:

The MEMA project team would like to thank all those who presented and participated in the workshop, by sharing their wisdom, experience and providing their opinions on the overall project report. We would also like to thank the following students for assisting with note taking and in some cases acting as rapporteurs during the workshop: Dana Williams, Antoinette Wearing, Tharun Vemualapalli, Madison Kuras, Tom Diaz, Madeline Schuldt, and Hayat Fulli. A special thank you to the co-facilitators, Dr. Susan Kaplan and Dr. Genevieve LeMoin, who led the group through the many discussions.

## Appendix A. Workshop Agenda



### Meaningful Engagement of Indigenous Peoples and Communities in Marine Activities (MEMA) Workshop, September 17, 2016

#### WORKSHOP AGENDA

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SATURDAY SEPTEMBER 17, 2016	
Bowdoin College's Arctic Studies Center and Arctic Museum	
8:00am	Depart from Westin Hotel
8:45am	Arrive at Bowdoin College
9:00am	Welcome remarks
9:30am	Presentation on MEMA analysis (Elizabeth Edmondson)
10:00am	<b>Case Study 1: Representation in Engagement (Willie Goodwin, Alaska Beluga Whale Committee)</b>
10:30am	Coffee Break
10:45am	<b>Case Study 2: Measuring Successful Engagement Practices and Processes (Susan Childs, Shell)</b>
11:15am	Roundtable Discussion on Measuring Successful Engagement
11:45am	Plenary Discussion of Case Studies 1-2 and Roundtable Discussion
12:30pm	Lunch
1:30pm	<b>Case Study 3: Accountability Measures Practices and Processes (Brian Chambers, National Energy Board)</b>
2:00pm	<b>Case Study 4: Accountability Measures Practices and Processes (Noor Johnson, Fulbright Arctic Initiative Scholar/Independent researcher)</b>
2:30pm	Coffee Break
2:45pm	Roundtable Discussion on Accountability Measures in Engagement
3:15pm	Plenary Discussion of Case Studies 3-4 and Roundtable Discussion
4:00pm	Summary Discussion of Topics
4:45pm	Closing remarks
5:00pm	Reception
7:00pm	Departure from Bowdoin College
7:45pm	Arrive at Westin Hotel

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## Appendix B. PAME Meaningful Engagement of Indigenous Peoples and Communities in Marine Activities (MEMA) Workshop Participants

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Images: Satellite tagging of seals

# PAME

Protection of the Arctic Marine Environment

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