

## ANNEX 2

# Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA) Information Database **Analysis Phase I Narrative Summary**

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## Executive Summary

This analysis provides a review of current practices, recommendations and approaches to engaging with Indigenous peoples in the Arctic concerning marine activities. At a time when interest in the Arctic is increasing, understanding how current practices achieve meaningful engagement can inform an evolving approach by governments, corporations, and Indigenous peoples.

The analyst reviewed documents authored by governments, Indigenous peoples and local communities, the Arctic Council, international organizations, industries, academia, and non-government organizations (NGOs) to determine the similarities and disparities in approaches to engagement with Indigenous peoples and local communities. The documents were sorted according to their applicability to either one of the following activities biodiversity and ecosystem management, research, resource development, response and emergency preparedness, shipping and tourism or provided general commentary that applies across all activities. The reviewed documents included plans, guidelines, reports, papers, handouts, agreements, declarations, laws and policies. The reviewed documents were placed into a database which provided the basis for developing the analysis below.

The entries reviewed discuss engagement from different perspectives and include both public engagement practices and engagement with Indigenous peoples. The analysis focuses on engagement with Indigenous peoples as it entails a higher standard of participation and encompasses public engagement.

This is by no means a complete review of all practices concerning engagement with Indigenous peoples. The documents reviewed provide a snapshot of some efforts and practices. This analysis sheds light on approaches outlined by the Arctic Council as well as government, Indigenous peoples and industry. Although meaningful engagement does not have a single definition, the approaches outlined by these sources have some shared or commonly referenced aspects.

## Introduction

The Arctic includes part or all of the territories of the eight circumpolar nations as well as the territories of Indigenous peoples that form distinct communities within these nations. Indigenous peoples make up approximately 10% of the total Arctic population and in some countries representing a higher proportion of the Arctic population (Arctic Council, nd).

There is no generally agreed universal legal definition of the term “Indigenous Peoples” (Fjelheim & Henriksen, 2006). The definition accepted by the United Nations is “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other activity sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant activity sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems” (UNESCO, 1983).

Upholding the rights of Indigenous peoples in the Arctic is a central issue as Arctic marine activities, including shipping, tourism, resource development, commercial fisheries and other ecosystem management activities increase. As residents in the Arctic, Indigenous peoples are directly affected by these activities. To uphold the rights of Indigenous peoples, meaningful engagement by all parties who seek to initiate or regulate activities in the Arctic is essential. The obligation of meaningful engagement stems from International principles on human rights of Indigenous peoples (UN, 2007). These rights have translated into legal obligations of governments to engage with Indigenous peoples when operating in the Arctic. In addition, government can place obligations on parties seeking to operate within Arctic regions to engage with local and Indigenous communities. The Indigenous right to engagement is accompanied by obligations on behalf of indigenous people to support meaningful engagement, as well.

Engagement not only helps to fulfill human rights obligations and legal requirements, it also can help to find balance and build strong partnerships between local government, Indigenous, and state entities and the private sector. Engagement can benefit industry by providing a local workforce, expertise on land use and environmental management through traditional knowledge, and securing a social license to operation from local communities (Public Policy Forum, 2012).

Engagement occurs through different formal and informal arrangements that can range from a single occurrence to spanning across a project lifespan. Engagement also occurs through varying degrees of depth, responsiveness, and perceived success. What is considered meaningful engagement can differ by each party’s perspective and relate to achieving an outcome of a project or activity or maintaining cultural foundations. Meaningful engagement extends beyond public consultation, which does not meet the legal requirements of engagement with Indigenous peoples. The analysis below refers to engagement among parties and Indigenous peoples.

This report provides a snapshot of current meaningful engagement practices which can represent a general description of engagement in the Arctic. The documents refer primarily to engagement with Indigenous peoples, not the general public which is not considered sufficient to meet the

requirements of engagement with Indigenous people. The identification of best practices and lessons learned in this report draws from current approaches to engagement and emphasizes common practices used by various parties including Indigenous peoples, government and industries.

## 1 Methodology

### 1.1 Database

Documents collected on engagement in the Arctic formed the basis of the analysis in this chapter. Arctic Council working groups, member countries national authorities, Permanent Participants, Observers, and academic scholars were contacted by e-mail with a request for documents related to meaningful engagement. They were provided with a table template to outline suggested entries (Appendix 2 & 3).

From the request, 370 documents were received prior to February 28, 2016 and were included in the review and analysis for this chapter. The documents were reviewed and organized by source group (Arctic Council, Academic/NGO, Government, Indigenous Peoples, Industry, and International) into a database. In addition, the documents were organized by activity referenced.

The activities are defined as:

**General:** Documents that discussed engagement without reference to a particular activity or practice. This includes laws, international conventions and principles of Indigenous rights.

**Biodiversity & Ecosystem Management (Management):** Activities in which government is seeking input on how to maintain species populations and environmental integrity. Within this includes management of fishing and marine mammal harvesting.

**Research:** Processes, goals, timeframes, and techniques for collecting information.

**Resource Development:** Natural resources such as oil and gas exploration and mining extraction.

**Prevention, Preparedness and Response (PPR):** To natural incidents, oil spills and accidental releases of radionuclides that might threaten the living conditions for small communities in the Arctic.

**Shipping:** Trans-shipping through the Arctic corridor as well as local shipping to and from Arctic ports. This can include support of resource development.

**Tourism:** Tourist development and activities in the Arctic including cruise travel between ports and onshore activities.

As the primary concern of the analysis was a comparison between the Arctic Council, Indigenous Peoples and other parties, the analysis focused on differences between source groups. Of the 370 documents reviewed, the distribution across source groups was as follows:

	Academic/NGO	Arctic Council	Government	Indigenous Peoples	Industry	International
# of documents	41	37	226	32	22	12
% of documents	11.08%	10.00%	61.08%	8.65%	5.95%	3.24%



In addition to the above, Arctic Council recommendations from the following programmes and working groups were reviewed: Arctic Monitoring and Assessment Programme (AMAP), Conservation of Arctic Flora and Fauna (CAFF), Emergency Prevention, Preparedness, and Response (EPPR), Protection of the Arctic Marine Environment (PAME), and the Sustainable Development Working Group (SDWG). Reports from the Arctic Contaminants Action Program (ACAP) were not included in the review. Recommendations of the Arctic Council were reviewed to compare whether across programmes and working groups similar sentiments of meaningful engagement were being expressed and to allow for comparison with Indigenous, government, industry, and other sources description and practice of meaningful engagement.

## Limitations

Responses to the request for information were limited and so were supplemented by additional web searches by the MEMA project team. The documents and information populating the database are predominantly North American in origin and mainly refer to guidance and practices within Canada and the United States. This may be the result of more existing documents on engagement, or that these documents might be more easily available and in English.

Russian Federal and Regional Governments are well-represented with 127 of entries but none from other Russian sources such as indigenous people, industry, academia or NGOs. There were six documents from Norway including government, Saami, and academic sources and five total for Greenland. There were only 34 documents from indigenous People, organizations or communities. Information was not received directly from Iceland, Finland and Sweden for the purposes of this analysis. Therefore, the information in the database may not fully reflect all practices or guidance within the Arctic or all circumpolar countries.

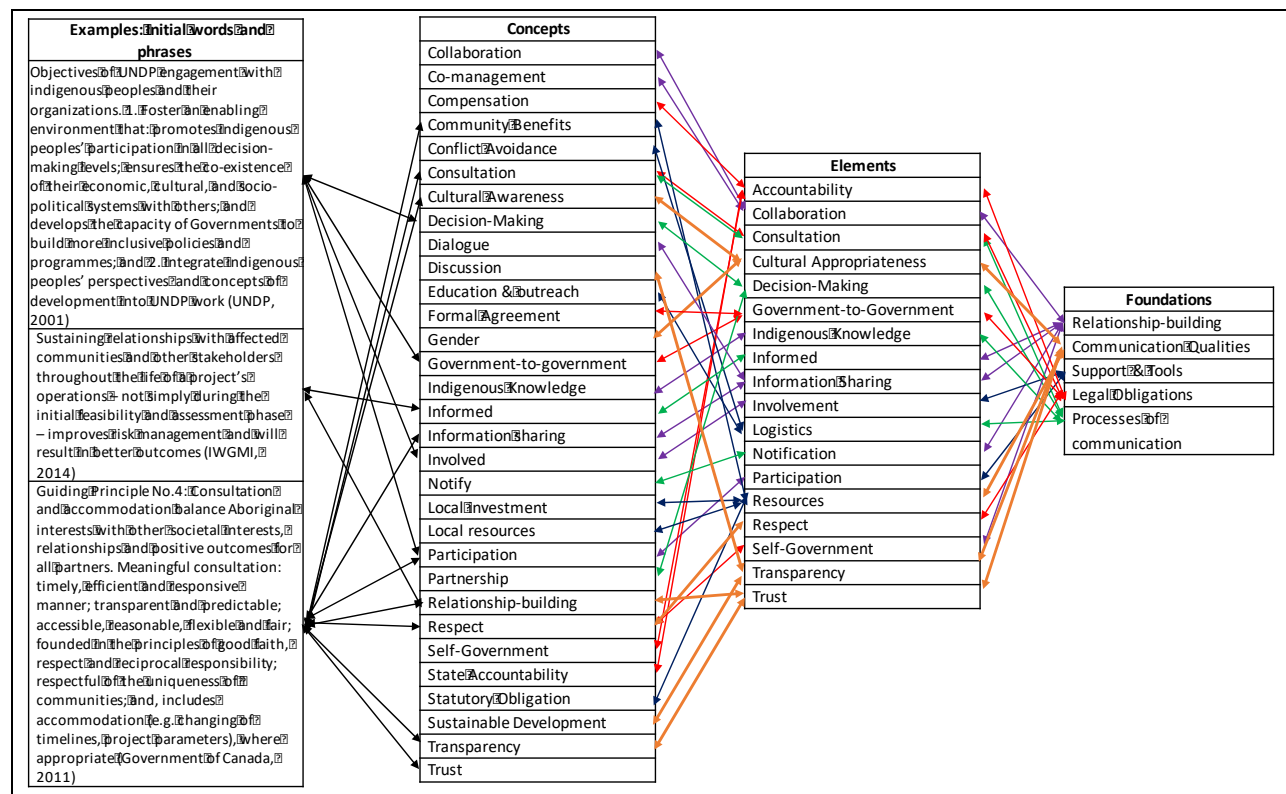
The information database consists of laws, regulations, policy documents, guidance, recommendations, statements, declarations, describing principles, requirements, processes, mechanisms, and approaches for indigenous engagement. However, not all database entries are of the same quality or quantity. For example, some entries are simple statements of policy, while other entries entail detailed processes or mechanisms. Also, for example, some entries are single laws dealing with a narrow requirement and other single entries are full reports containing many recommendations. The approach to summarizing these required more extensive research on the content of full reports or declarations, whereas analysis of single subject entries such as focused law, required less research of the entry content.

## 1.2 Analysis

In order to understand how meaningful engagement is described across the literature, a qualitative grounded theory approach was taken. A grounded theory approach allowed for concept connections to be made within the context of the data reviewed through an iterative process of analysis and coding words and phrases from the documents into concepts.

As the objective was to understand what is meaningful engagement, words and phrases that characterize, describe or relate to engagement were extracted from the documents and interpreted to develop concepts (See Figure 1). Through further analysis of the documents, relationships

between the concepts emerged giving rise to what foundations are needed for meaningful engagement and the resulting elements of those foundational components.



**Figure 1.** Process of coding words and phrases

The concept of meaningful engagement developed from this analysis is explained in Section 2: Understanding Meaningful Engagement. This process ensured that the elements and foundational components of meaningful engagement were derived from the literature.

Following this, a comparative review between the Arctic Council, Indigenous perspective, and other parties' documents was conducted. Academic/NGO and International sources were reviewed as advisory sources as they provided insight and perspective on what engagement approaches should entail as opposed to practices to be followed by researchers or organizations engaging in activities in the Arctic. A comparison expressed the degree to which the Arctic Council is aligning with Indigenous Peoples and other source groups expectations and processes for engagement.

Lastly, a best practices review across the documents was conducted. Recommendations and case study examples put forward in the documents were reviewed to identify tools, processes and tactics for improving engagement approaches.

### Limitations

It is recognized that the limitations of the database, namely representativeness, quality and quantity will skew the analysis of the documents towards a more North American understanding

of engagement. In addition, based on subjectivity of the analyst, the theoretical sensitivity of the analyses can be influenced. This may be due to the selection of documents analyzed, the various characterizations of words and phrases, or a difference in terms used in the reviewed documents.

To minimize this, the concepts and understandings are based on the information contained within the documents reviewed.

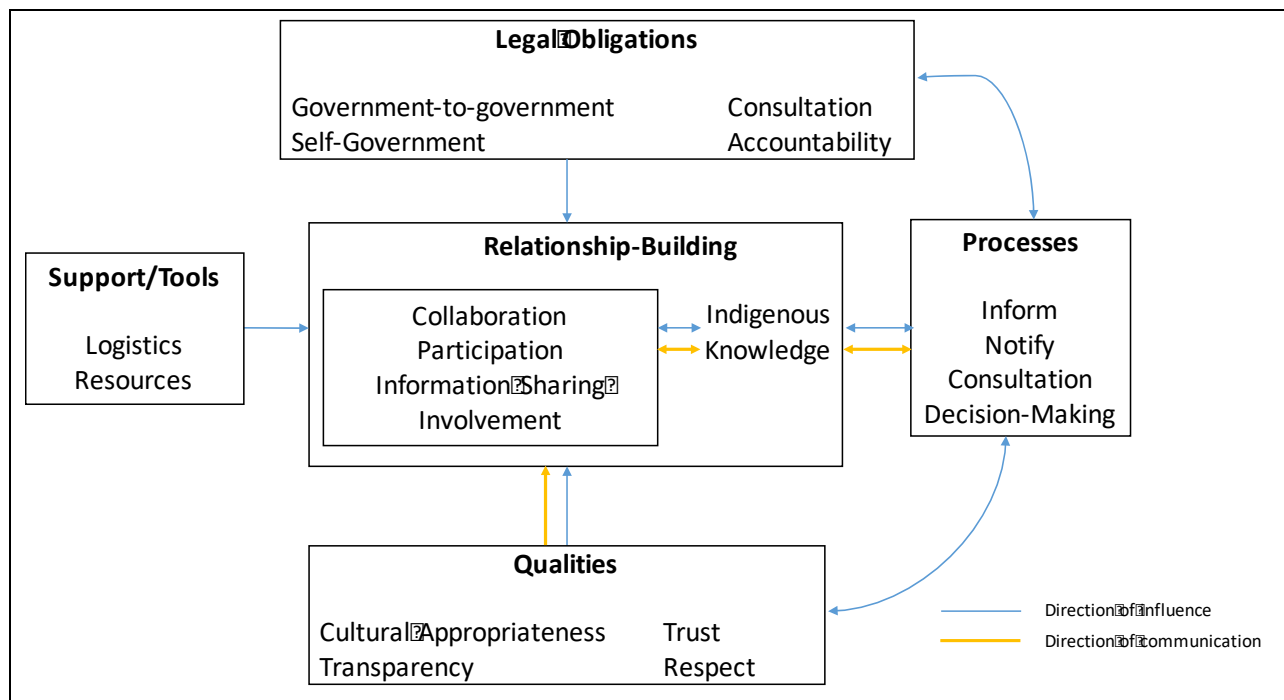
Based on the recognized limitations, it is cautioned that this analysis is provided to gain insight into ideas and concepts that outline engagement and provide a snapshot of current practices and existing recommendations by different sources and sectors. It does not represent an all-inclusive review but can be considered in relation with the outcomes of the workshop summary to provide a more comprehensive understanding of meaningful engagement.

## **2. Understanding Meaningful Engagement**

From the processes generating foundational components of meaningful engagement, the connections between components and elements was developed (Figure 2). Relationships between Indigenous Peoples and other parties serve as the basis for engagement. In order for relationships to lead to meaningful engagement, communication between Indigenous Peoples and other parties is necessary. Communication should be based on trust, respect, transparency and cultural awareness.

Where these qualities of communication are expressed, relationships will display a degree of collaboration, participation, information sharing, and involvement between Indigenous Peoples and other parties. An important aspect of this relationship is the place for Indigenous Knowledge within the relationship.

In addition, relationships that lead to meaningful engagement are influenced by processes of communication, support and tools available, as well as the legal obligations for engagement.



**Figure 2.** An overview of the foundations influencing meaningful engagement. As denoted by arrows, communication is meant to be two-way between Indigenous Peoples and other entities

The following provides an overview of the components influencing the degree to which meaningful engagement can be achieved.

## 2.1 Relationship-Building

Where relationships are sought between Indigenous peoples and other parties for the purposes of engagement, they should aim to include collaboration between parties, participation of all those who are being sought for engagement, information sharing that is balanced and reciprocal and parties involved on an ongoing basis.

In order to achieve these elements of a relationship, there should be equitable utilization of Indigenous Knowledge with Western knowledge. Indigenous Knowledge can be understood as a systematic way of thinking applied to phenomena across biological, physical, cultural and spiritual systems. It includes insights based on evidence acquired through direct and long-term experiences and extensive and multigenerational observations, lessons and skills. It has developed over millennia and is still developing in a living process, including knowledge acquired today and in the future, and it is passed on from generation to generation (ACPP, 2015). Whether or not Indigenous Knowledge is communicated and received by other parties, and the degree to which the relationships formed embody the above elements, will be influenced by the quality of communication between parties.

## 2.2 Qualities of Communication

Where communication is culturally appropriate, consideration for language as well as other cultural differences will support inclusion of Indigenous Knowledge. It has been noted that the absence of cultural awareness can be one of the most significant factors affecting meaningful collaborations and public participation (Bartley et al. 2014).

In addition, communication should promote transparency through information sharing and ongoing involvement of all parties, in order for Indigenous Peoples to make informed decisions on whether or not to participate. Respect can be shown through collaboration, information sharing, and the equitable use of Indigenous Knowledge. Trust develops a relationship, requiring time and ongoing involvement among parties.

## 2.3 Processes of Communication

The processes of communication between Indigenous Peoples and other parties can influence the nature of a relationship directly and whether or not the qualities of communication are expressed. Processes of communication highlight broad degrees of participation of parties in engagement:

?



The documents reviewed highlighted the following broad degrees of participation that can be used during engagement processes: notification, informed, consultation and decision-making. Communication typically begins with notification, the minimal level of communication obligated by government or industry for engagement, that entails timely distribution of critical information to potentially affected Indigenous peoples on proposed activities rules or plans (Canada, 2011).

Similar to notification, communication by informing involves the distribution of sufficient information. However, whereas notification requires distribution of information only, informing parties requires the added step of those receiving the information to be aware of it. Neither of these are sufficient for engagement. As the lowest levels of participation, they do not support relationships inclusive of information sharing, collaboration, and participation.

Consultation enables the flow of information through direct, timely and interactive involvement, allowing for the collection and review of information made available by Indigenous communities, which can enhance understanding of the issues from all sides (PAME, 2009). In allowing for feedback, consultation typically requires discussions to attempt to resolve any issues or concerns being brought forward (MVLWB, 2013).

Decision-making deliberately brings Indigenous Peoples into the process in a timely, sufficient manner to foster understanding, collaboration, and support. It enables sharing of authority across parties, enabling input at all stages of a project. Means of decision-making can include government-to-government discussions, representation on advisory councils, boards, tribunals, or any other forum in which final decisions are being made, as well a shared management or overseeing responsibility through mechanisms such as co-management (DFO, 2007).

## 2.4 Available Support & Tools

Fostering relationships for the purposes of engagement require consideration of the logistics of engagement as well as the need for and available resources. Logistically, how and when engagement occurs, should reflect transparency, respect, and cultural appropriateness. In addition, whether communities have the available resources to engage and whether parties

seeking to operate activities in the Arctic have the capacity to invest will influence the relationship and nature of engagement.

## **2.5 Legal Obligations**

As mentioned in the previous chapter, in regards to government, there can be a legal obligation to engage which can influence the nature of the relationship between Indigenous Peoples and other parties. Obligations for government-to-government engagement recognizes the right to self-government of Indigenous Peoples and may require more formal agreements.

Where a right to self-government is recognized, Indigenous Peoples have the right to participate through their own freely chosen representatives. It is important to identify the correct channels through which to engage with those representatives. Indigenous right to self-determination emphasizes the right to free, prior and informed consent, which includes the right to say “no” (UN 2007, Anchorage Declaration 2009).

Legal obligations can trigger consultation processes where it has been identified that Indigenous rights are affected by government activities. This may influence a relationship as government can have a predetermined consultative process (e.g. EPA, 2011).

Legal obligations also place accountability on governments to engage by establishing a legislative process or threshold that triggers a government duty.

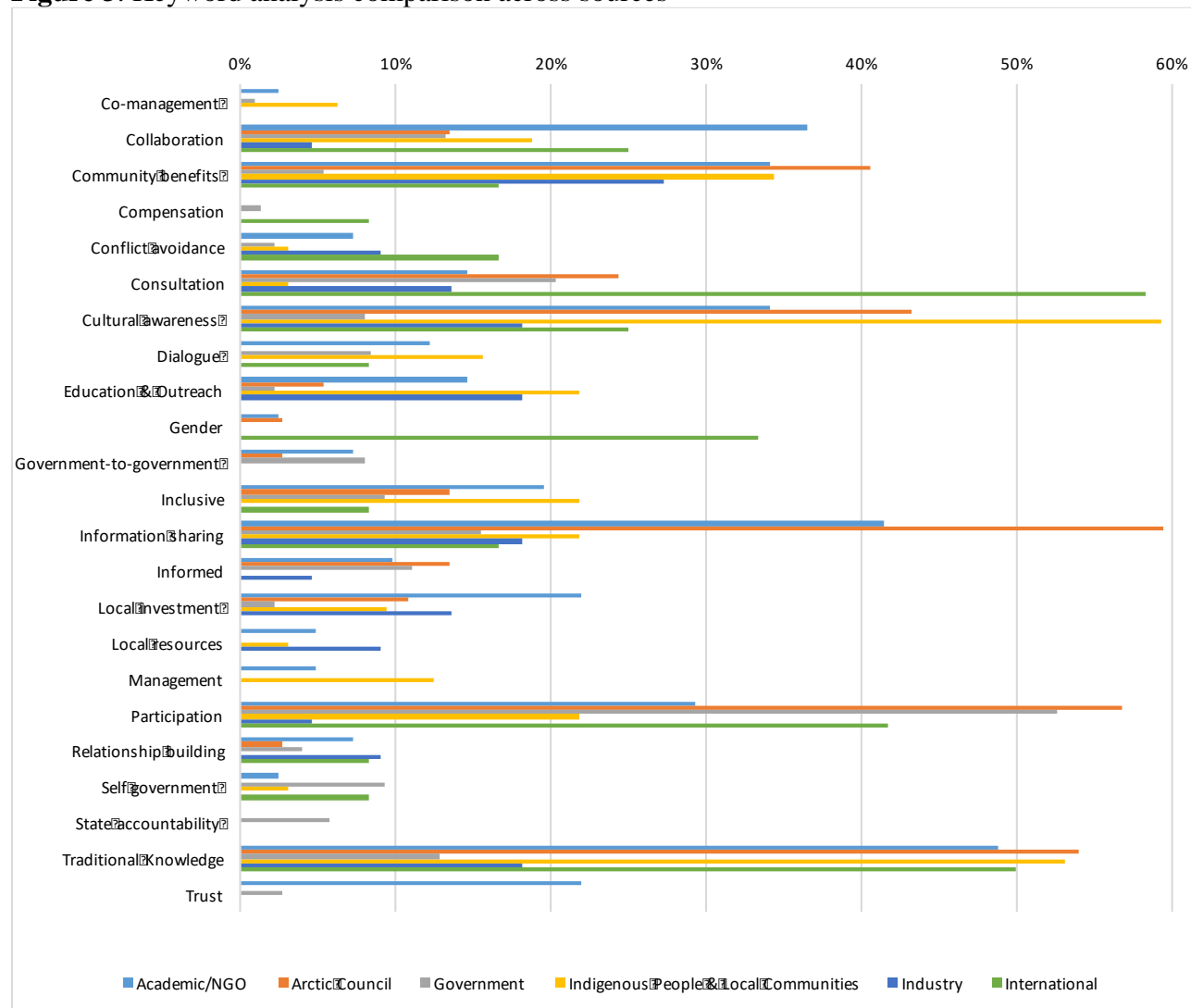
As it is in the interest of all parties to develop effective processes and agreements that reflect shared interests, Indigenous Peoples have a reciprocal responsibility to participate in reasonable engagement processes (Canada, 2011). To assist in developing relationships that result in meaningful engagement, Indigenous Peoples should in a timely manner, outline potential adverse impacts on their rights and related interests, identify concerns, share relevant information and seek involvement in resolving issues in an attempt to reach a mutually satisfactory resolution (Canada, 2011).

This conceptualization of meaningful engagement is not straightforward. What is considered ‘meaningful’ will be influenced by each of the elements outlined above, as well as the perspectives of parties attempting to engage. Ultimately, it is an Indigenous group’s perspective that can indicate to outside parties the engagement processes that are considered meaningful.

## **3. Approaches to Engagement by Parties**

A review of current approaches and recommendations by parties such as government, Indigenous peoples and local communities, industry and advisory sources such as international bodies, non-government organizations and academics, identified how the Arctic Council’s recommendations, with respect to engagement, are in line with current practices (Figure 3).

**Figure 3. Keyword analysis comparison across sources**



What is considered meaningful engagement can be a matter of perspective by parties. For example, meaningful engagement can mean respect for culture and values, inclusion of Traditional Knowledge, or sustainable development (Barley 2014). It can also be understood as a requirement or obligation to be fulfilled as part of a project or activity. The understanding by parties of what meaningful engagement means may differ, but similar elements and principles of meaningful engagement have been identified by parties. Figure # provides a comparison of keywords across sources of documents, highlighting similarities and differences between sources.

Reference to engagement across the stages of an activity or project were broken down by source group (Table 1). This highlights where the discussion on engagement by source group is focused within the documents reviewed. This does not mean that engagement does not occur across other stages of an activity or project. This comparison can be used to show stages at which emphasis on engagement may be placed by parties.

**Table 1.** Stages of engagement breakdown by sources

Stage	Arctic Council	Government	Indigenous People & Local Communities	Industry	Academic /NGO	International	Total
<b>Total Documents</b>	37	226	22	32	41	12	370
Planning	19	160	7	11	24	9	230
Dispute resolution	0	6	0	0	0	0	6
Implementation	11	29	0	1	12	2	55
Information gathering	20	28	17	4	19	3	91
Management	5	16	9	0	9	2	41
Monitoring	18	14	1	0	20	2	55
Pre-approval	0	45	1	2	7	2	57
Progress feedback	0	5	2	1	0	2	10
Throughout operations	2	21	0	11	7	0	41

A review of the source groups and a comparison identifies similar practices with the Arctic Council recommendations and where parties involved in on-the-ground engagement practices have developed different but effective practices.

### 3.1 Sources

Tables 2 and 3 display the breakdown of keywords, mechanisms and stages of engagement approaches by source of documentation.

**Table 2.** Keyword breakdown by source

	Academic /NGO	Arctic Council	Government	Indigenous People & Local Communities	Industry	International	Total
<b>Total Documents</b>	<b>41</b>	<b>37</b>	<b>226</b>	<b>32</b>	<b>22</b>	<b>12</b>	<b>370</b>
Co-management	1	0	2	2	0	0	5
Collaboration	15	5	30	6	1	3	60
Community benefits	14	15	12	11	6	2	60
Compensation	0	0	3	0	0	1	4
Conflict avoidance	3	0	5	1	2	2	13
Consultation	6	9	46	1	3	7	72
Cultural awareness	14	16	18	19	4	3	74
Dialogue	5	0	19	5	0	1	30



Education & Outreach	6	2	5	7	4	0	24
Gender	1	1	0	0	0	4	6
Government-to-government	3	1	18	0	0	0	22
Inclusive	8	5	21	7	0	1	42
Information sharing	17	22	35	7	4	2	87
Informed	4	5	25	0	1	0	35
Local investment	9	4	5	3	3	0	24
Local resources	2	0	0	1	2	0	5
Management	2	0		4	0	0	6
Participation	12	21	119	7	1	5	165
Partnerships	5	3	2	1	1	0	12
Relationship building	3	1	9	0	2	1	16
Self government	1	0	21	1	0	1	24
State accountability	0	0	13	0	0	0	13
Traditional Knowledge	20	20	29	17	4	6	96
Trust	9	0	6	0	0	0	15

**Table 3.** Mechanisms of engagement breakdown by sources

	Academic /NGO	Arctic Council	Industry	Government	Indigenous People & Local Communities	International
Notification	2	0	4	55	1	2
Informed	19	17	12	48	9	7
Consultation	39	30	14	106	28	10
Decision-Making	14	15	6	96	10	4

For each source of information, a specific breakdown of keywords, principles, mechanisms and stages of engagement are provided.

### 3.1.2 Arctic Council

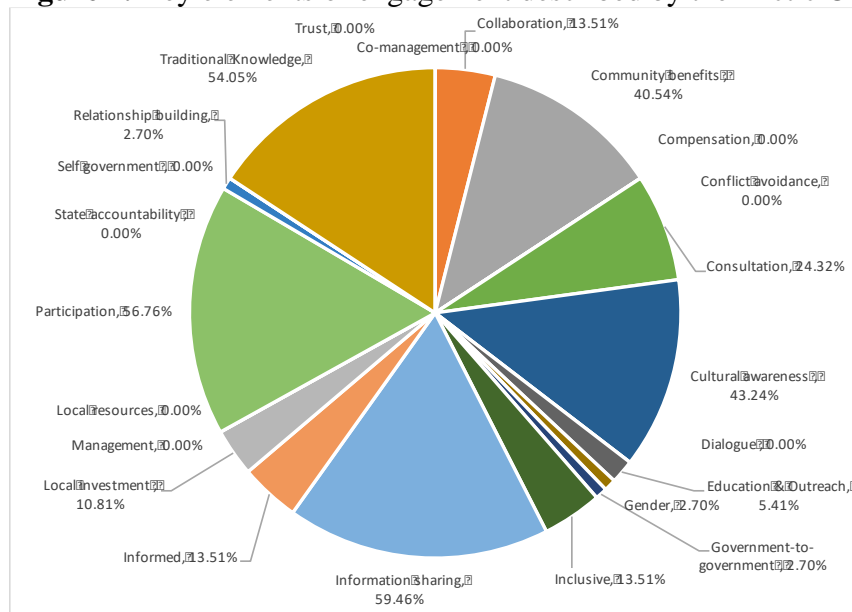
As a forum of eight Arctic nations and six Indigenous organizations for non-binding consensus decision-making that is based on transparency, access, and cooperation that enables collaboration, the Arctic Council addresses meaningful engagement with Indigenous peoples across its various working groups. It should be noted that not all documents and recommendations within have been reviewed and therefore there may be further recommendations from the Arctic Council.

Overall, the documents from the Arctic Council can be separated by their reference to the following activities:

Total = 37	General	Management	Research	Resource Development	Response	Shipping	Tourism
# of documents	0	5	10	7	10	4	1
% of documents	0.00%	13.51%	27.03%	18.92%	27.03%	10.81%	2.70%

The documentation provided by the Arctic Council described information sharing, participation and traditional knowledge as key elements of meaningful engagement (Figure 4).

**Figure 4.** Key elements of engagement described by the Arctic Council



## Methods of Engagement

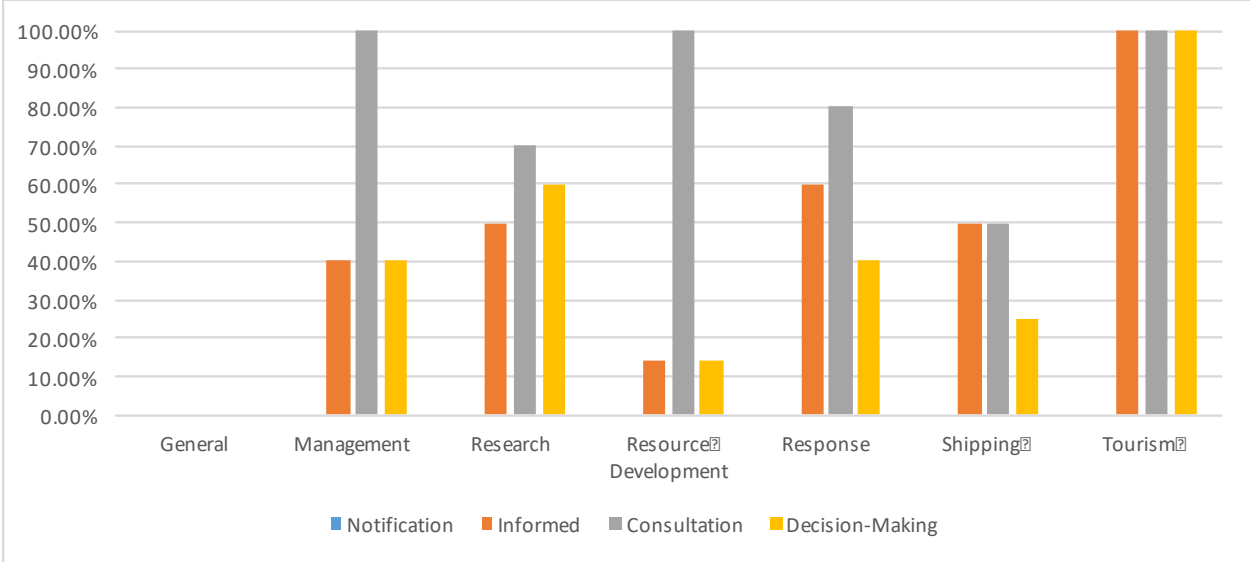
Table 4 highlights that the documentation from the Arctic Council discussed consultation in 30 of 37 documents, whereas informed and decision-making were discussed about the same (within approximately 40-43% of the documents).

**Table 4.** Arctic Council documents on method of engagement by sector.

	Notification		Informed		Consultation		Decision-Making	
General	0	0%	0	0%	0	0%	0	0%
Management	0	0%	2	40%	5	100%	2	40%
Research	0	0%	5	50%	7	70%	6	60%
Resource Development	0	0%	1	14.29%	7	100%	1	14.29%
Response	0	0%	6	60%	8	80%	4	40%
Shipping	0	25%	2	25%	2	50%	1	25%
Tourism	0	0%	1	100%	1	100%	1	100%

Across the activities and sectors, consultation is highlighted as an important mechanism for engagement (Figure 5). Notification is not identified in the documentations as a mechanism of engagement. This is not to say that notification is not used, but commentary focusing on higher levels of participation may indicate that greater communication and therefore increasing participation by Indigenous people and local communities should be achieved.

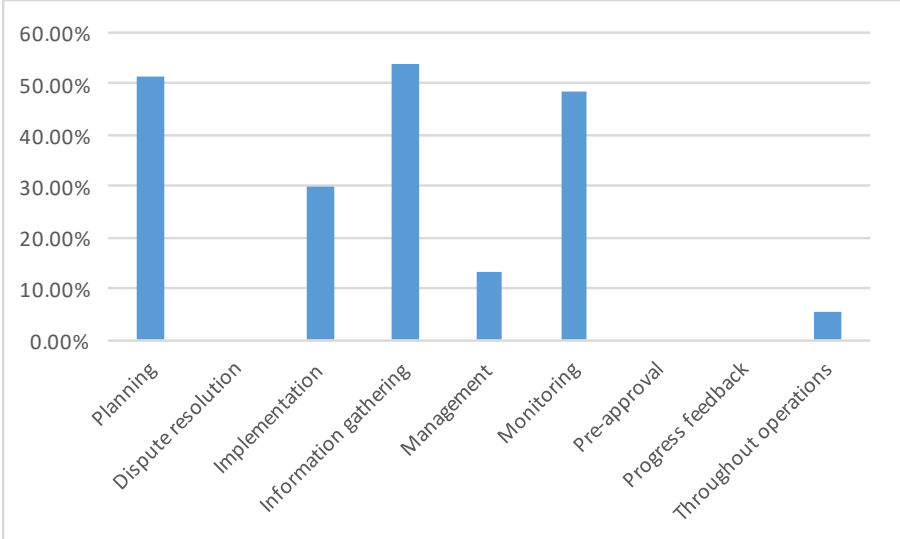
**Figure 5.** Mechanisms of engagement across sectors and activities – Arctic Council



### Stages of Engagement

Overall, the Arctic Council documents refer to engagement during all stages except dispute resolution, progress feedback and pre-approval (Figure 6; Table 5; and Figure 7). Planning, information gathering and management are the most frequently referred to stages of engagement.

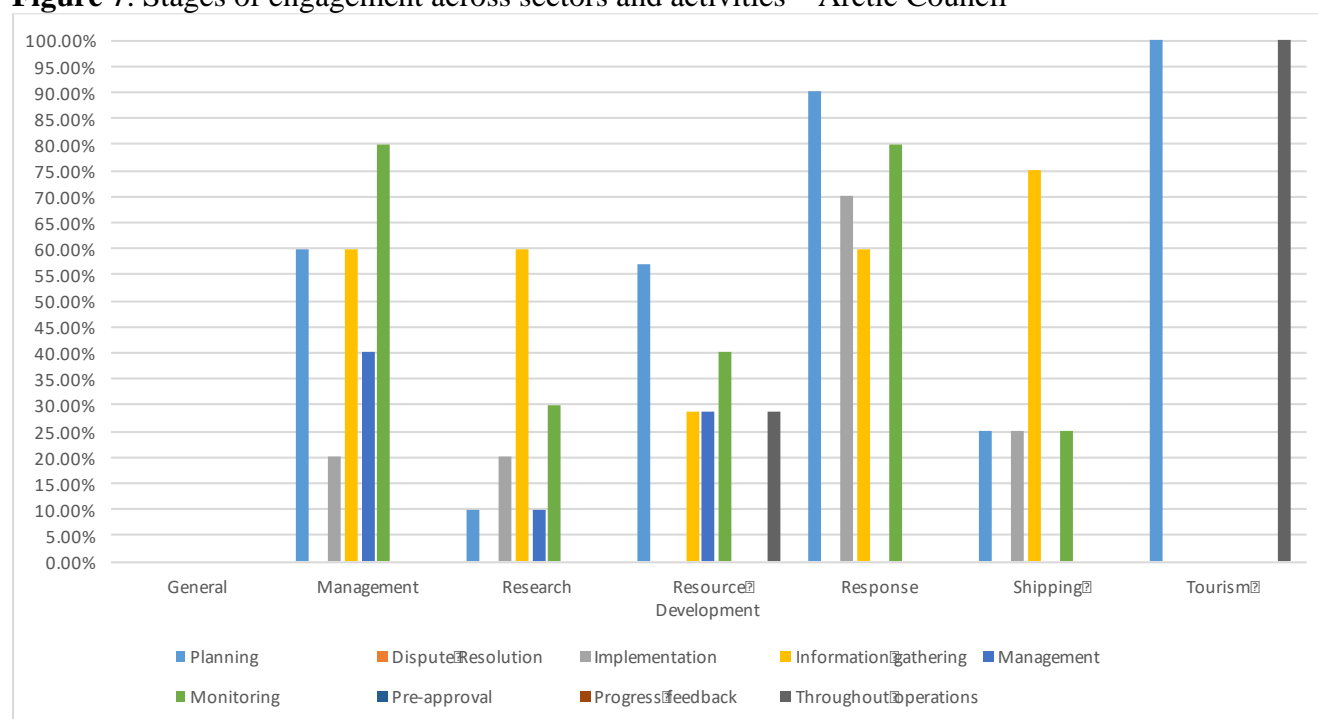
**Figure 6.** Stages engagement – Arctic Council



**Table 5.** Arctic Council documents on stage of engagement against sector of activity

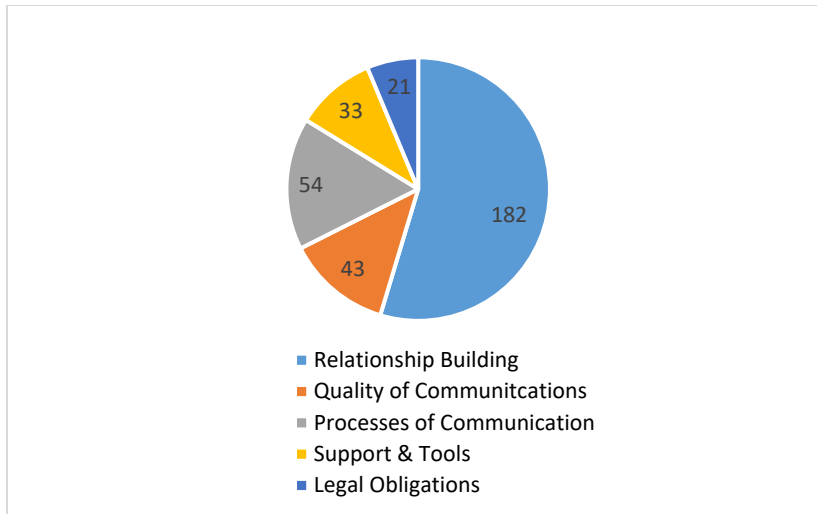
	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Throughout operations
General	0	0	0	0	0	0	0	0	0
Management	3	0	1	3	2	4	0	0	0
Research	1	0	2	6	1	3	0	0	0
Resource Development	4	0	0	2	2	2	0	0	2
Response	9	0	7	6	0	8	0	0	0
Shipping	1	0	1	3	0	1	0	0	0
Tourism	1	0	0	0	0	0	0	0	1

**Figure 7.** Stages of engagement across sectors and activities – Arctic Council



There is minimal information in the documentation that refers to tourism activities and the documentation does not provide any information on engagement in general. Across each sector or activity, the breakdown of stages of engagement varies. Information gathering is noted across these activities as being a stage where engagement should be a focus as is monitoring and planning.

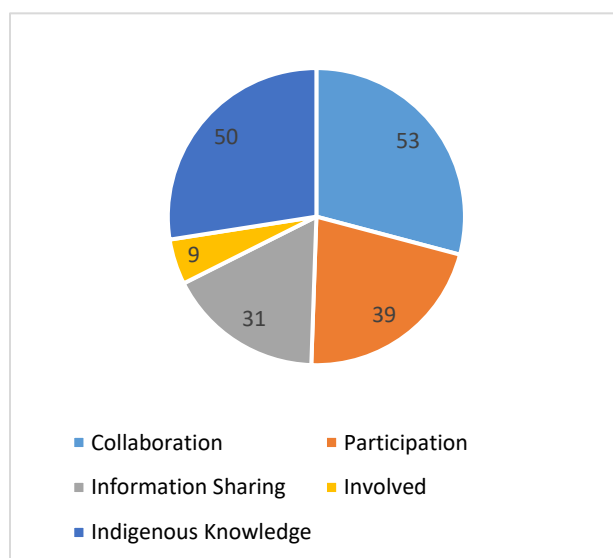
Within the documents reviewed, across all working groups the recommendations refer primarily to relationship building (Figure 8).



**Figure 8.** Arctic Council recommendations across the components of meaningful engagement

Across the Arctic Council documents reviewed, the elements of relationship building primarily referenced include Indigenous Knowledge and collaboration (Figure 9). For example, two PAME documents highlight that States should cooperate and collaborate with Indigenous peoples, non-government organizations and private parties to understand and integrate the needs and concerns of potentially affected communities (PAME, 2009, ASI-II, 2014). Many documents emphasize the need to utilize Indigenous Knowledge in research, planning, assessments and reports. These documents also frequently stress the need to identify models that will allow for the utilization of Indigenous Knowledge within the Arctic Council’s work (AORP, 2013). Of the recommendations provided related to relationship building, the involvement of parties was referenced the least often by the Arctic Council.

**Figure 9.** Arctic Council recommendations referring to elements of relationship building.

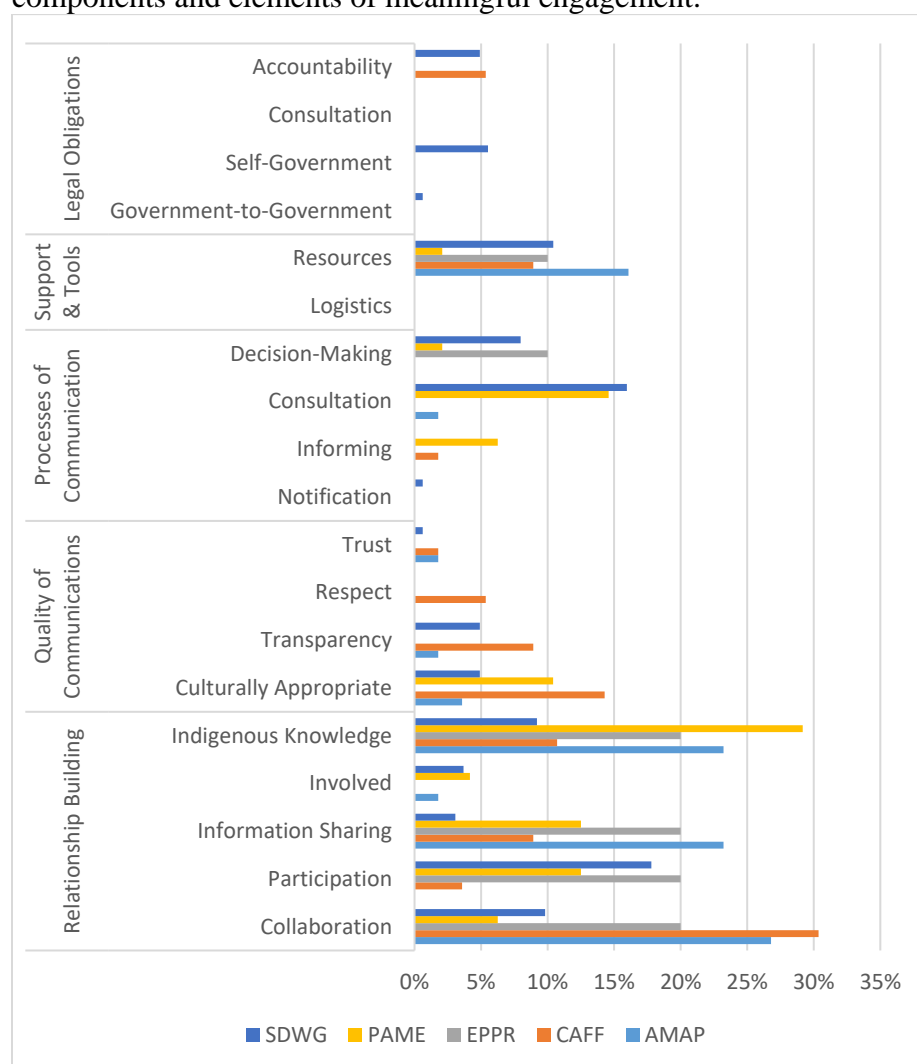


**Table 6.** Arctic Council recommendations arranged by foundational components and elements of meaningful engagement.

Working Group	Report	Relationship Building					Quality of Communications				Processes of Communication				Support & Tools		Legal Obligations			
		Collaboration	Participation	Information Sharing	Involved	Indigenous Knowledge	Culturally Appropriate	Transparency	Respect	Trust	Notification	Informing	Consultation	Decision-Making	Logistics	Resources	Government-to-Government	Self-Government	Consultation	Accountability
Arctic Monitoring and Assessment Programme (AMAP)	AACA-A	6		5		5		1		1						2				
	AACA-B	7		7	1	7	2									7				
	AOG (Summary Report) 2007	2				1							1							
	OGA 2010			1																
Conservation of Arctic Flora and Fauna (CAFF)	ABA 2013	1		2																
	ABAIP 2014		2	2		5														
	CBM Handbook 2010	16		1		1	8	5	3	1		1				5				3
Emergency Prevention, Preparedness and Response (EPPR)	Arctic Guide EPPR 2003	2	1			1										1				
	Oil Spill Guide: Snow and Ice EPPR 2015			2		1								1						
	RP3 EPPR 2013		1																	
Protection of the Arctic Marine Environment (PAME)	AOR 2013					1														
	AMSA		1	1		1										1				
	AMSP 2014	3	2	1		4							1	1						
	AMSP 2004			1		1														
	AOOG 2009		3	3	2	7	5					3	6							
Sustainable Development Working Group (SDWG)	Safety Systems Management and Safety Culture																			
	AHDR 2002-04	1	1				2							2		1		9		
	ASIP 2013	2																		
	SDWG TLK Traditional and Local Knowledge Principles					7														
	SDWG Mining Guide	13	28	5	6	8	6	8		1	1		26	11		16	1			8

Comparing the recommendations made across the working groups, quality of communication, support and tools, and legal obligations concerning meaningful engagement are not discussed as frequently (Figure 10). Furthermore, not all working groups identify each of the components of meaningful engagement within their recommendations. The EPPR and PAME working group recommendations reviewed do not address quality of communication or legal obligations of meaningful engagement. The differences between the working groups may be a result of several different reasons. The working groups address the activities of different stakeholders within the Arctic which could result in greater emphasis on certain components of meaningful engagement than on others. Furthermore, as an international forum built on consensus the focus appears to be on elements that would emphasize consensus among parties including collaboration, information sharing, and Indigenous Knowledge.

**Figure 10.** Percentage of recommendations of each working group across foundational components and elements of meaningful engagement.



Of note is the limited recommendations reviewed that pertain to qualities of communication. Feedback received during the workshop on September 17, 2016 highlighted the importance for engagement to be built on and show trust and respect among Indigenous peoples and other parties and that it is done in a manner that is transparent and culturally appropriate. However, the Arctic Council's recommendations focus on the central elements of meaningful engagement, the relationship between parties and Indigenous peoples.

The Arctic Council's recommendations are put forward to assist parties seeking to operate in the Arctic and do not necessarily refer to actions within the Arctic Council. The recommendations serve as guidance to improve engagement processes.

### 3.1.3 Government

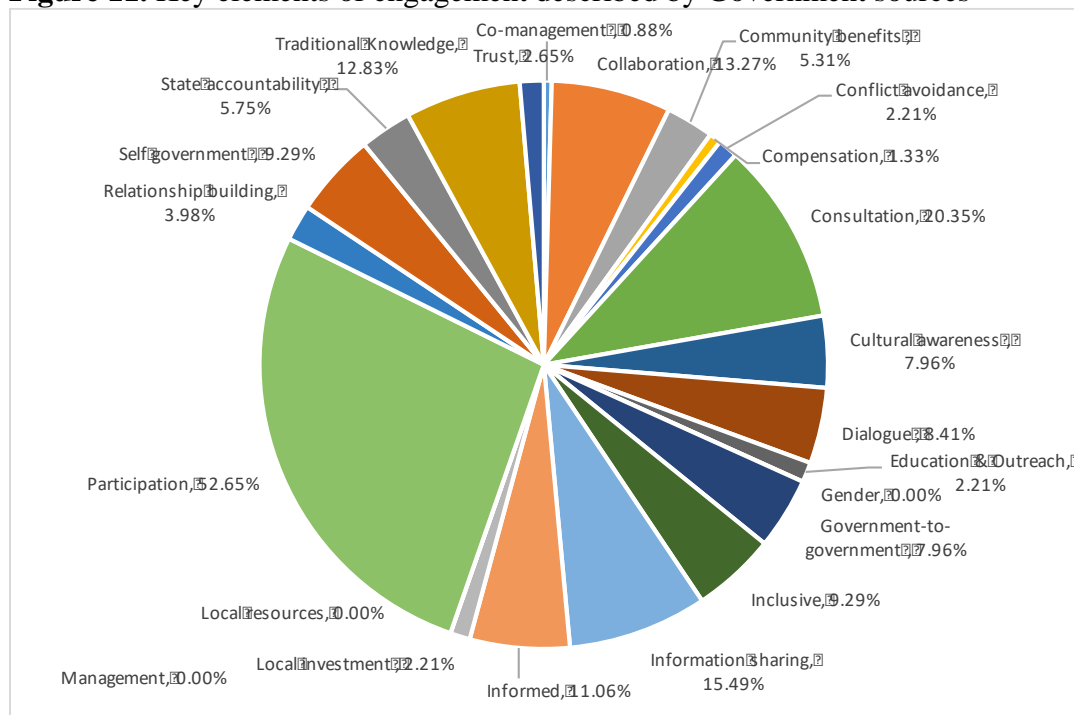
<b>Total = 226</b>	<b>General</b>	<b>Management</b>	<b>Research</b>	<b>Resource Development</b>	<b>Response</b>	<b>Shipping</b>	<b>Tourism</b>
<b># of documents</b>	79	100	8	29	8	1	1
<b>% of documents</b>	34.96%	44.25%	3.54%	12.83%	3.54%	0.44%	0.44%

The documents reviewed from government sources are not representative of all circumpolar countries as the government documents are predominately from Russia, Canada and the United States.

A keyword analysis of government documents highlighted elements and principles that are identified. The number of documents that addressed each keyword was calculated (Figure 11). A total of 226 government documents were reviewed, and participation was predominately discussed across the documents, as well as consultation, information sharing, traditional knowledge, and collaboration. Of the 226 documents, they consisted predominately of laws and policies from the different Arctic countries. The documents discussed participation of Indigenous people and local communities in government activities, as well as consultation, information sharing, the role of traditional knowledge and collaboration as elements of engagement.



**Figure 11.** Key elements of engagement described by Government sources



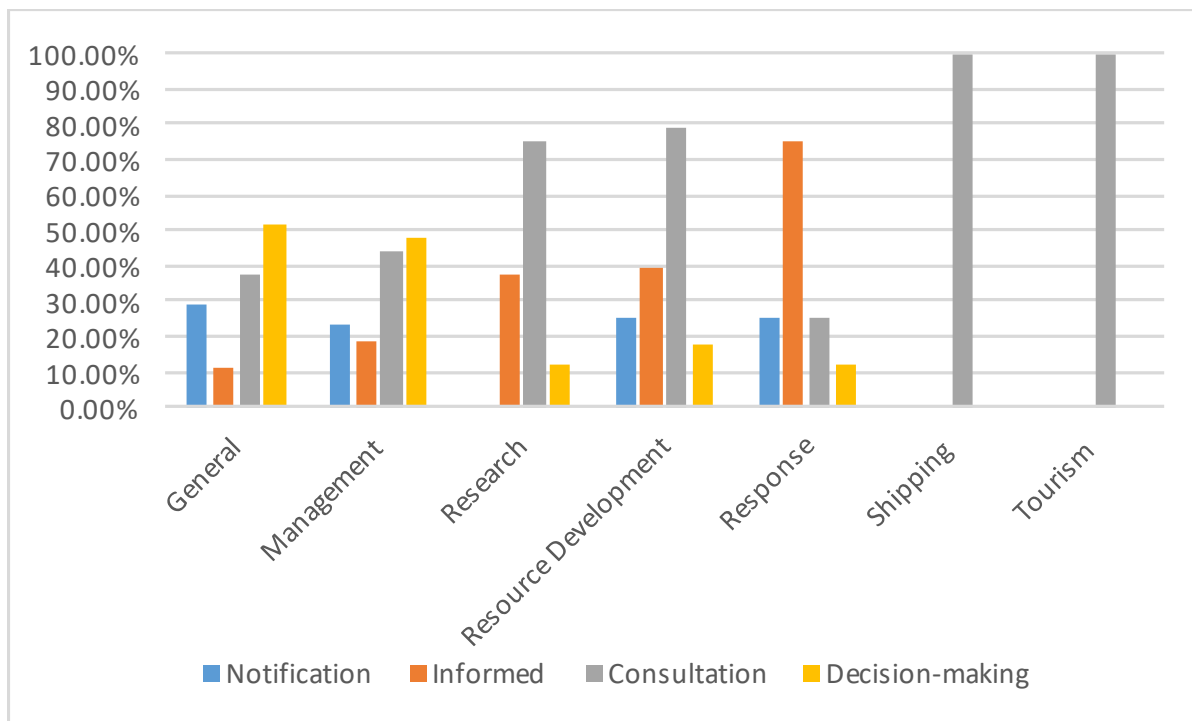
### Mechanisms of Engagement Government

Overall, the government documents discuss consultation and decision-making more than notification and informed engagement (Table 7; Figure 12). This may be due to the government documents being mostly legislation which they provide opportunities to citizens to participate in government policy and decision-making. For example, in Russia legislation refers to public hearings, referendums and the formation of advisory bodies to be used for decision-making.

**Table 7.** Government documents on method of engagement by sector.

Government								
	Notification		Informed		Consultation		Decision-Making	
General	23	28.75%	9	11.25%	30	37.50%	41	51.25%
Management	23	23.00%	19	19.00%	44	44.00%	48	48.00%
Research	0	0.00%	3	37.50%	6	75.00%	1	12.50%
Resource Development	7	25.00%	11	39.29%	22	78.57%	5	17.86%
Response	2	25.00%	6	75.00%	2	25.00%	1	12.50%
Shipping	0	0.00%	0	0.00%	1	100.00%	0	0.00%
Tourism	0	0.00%	0	0.00%	1	100.00%	0	0.00%

**Figure 12.** Mechanisms of engagement across sources and activities – Government



Generally and within management activities, engagement through participation in decision-making, is noted the most frequently.

Government policies that detail engagement processes focus on consultation, such as the US Tribal consultation policy (DHS, nd) and the Canadian Northwest Territories Aboriginal Consultation booklet (AANDC, 2011), as the prevalent mechanism of engagement.

Legislation places a minimum obligation on governments to meet a certain level of engagement. Certain laws refer to the right to public engagement (Russia, 2014), however this does not meet the requirements of engagement with Indigenous peoples. Legislation and policies referring to engagement with Indigenous peoples identify consultation as required means for engagement. This is a minimum level of engagement to be met. A U.S. example is the EO13175 which outlines the key elements of government-to-government consultation.

Government policies may differ, but the key elements of government consultation include: (1) right participants; (2) engaging in meaningful information exchange; (3) creating a timely and early process; (4) establishing a flexible and collaborative process; (5) creating an accountable process; and (6) ensuring adequate resources (Swanson et al. 2013).

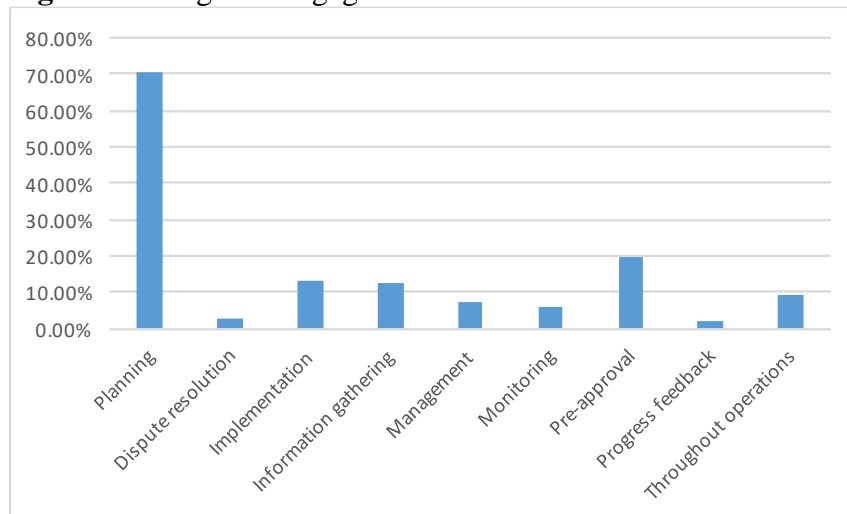
Shipping and tourism were only referred to in one document each which limited the ability to assess how government approaches engagement within these industries.

### Stages of Engagement

Government documents mainly refer to engagement during pre-approval and planning stages of an activity or project (Figure 13). At these stages, government agencies may seek approval for a

project or support from local communities (Braund, 2013). Where governments are seeking to adopt policies or take a specific action, government agencies ideally notify local Indigenous communities and their identified representatives early in the process, solicit their input, and incorporate input received into the decision-making process surrounding policies and actions (DHS, nd).

**Figure 13.** Stages of engagement – Government



Government documents addressing management activities discuss engagement across all stages of engagement (Table 8; Figure 14). The general documents discuss all stages except for progress feedback. Within both activities, the planning phase is noted as being a main stage for engagement. Documents referring to resource development refer to engaging at all stages except for management of these activities.

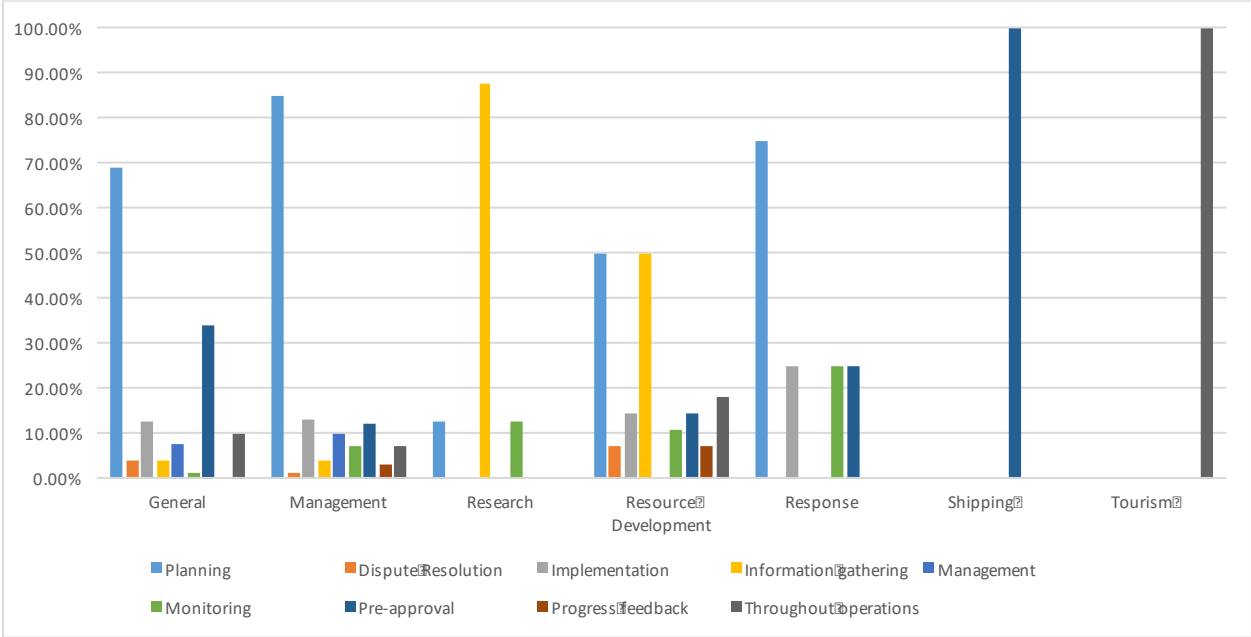
**Table 8.** Sector by Stages for Government Documents

	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Throughout operations
General	55	3	10	3	6	1	27	0	8
Management	85	1	13	4	10	7	12	3	7
Research	1	0	0	7	0	1	0	0	0
Resource Development	14	2	4	14	0	3	4	2	5
Response	6		2	0	0	2	2	0	0
Shipping	0	0	0	0	0	0	1	0	0
Tourism	0	0	0	0	0	0	0	0	1

Progress feedback is highlighted only in the management and resource development documents, which refer to measures for mitigating potential conflict, such as plans of cooperation or agreements (USFWS, nd).

Again, shipping and tourism were only referred to in one document each. Engaging throughout tourism refers to during tourism operations, such as on land expeditions, Indigenous people and local communities should be involved. The government document referring to shipping concerned feedback on a port access route study that was open for commentary by the U.S. government (USCG, 2010).

**Figure 14.** Stages of engagement across sectors and activities – Government



### Statutory obligations & protections

Legislation, treaties, land claim agreements and other regulations in Arctic countries can place an obligation on governments to engage with Indigenous people and local communities (examples in Table 9). These instruments place minimum requirements on governments to engage and should serve as a starting point when determining an appropriate approach to engagement. However, efforts often extend beyond outlined obligations to show a greater willingness to include Indigenous perspectives.

**Table 9.** State Legislation Recognizing Indigenous and Local Rights to be Engaged

State	Legal framework
United States	1971 Alaska Native Claims Settlement Act Executive Order 13175, 2009
Canada	Canada’s Constitution Act, 1982 Land claims agreements: Nunavut (1); Northwest Territories (4); Yukon (11)

<i>Russia</i>	The Constitution of the Russian Federation, 1993 Various Federal laws, Federal sublaws, and regional laws
<i>Denmark/Greenland</i>	Act on Greenland Self-Government, 2009 The Greenland Home Rule Act, 1978
<i>Norway</i>	The Norwegian Constitution, 1814 The Sami Act, 1987
<i>Sweden</i>	The 1974 Instrument of Government
<i>Finland</i>	The Constitution of Finland, 2000
<i>Iceland</i>	Local Government Act, No. 138/2011

Statutory obligations on governments to engage can include the right to citizen participation in decision-making (Russia, 2006b; Russia, 2014), to be consulted (INAC, 2009) and the recognition of rights to self-government (Canada, 1982) and government-to-government engagement (US, 2000).

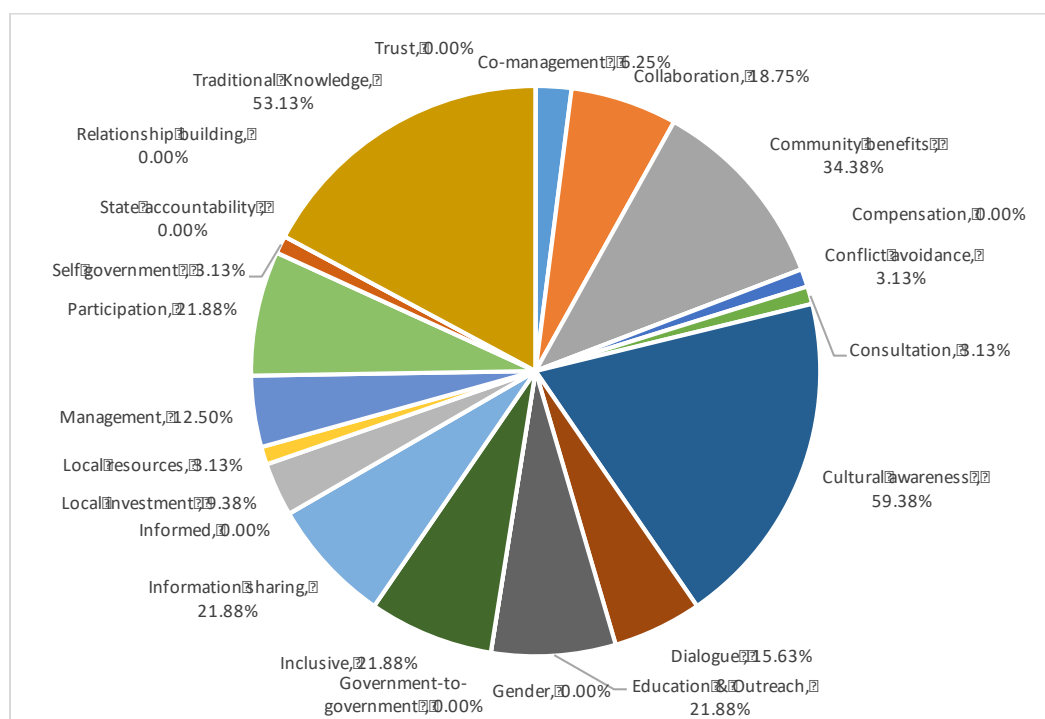
In addition to obligations for engagement, governments must develop approaches that reflect State and international protections of human rights, rights to customs, heritage, traditions, and protection of land. As a fundamental principle, it was recognized that protection of rights of Indigenous people(s) and communities should be upheld throughout engagement approaches, particularly where activities may have adverse impacts.

### 3.1.4 Indigenous People & Local Communities

<b>Total = 32</b>	<b>General</b>	<b>Management</b>	<b>Research</b>	<b>Resource Development</b>	<b>Response</b>	<b>Shipping</b>	<b>Tourism</b>
<b># of documents</b>	9	8	5	5	2	3	0
<b>% of documents</b>	28.13%	25.00%	15.63%	15.63%	6.25%	9.38%	0.00%

A keyword search of the documents submitted on behalf of Indigenous peoples and local communities, highlight the frequency of elements and principles identified (Figure 15). The documents highlight traditional knowledge, cultural awareness, community benefits as well as participation, inclusiveness, and information sharing. The Arctic Council identified the same elements and principles except for inclusiveness.

**Figure 15.** Key elements of engagement described by Indigenous People and Local Communities



## Mechanisms of Engagement

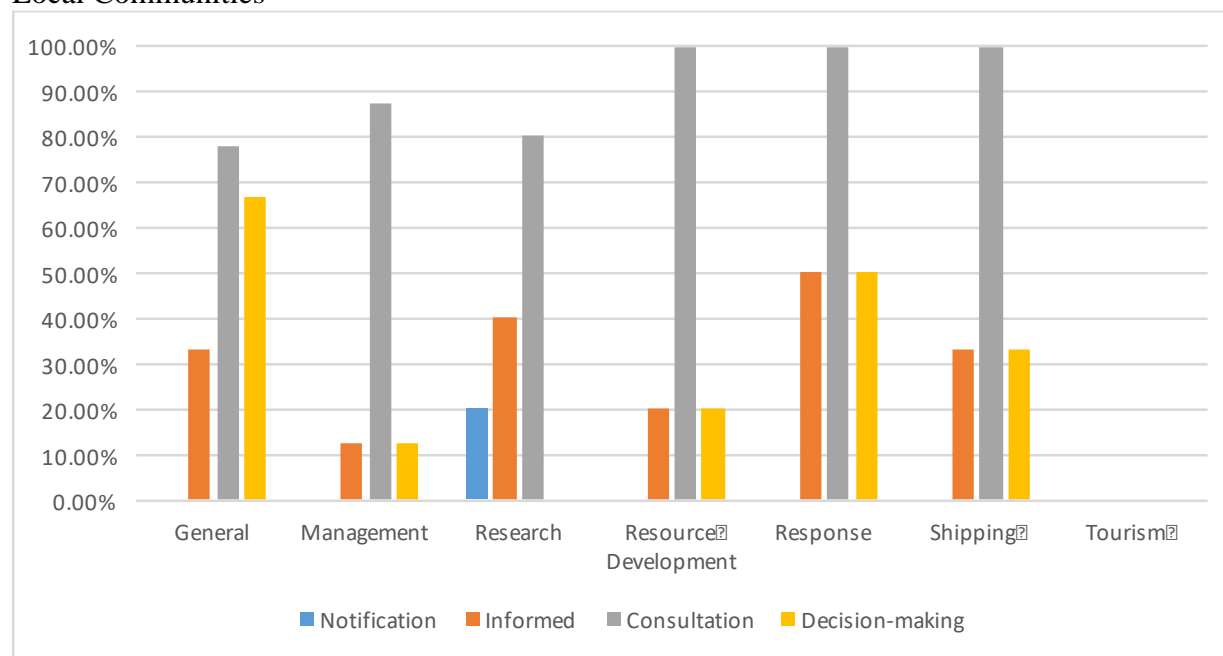
Notification is hardly mentioned in the documentation representing Indigenous people and local communities. Consultation appears to be the most frequently noted mechanism of engagement. Engagement in decision-making is noted every sector or activity except for research. A lack of decision-making power was identified in the Northwest Arctic Regional Food Security Workshop (ICC-Alaska, 2014) as a barrier in engagement. The participants of the workshop highlighted that without their involvement within decision-making a lack of understanding of their culture and connection to the environment was missing (ICC-Alaska, 2014).

It appears that from the perspective of Indigenous people and local communities, being informed, being engaged through consultations and involved in decision-making are all expected across all sectors and activities (Table 10; Figure 16).

**Table 10.** Mechanisms of Engagement by Sector/Activity from Indigenous Peoples and Local Communities documents.

Indigenous Peoples and Local Communities								
	Notification		Informed		Consultation		Decision-Making	
General	0	28.75%	3	11.25%	7	37.50%	6	51.25%
Management	0	23.00%	1	19.00%	7	44.00%	1	48.00%
Research	1	0.00%	2	37.50%	4	75.00%	0	12.50%
Resource Development	0	25.00%	1	39.29%	5	78.57%	1	17.86%
Response	0	25.00%	1	75.00%	2	25.00%	1	12.50%
Shipping	0	0.00%	1	0.00%	3	100.00%	1	0.00%
Tourism	0	0.00%	0	0.00%	0	100.00%	0	0.00%

**Figure 16.** Mechanisms of engagement across sources and activities – Indigenous People and Local Communities



### Stages of Engagement

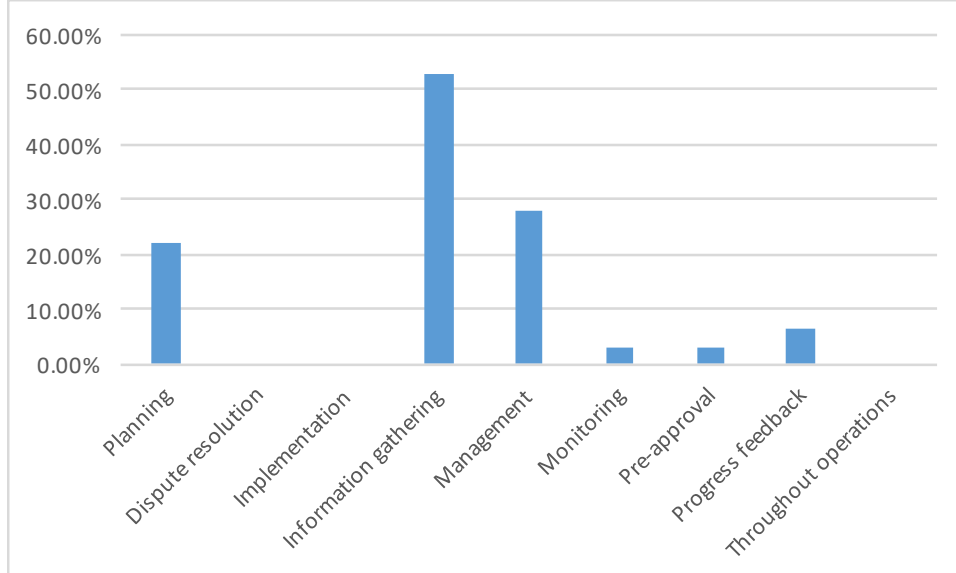
Information gathering, management and planning are highlighted as the stages of engagement that are most frequently discussed by Indigenous groups and local communities (Table 11). This does not necessarily mean that the other stages are not considered important for Indigenous groups and communities but since traditional knowledge was frequently mentioned this could indicate that there is a focus on incorporating indigenous knowledge into activities and sectors and these three stages would be the most appropriate for this.

**Table 11.** Stage of Engagement by sector/activity from Indigenous Peoples and Local Communities documents.

	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Through out operations
General	3	0	0	2	3	0	1	0	0
Management	3	0	0	4	3	0	0	0	0
Research	0	0	0	5	0	0	0	0	0
Resource Development	1	0	0	3	1	0	0	0	0
Response	0	0	0	2	1	1	0	0	0
Shipping	0	0	0	1	2	0	0	2	0
Tourism	0	0	0	0	0	0	0	0	0

Engagement throughout planning and management stages of a project/activity are identified by Indigenous sources, as well as, engagement during information gathering (Figure 17).

**Figure 17.** Stages of engagement – Indigenous People and Local Communities



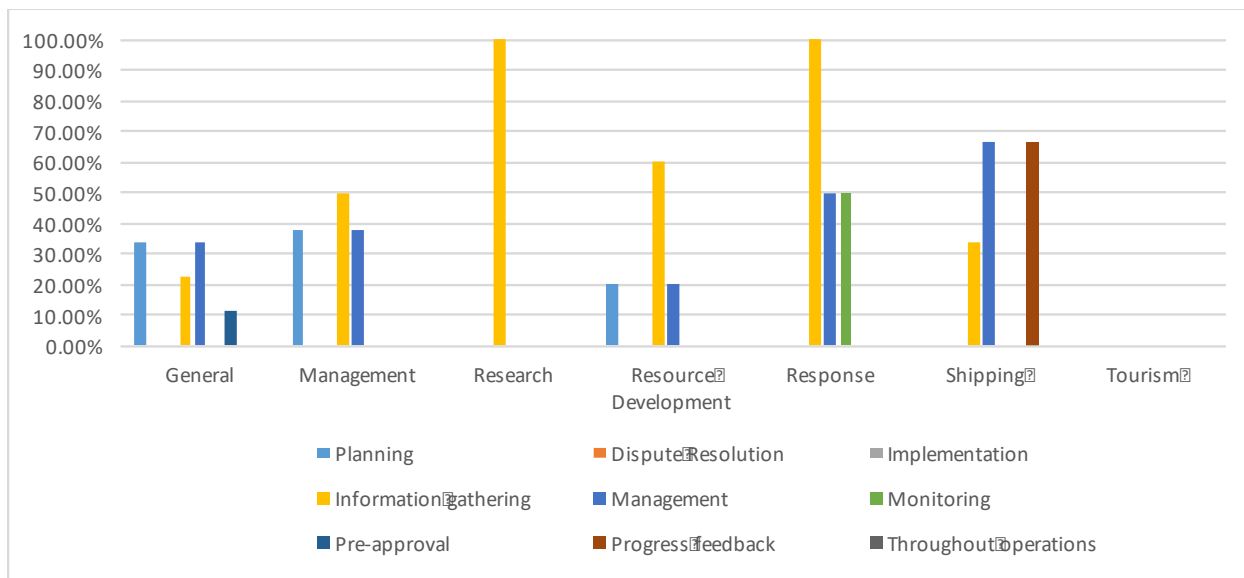
Engagement in information gathering includes the passing on of Traditional Knowledge, such as through sharing of respectful hunting traditions in the Bering Strait (Kawerak Inc., 2013). It is stated that Traditional Knowledge should have equal footing with scientific, policy, and management processes, with a prominent role in research (Raymond-Yakoubian et al., 2014).

The option for direct involvement in decision-making, recognition of rights and responsibilities of indigenous people(s), and efforts to promote capacity of Northern communities are noted as essential elements for engagement to be considered meaningful (ANKN, 2006; ICC-Canada, 2014; Raymond-Yakoubian et al., 2014b).

Management and progress feedback are noted as important stages of engagement with respect to shipping activities (Figure 18). This may be due to the need to inform Indigenous peoples and local communities of shipping activities so as not to interfere with subsistence hunting seasons.

**Figure 18.** Stages of engagement across sectors and activities – Indigenous People and Local Communities





### 3.1.5 Industry

The documents reviewed from industry sources refer to engagement within resource development, shipping, and tourism. Industry involvement in engagement may arise from regulations placed on industries that seek to operate in the Arctic or ensuring sustainable development in the Arctic. Sustainable development includes consideration of Arctic communities and their traditional, economical and spiritual linkages to the land (Shell, 2011).

These documents do not provide information on other activities. Research is only referred to in reference to gathering information for the purposes of industry activities.

Total = 22	General	Management	Research	Resource Development	Response	Shipping	Tourism
# of documents	0	0	1	12	0	2	7
% of documents	0.00%	0.00%	4.55%	54.55%	0.00%	9.09%	31.82%

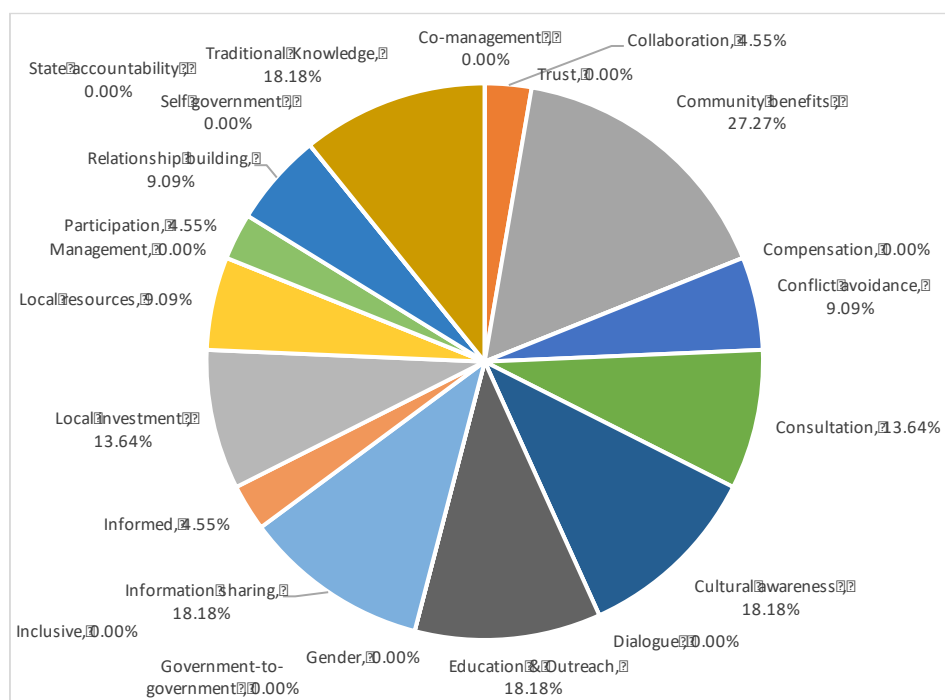
A keyword analysis on the industry documents reviewed highlighted elements and principles (Figure 19). Community benefits, traditional knowledge, education & outreach, information sharing and cultural awareness were predominately discussed in reference to engagement. Local investment, local resources, and participation were also noted. Industry sources refer to education and outreach with respect to tourism practices in the Arctic. This reference extends towards tourism operators and visitors to improve awareness of local cultures and the environment (SATA, 2009). It can also reflect providing outreach and education to Indigenous communities on industry practices and the potential impact, both positive and negative on communities (Shell, 2011).

The documents did not refer state accountability, government-to-government interactions or co-management which are focused towards interactions between States and Indigenous peoples.

Informing and consultation with Indigenous communities were discussed within the industry sources. These practices allow for information gathering and sharing to enable industry development that aims to avoid impacts with Indigenous traditions such as subsistence hunting (Canada, 2014). In addition, it provides opportunities for all parties to inform one another of their concerns and familiarize themselves with one another, which can result in an enhanced working relationship (CAPP, 2014). Opportunities for gathering and sharing information is the use of subsistence advisors, communication centres, meetings, and community liaison officers (Shell, nd; Shell, 2014).

Involvement in decision-making is noted in sources discussing tourism. This likely refers to involvement in decisions regarding community visits and local businesses and peoples supplying goods and services to visitors and tourism companies (G Adventures, nd).

**Figure 19.** Key elements of engagement described by Industry



### Mechanisms of Engagement

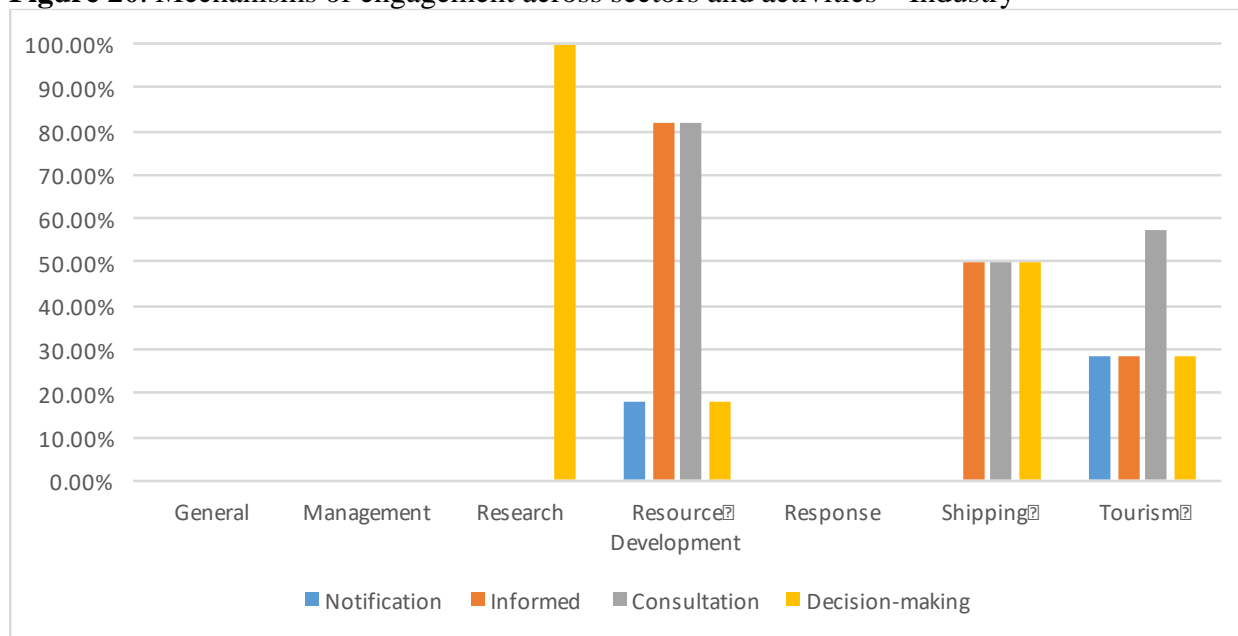
Informing and consultation are the common mechanisms of engagement across industry sectors. Involvement in decision-making is noted however this may not refer to outcomes but within the planning process of development (Table 12; Figure 20)

**Table 12.** Mechanisms of Engagement by the sector/activity from industry documents.

Industry								
	Notification		Informed		Consultation		Decision-Making	
General	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Management	0	0.00%	0	0.00%	0	0.00%	0	0.00%

Research	0	0.00%	0	0.00%	0	0.00%	1	100.00%
Resource Development	2	18.18%	9	81.82%	9	81.82%	2	18.18%
Response	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Shipping	0	0.00%	1	50.00%	1	50.00%	1	50.00%
Tourism	2	28.57%	2	28.57%	4	57.14%	2	28.57%

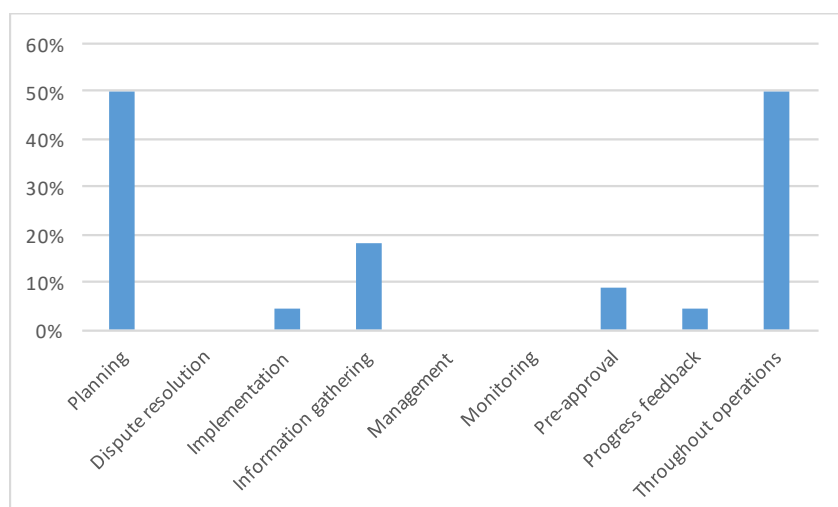
**Figure 20.** Mechanisms of engagement across sectors and activities – Industry



### Stages of Engagement

Industry sources refer to engagement during the planning stage as well as throughout operations (Figure 21; Table 13). During the planning stage, engagement seeks to inform communities of potential activities and projects, receive input from communities, and allow for participation in research and information exchange on the environment and use by communities (CAPP, 2006; Shell, 2011). Some industries, such as the Canadian Association of Petroleum Producers seeks community involvement in projects to establish long-term, good-neighbor relationships with communities, meet or exceed the general regulatory requirements for consultation, and to reduce project risk (CAPP, 2006).

**Figure 21.** Stages of engagement – Industry

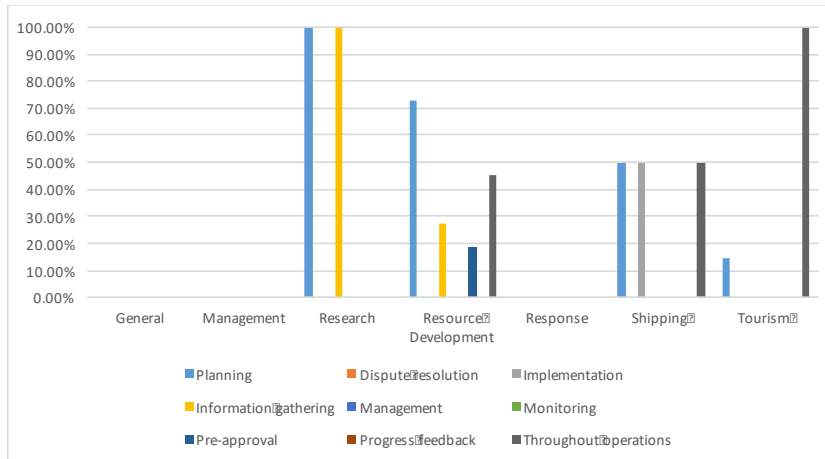


**Table 13.** Stages of Engagement by sector/activity from industry documents.

	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Throughout operations
General	0	0	0	0	0	0	0	0	0
Management	0	0	0	0	0	0	0	0	0
Research	1	0	0	1	0	0	0	0	0
Resource Development	8	0	0	3	0	0	2	0	5
Response	0	0	0	0	0	0	0	0	0
Shipping	1	0	1	0	0	0	0	1	1
Tourism	1	0	0	0	0	0	0	0	7

The stages of engagement mentioned in the documents by industry groups differ with the industry sector referred to, however across resource development, shipping and tourism engagement throughout operations is frequently stated (Figure 22). Engagement is not mentioned at the management stage which may be due to nature of the activities.

**Figure 22.** Stages of engagement across sectors and activities - Industry



Arctic Council recommendations on building capacity of communities through employment opportunities and involvement in projects and activities (AAPC, 2014) are in line with industry commentary on the need to provide opportunities for employment, training, and local business development (NEAS, nd; SATA, 2009; Shell, 2011; Shell, 2014).

In addition, industry sources discuss engagement with respect to planning whereas the Arctic Council recommendations focus on broader engagement in planning, information gathering, implementation and monitoring. This may be due to a more general perspective of engagement by the Arctic Council, whereas industry focuses on specific activities or projects. However, industries recognize the need to include Traditional Knowledge in information gathering for planning purposes (CAPP, 2006).

The Arctic Council and industry sources include similar discussions on engagement, with industry providing additional details on communication and consultation practices. Some objectives identified within industry sources of engagement are to create relationships, highlight benefits to communities of industry development, and support sustainable development in the Arctic.

### 3.1.6 Other Sources

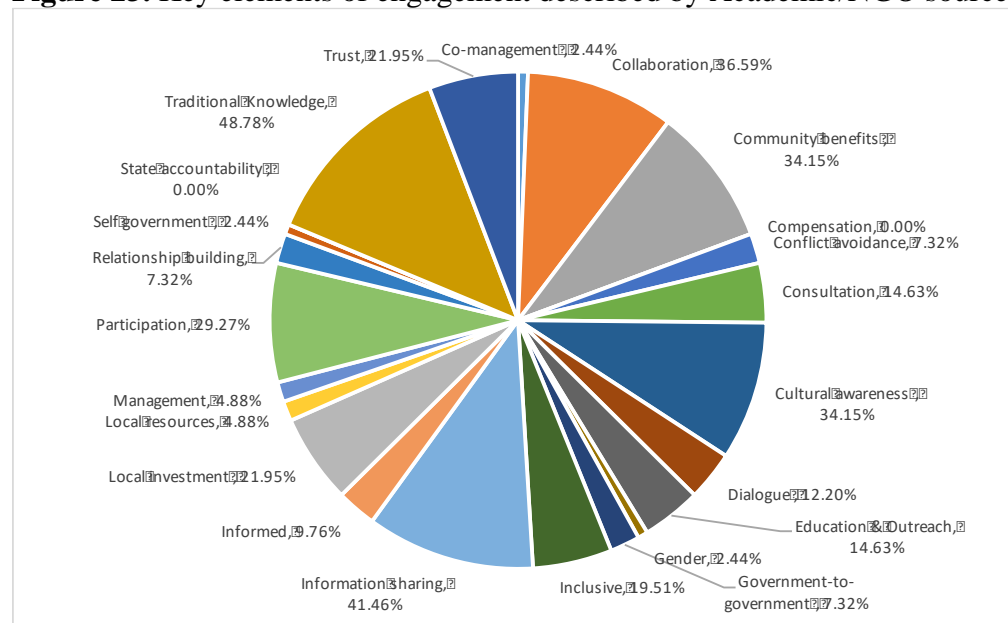
Academic, NGO and international sources provide advisory discussions of engagement with Indigenous peoples and local communities. These sources provide suggestive input on improving engagement practices between government, industry, Indigenous peoples and other parties.

#### 3.1.6.1 Academic/NGO

Total = 41	General	Management	Research	Resource Development	Response	Shipping	Tourism
# of documents	1	10	12	7	3	5	3
% of documents	2.44%	24.39%	29.27%	17.07%	7.32%	12.20%	7.32%

Documentation reviewed, by academic and NGO sources, suggest that traditional knowledge and information sharing are key elements to engagement (Figure 23). Cultural awareness, consultation, participation and community benefits are also identified as important.

**Figure 23.** Key elements of engagement described by Academic/NGO sources



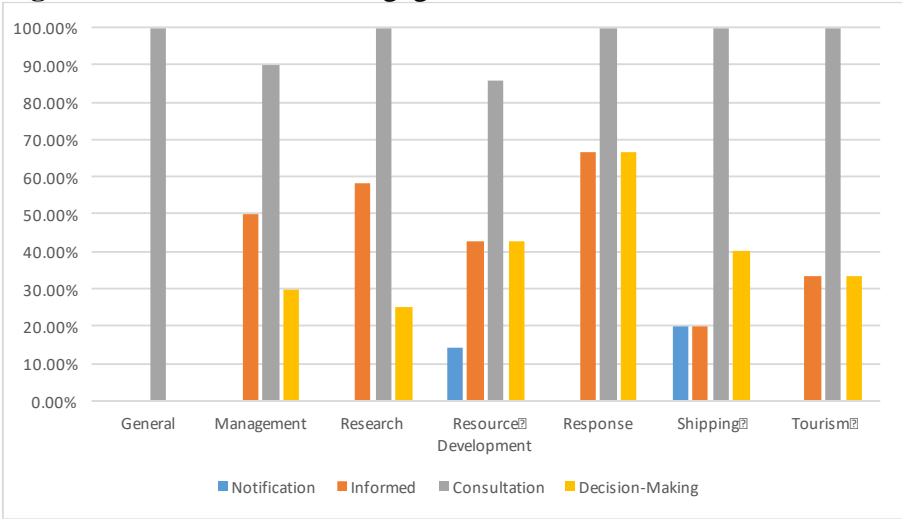
### Mechanisms of Engagement

Academic and NGO documents note consultation most frequently as a mechanism of engagement (Table 14; Figure 24). Informing and decision-making are also noted across the majority of sectors and activities. Within sector activities (resource development, tourism and shipping) participation in decision-making is noted just as frequently as engaging through informed approaches. The literature reviewed highlighted capacity building through the incorporation of Traditional Knowledge, community based efforts, and collaborative efforts (ArcticNet Public Policy Forum, 2012; Sigman 2015).

**Table 14.** Mechanisms of Engagement by the sector/activity from academic/NGO documents

Academia/NGOs								
	Notification		Informed		Consultation		Decision-Making	
General	0	0.00%	0	0.00%	1	100.00%	0	0.00%
Management	0	0.00%	5	50.00%	9	90.00%	3	30.00%
Research	0	0.00%	7	58.33%	12	100.00%	3	25.00%
Resource Development	1	14.29%	3	42.86%	6	85.71%	3	42.86%
Response	0	0.00%	2	66.67%	3	100.00%	2	66.67%
Shipping	1	20.00%	1	20.00%	5	100.00%	2	40.00%
Tourism	0	0.00%	1	33.33%	3	100.00%	1	33.33%

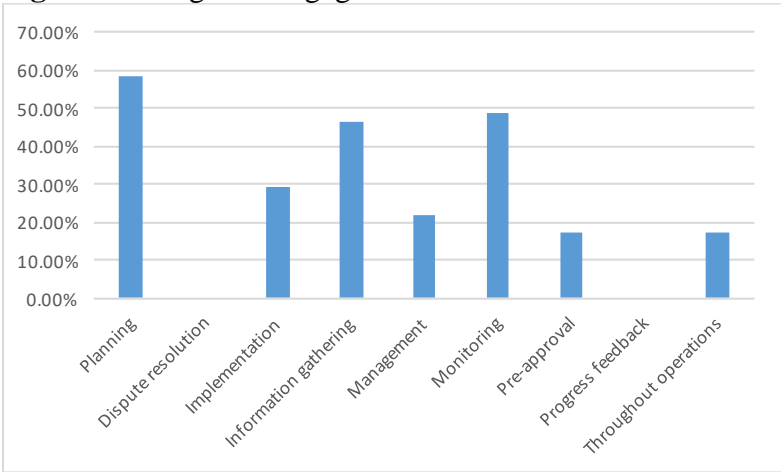
**Figure 24.** Mechanisms of engagement across sectors and activities – Academic/NGO



**Stages of Engagement**

Overall, Academic and NGO documents reviewed highlight engaging at the planning stage the most frequently, followed by information gathering and monitoring (Figure 25). The literature did not discuss engaging during dispute resolution or in providing progress feedback.

**Figure 25.** Stages of engagement – Academic/NGO



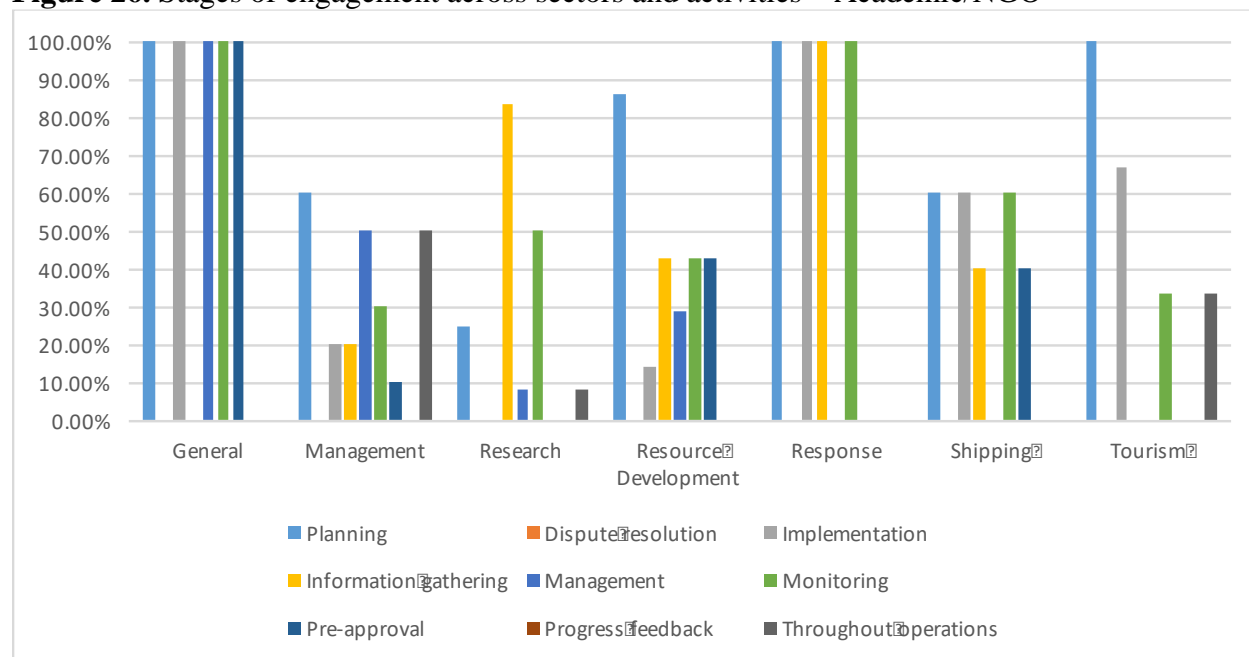
Engagement during planning was noted across each of the different activities and sectors. Information gathering was noted within sectors and activities in which traditional knowledge can influence operations and outcomes of development (Table 15). Engagement during monitoring is noted across all activities and sectors, which can include engaging through participation in community based monitoring (Danielsen, et al., 2014).

**Table 15.** Stages of Engagement by sector/activity from academic/NGO documents.

	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Through out operations
General	1	0	1		1	1	1	0	0
Management	6	0	2	2	5	3	1	0	5
Research	3	0	0	10	1	6	0	0	1
Resource Development	6	0	1	3	2	3	3	0	0
Response	3	0	3	3	0	3	0	0	0
Shipping	3	0	3	2	0	3	2	0	0
Tourism	3	0	2	0	0	1	0	0	1

There was only one document that referred to engagement generally (Figure 26), which discussed multiple stages to engagement (UN, 1995).

**Figure 26.** Stages of engagement across sectors and activities – Academic/NGO



Similar to Arctic Council sources, academic and NGO documents reviewed consider the relationships and capacity needed to make engagement meaningful. Recommendations from the oil spill response workshop in Bering and Anadyr Straits highlighted funding sources, training, infrastructure and resources for the region are needed in addition to communication plans and meaningful community input into plan development (WCS, 2014). Building trust through relationship building, allowing for input, building local leadership and collaborating will help to build partnerships while creating capacity in communities (Morrison et al, 2014).



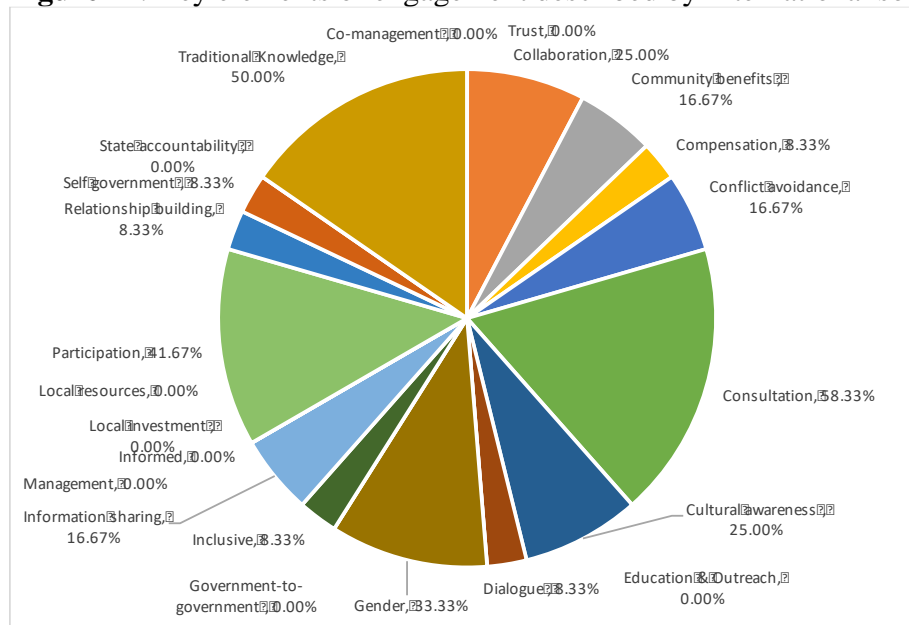
### 3.1.6.1 International

Total = 12	General	Management	Research	Resource Development	Response	Shipping	Tourism
# of documents	8	1	1	1	1	0	0
% of documents	66.67%	8.33%	8.33%	8.33%	8.33%	0.00%	0.00%

A keyword search was conducted of international sources related to engagement. The documents frequently addressed consultation and Traditional Knowledge with respect to engagement but also discussed participation, collaboration, gender, and cultural awareness (Figure 27). These sources focus on engagement as a way to affirm Indigenous rights and ensure equality among groups (UN, 2007).

International sources reviewed highlight international recognition of human rights including the rights of Indigenous peoples, such as the United Nations Declaration on the Rights of Indigenous Peoples, 2007. Respect for traditional methods, heritage, and self-government are identified at an international level (UN, 1995; UN, 2007). Engagement with Indigenous peoples can identify and advance Indigenous concerns while adhering to human rights obligations (UNDP, 2001; UN, 2007).

**Figure 27.** Key elements of engagement described by International sources



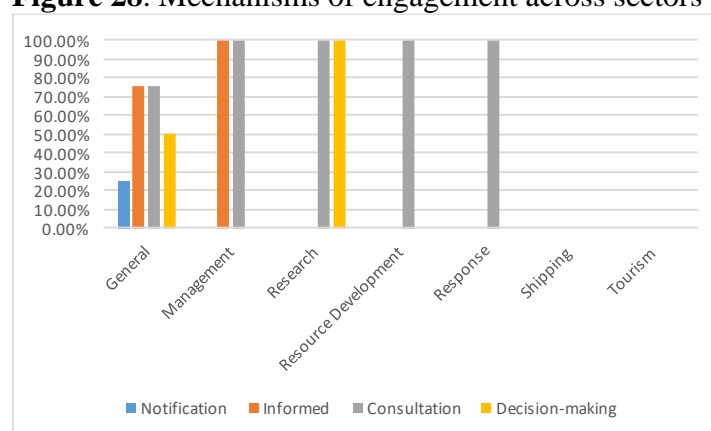
### Mechanisms of Engagement

In general, the international documents reviewed note informing and consultation as mechanisms of engagement the most frequently (Table 16). Across the other sectors and activities, engaging through consultation was highlighted (Figure 28).

**Table 16.** Mechanisms of Engagement by sector/activity from international documents.

International								
	Notification		Informed		Consultation		Decision-Making	
General	2	25.00%	6	75.00%	6	75.00%	3	50.00%
Management	0	0.00%	1	100.00%	1	100.00%	0	0.00%
Research	0	0.00%	0	0.00%	1	100.00%	1	100.00%
Resource Development	0	0.00%	0	0.00%	1	100.00%	0	0.00%
Response	0	0.00%	0	0.00%	1	100.00%	0	0.00%
Shipping	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Tourism	0	0.00%	0	0.00%	0	0.00%	0	0.00%

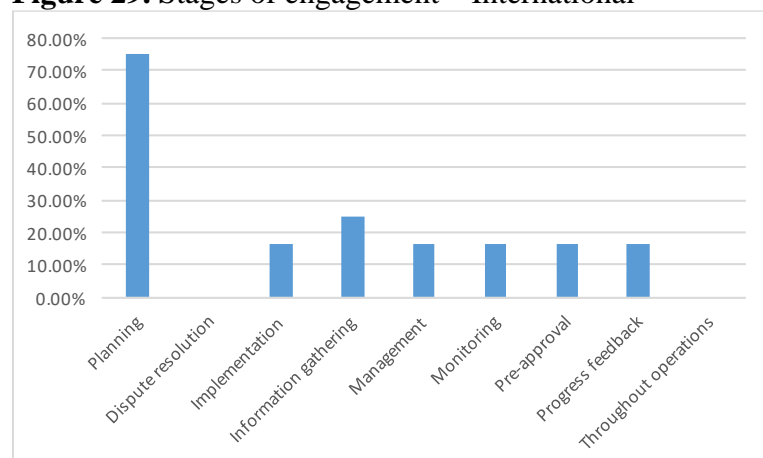
**Figure 28.** Mechanisms of engagement across sectors and activities – International



## Stages of Engagement

Overall, international sources note the planning stage for engagement more frequently than other stages (Figure 29). Dispute resolution was not noted in the documents reviewed.

**Figure 29.** Stages of engagement – International



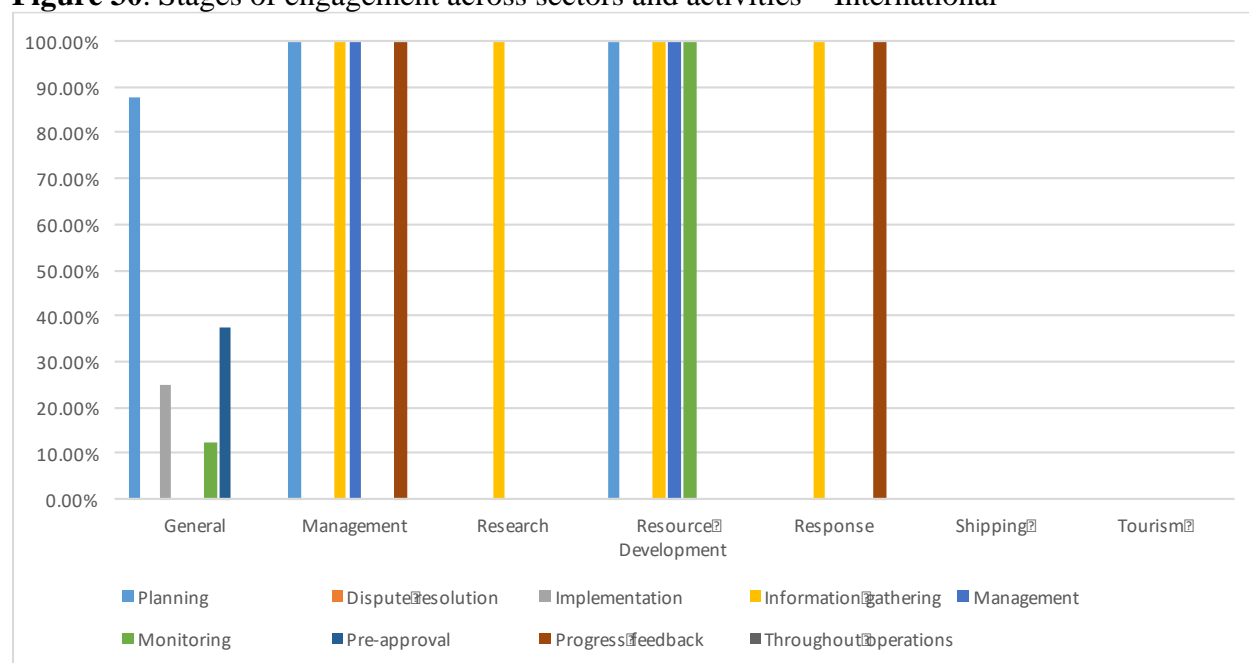
The majority of documents by international sources considered engagement from a general

perspective. Engagement during planning was noted in a majority of the documents referring to engagement generally. As there was only one document for each of the other activities and sectors discussed, there is limited comparison within the sectors and activities on international commentary for engagement (Table 17; Figure 30).

**Table 17.** Stage of engagement by sector/activity from international documents.

	Planning	Dispute resolution	Implementation	Information gathering	Management	Monitoring	Pre-approval	Progress feedback	Through out operations
General	7	0	2	0	0	1	3	0	0
Management	1	0	0	1	1	0	0	1	0
Research	0	0	0	1	0	0	0	0	0
Resource Development	1	0	0	1	1	1	0	0	0
Response	0	0	0	1	0	0	0	1	0
Shipping	0	0	0	0	0	0	0	0	0
Tourism	0	0	0	0	0	0	0	0	0

**Figure 30.** Stages of engagement across sectors and activities – International



The international sources reviewed highlight the rights of the public in engagement as well as the specific right of Indigenous peoples' to engagement as well as the proper treatment of Traditional Knowledge (UNDP, 2001; UN, 2007; UNESCO, 2015). They provide an overarching validation for the importance of engagement practices.

## 4 Sectors & Activities

The keywords, mechanisms and stages of engagement were further analyzed by sectors and activities described in the documents reviewed (Tables 18 and 19). Overall, the sectors and activities within the analysis noted participation, traditional knowledge, and information sharing the most frequently. Consultation was stated the most frequently, followed by decision-making, informing and notifying mechanisms of engagement.

**Table 18** Distribution of keywords across sectors and activities

	General	Management	Research	Resource Development	Response	Shipping	Tourism	Total
Total Documents	98	123	37	61	24	15	12	370
Co-management	2	3	0	0	0	0	0	5
Collaboration	4	22	14	14	4	1	1	60
Community benefits	5	9	10	6	8	4	8	50
Compensation	3	0	0	1	0	0	0	4
Conflict avoidance	3		0	4	0	1	0	8
Consultation	21	21	5	19	4	2	0	72
Cultural awareness	21	14	13	7	9	4	6	74
Dialogue	12	7	0	3		3	0	25
Education & Outreach	3	1	4	3	4	3	6	24
Gender	5	1	0	0	0	0	0	6
Government-to-government	10	9	0	2	1	0	0	22
Inclusive	10	22	1	3	5	1	1	43
Information sharing	5	18	33	15	11	5	0	87
Informed	7	12	4	10	1	0	1	35
Local investment	1	2	2	8	6	3	2	24
Local resources	0	0	1	2	0	1	1	5
Management	2	5	0	1	0	0	0	8
Participation	62	58	8	19	10	6	2	165
Partnerships	0	2	4	3	1	1	1	12
Relationship building	1	6	0	4	4	0	1	16
Self government	16	6	0	2	0	0	0	24
State accountability	10	3	0	0	0	0	0	13
Traditional Knowledge	15	24	23	16	11	6	1	96
Trust	3	4	2	2	4	0	0	15

**Table 19.** Breakdown of mechanisms of engagement by sector and activity

	General	Management	Research	Response	Resource Development	Shipping	Tourism	TOTAL
Notification	25	23	1	2	12	1	2	66
Informed	18	28	17	15	25	5	4	112
Consultation	37	66	30	16	50	12	9	220
Decision-Making	50	54	12	8	12	5	4	145

Engaging at the planning stage was cited the most often across the documents followed by information sharing (Table 20). Plans, activities, policies and research require planning and may not always have a pre-approval process, making planning and development the earliest opportunity for engagement. The literature does note that engaging at earliest stages is beneficial for proceeding in a proactive manner. Where a pre-approval is not necessary, approaching communities prior to any actual planning and development at the conception stage will begin the process of relationship building with a non-issue focus.

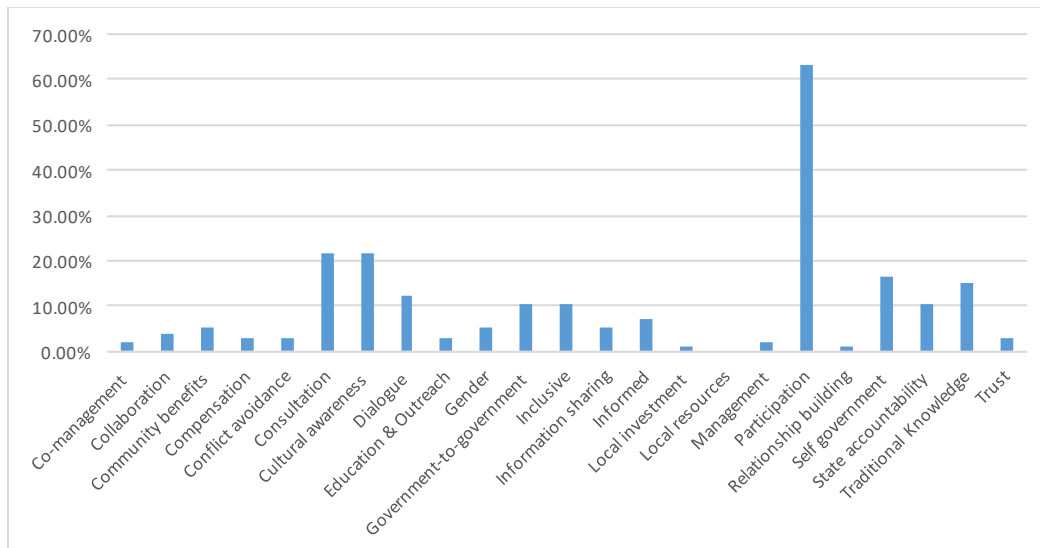
**Table 20.** Breakdown of Stages of engagement by sector and activity

Stage	General	Management	Research	Response	Resource Development	Shipping	Tourism	TOTAL
Total documents	98	123	37	24	61	15	12	370
Planning	67	97	7	17	33	5	4	230
Dispute resolution	3	1	0	0	2	0	0	6
Implementation	13	16	2	12	5	5	2	55
Information gathering	5	14	28	12	26	6	0	91
Management	10	20	2	1	6	2	0	41
Monitoring	3	14	10	14	9	4	1	55
Pre-approval	31	13	0	1	9	3	0	57
Progress feedback	0	4	0	1	2	3	0	10
Throughout operations	8	12	1	0	9	1	10	41

#### 4.1 General

Participation followed by consultation, cultural awareness, self-government and traditional knowledge were noted frequently within the general documents (Figure 31).

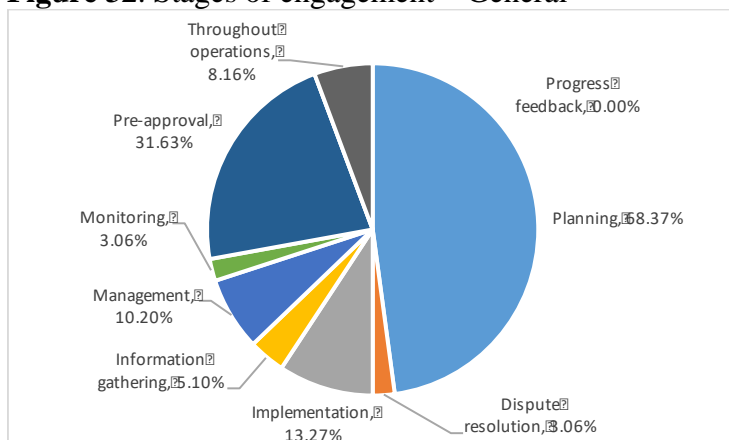
**Figure 31.** Key elements of engagement - General



The documentation referring to engagement from a general perspective cites decision-making the most frequently as a mechanism for engaging Indigenous people and local communities, followed by consultation. This is a trend towards greater participation.

General documentation noted planning as an important stage for engagement, followed by pre-approval and feedback (Figure 32).

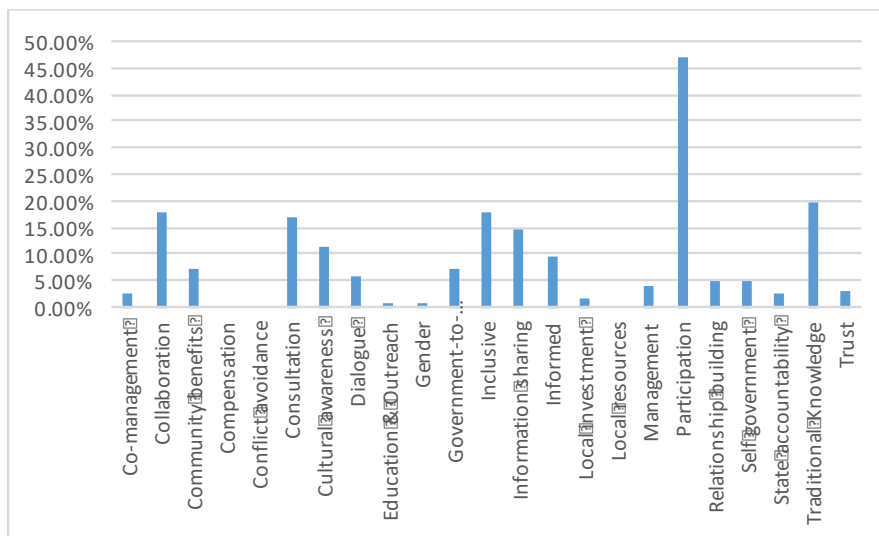
**Figure 32. Stages of engagement – General**



## 4.2 Management

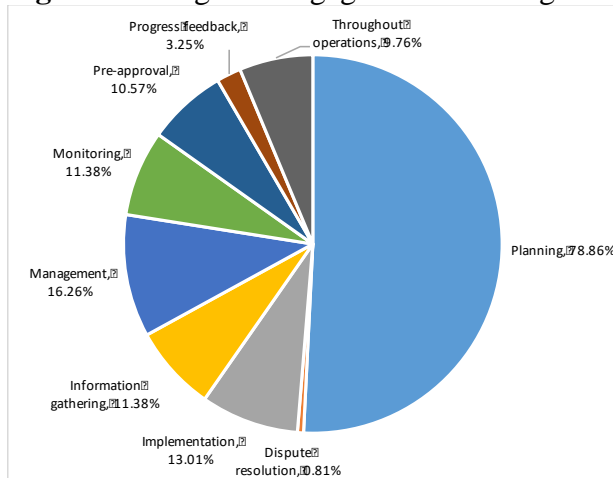
Documentation that refers to management activities, such as wildlife management, emphasize participation and traditional knowledge as elements of engagement. Collaboration, consultation and inclusiveness are also cited with frequency (Figure 33).

**Figure 33. Key elements of engagement – Management**



The analysis shows that the documents referring to management activities note engagement during planning, implementation and managerial responsibilities are important (Figure 34).

**Figure 34.** Stages of engagement – Management



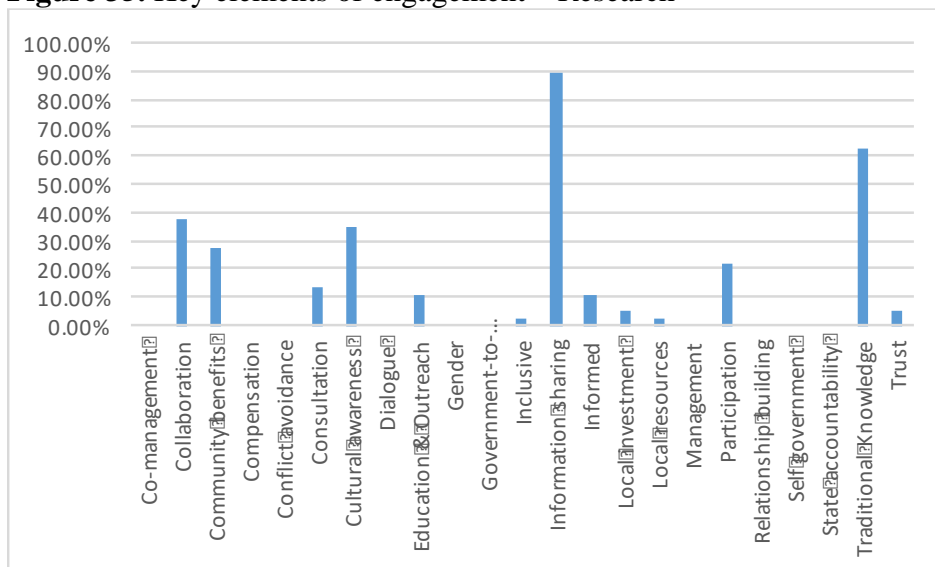
As management activities and plans typically relate to wildlife and nature management, these activities have increased participation through consultation and in decision-making processes to include observations and indigenous and local knowledge (Native Knowledge, 2013) (see Table 19). Community based plans such as co-management and direct monitoring are examples of approaches developed to include Indigenous people(s) in wildlife harvesting, promote economic, social and cultural interests of harvesters and subsistence users, and enable Indigenous communities to monitor traditional uses of marine mammals and assess the management actions effects on traditional use (Agreement, 1990; NOAA, nd).

### 4.3 Research

The literature on engagement in research activities discusses the role of traditional knowledge and local people in the collection and interpretation of information. Information sharing and

traditional knowledge are noted as important elements as well as collaboration and cultural awareness (Figure 35).

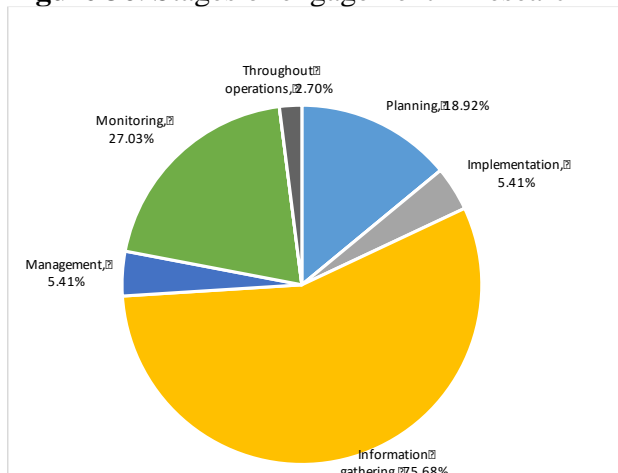
**Figure 35. Key elements of engagement – Research**



Consultation was identified as the most frequent mechanism of engagement followed by engagement through informing and decision-making (Table 19). These mechanisms can range from interviewing and focus groups to obtain local knowledge of subject matter to engaging communities in the development of research plans through meetings, consultations, requesting feedback and including traditional knowledge in methods and the development of reports (OCS, Nd; Shell-NSB, 2010; Gadamus and Raymond-Yakoubian, 2015). Engagement can also occur comparing data and integrating local and scientific knowledge.

The analysis identified information gathering, planning and monitoring as the stages of engagement in which Indigenous people are most frequently engaged in research (Figure 36). An example of best practice to engaging Indigenous people in research is found in box # below.

**Figure 36. Stages of engagement – Research**





Use of community-based research or local methods can incorporate evidence-based assessments at the local level and will focus on issues of greatest concern to communities as efforts will be initiated by community members and they have the potential to carry on research in the long-term (Sigman, 2015; Native Knowledge, 2007; Sigman, 2014).

Indigenous research advisors can help facilitate research as they are knowledgeable and resourceful contact who are available to assist and advise on appropriate connections during proposal development and through the research project (ArcticNet, nd). They can also assist in disseminating and communicating research results, and identify and engage youth in training and educational opportunities to build community capacity.

#### **Alaska Federation of Natives Guidelines for Research (AFN, 1993)**

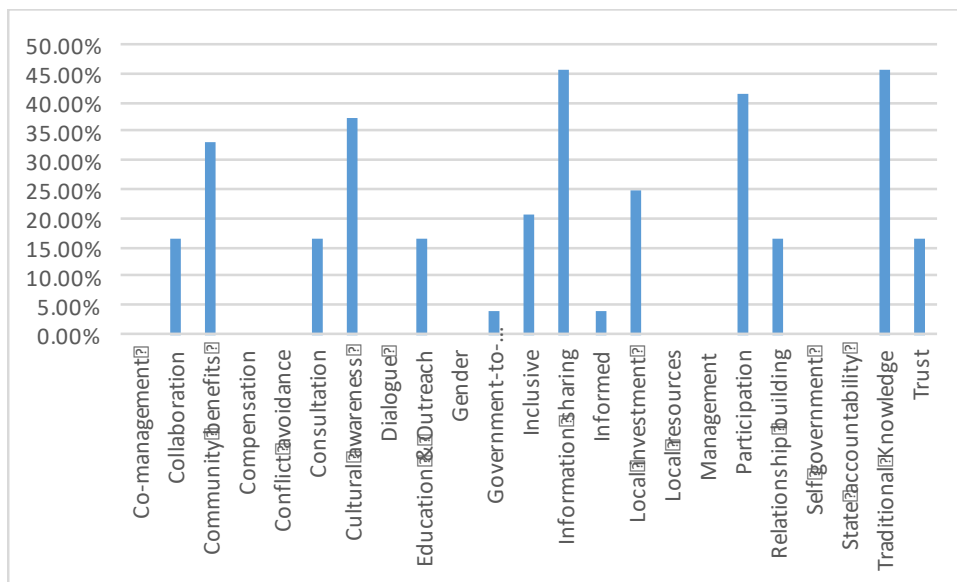
Research principles to follow:

- (a) Advise Native people who are to be affected by the study of the purpose, goals and timeframe of the research, the data gathering techniques, the positive and negative implications and impacts of the research;
- (b) Obtain informed consent of the appropriate governing body;
- (c) Fund the support of a Native Research Committee appointed by the local community to assess and monitor the research project and ensure compliance with the expressed wishes of Native people;
- (d) Protect the sacred knowledge and cultural/intellectual property of Native people;
- (e) Hire and train Native people to assist in the study;
- (f) Use Native languages whenever English is the second language;
- (g) Guarantee confidentiality of surveys and sensitive material;
- (h) Include Native viewpoints in the final study;
- (i) Acknowledge the contributions of Native resource people
- (j) Inform the Native Research Committee in a summary and in nontechnical language of the major findings of the study;
- (k) Provide copies of the study to the local people.

#### **4.4 Prevention, Preparedness and Response**

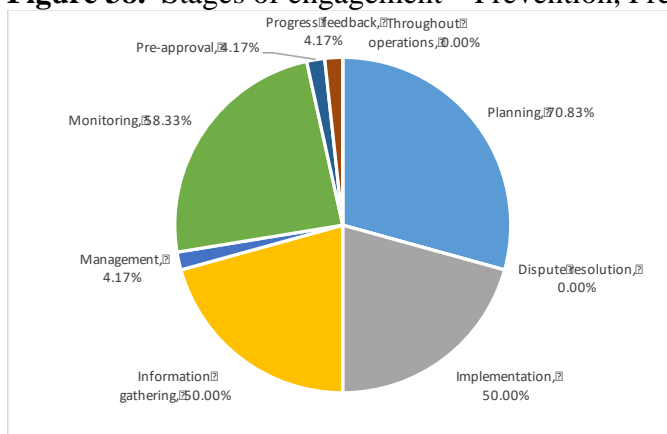
Documentation concerning prevention, preparedness and response identify information sharing and traditional knowledge as important elements of engagement in these activities. Participation, cultural awareness and community benefits are also identified (Figure 37). A focus on ensuring communities are well informed and incorporating traditional knowledge and cultural properties into these activities is due to local communities being on the front lines for preparation and response and are also the most at risk of emergencies from various marine activities. Involving local people and traditional and cultural aspects is necessary for successfully preparing, preventing damage and responding to accidents or spills.

**Figure 37.** Key elements of engagement – Prevention, Preparedness and Response



In order for prevention, preparedness, and response measures to be effectively implemented, Indigenous people and local communities should be involved across planning, information gathering, implementation and monitoring (Figure 38). Consultation and informing local communities are important mechanisms of engagement for developing plans for response procedures. Local communities can provide invaluable information on effective staging of response assets, baseline information on species and habitats likely to be affected by oil spills, local ice and weather conditions, or other potential environmental damage (NRDA, 2012b; NRDA, 2012a). Involving locals in the process of developing response and adaptation plans enables opportunities for education and understanding of plans, incorporating traditional knowledge into tools, and promotes community oversight.

**Figure 38.** Stages of engagement – Prevention, Preparedness and Response



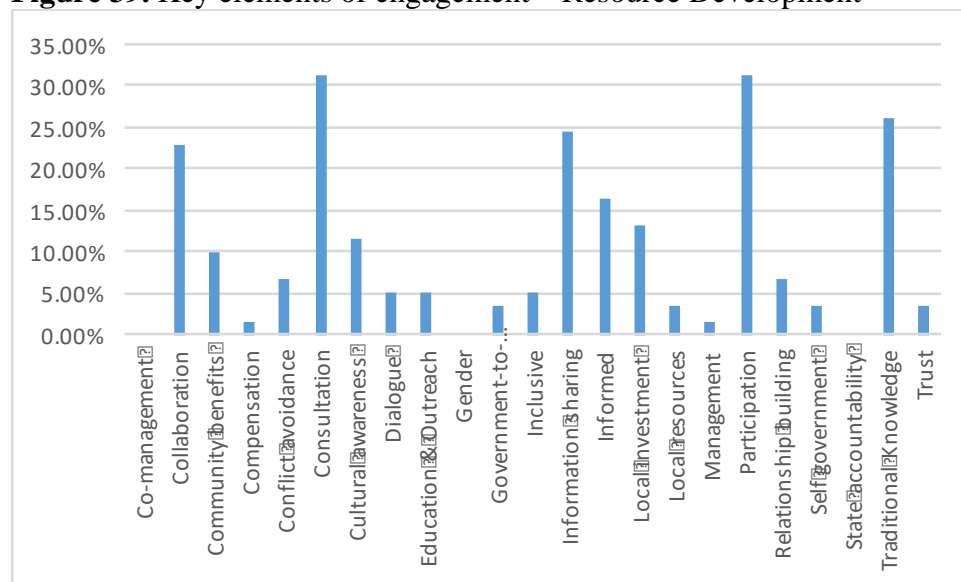
The documents reviewed identify funding, infrastructure and training as necessary requirements for communities to effectively participate in prevention, preparedness and response measures (Community Oil Spill Response, 2013; EPPR, 2015a). Consultations, information gathering, and

mapping can assist in the development of informational materials, community based monitoring, training modules, meetings, handbooks, brochures, newspapers, posters, websites, teleconferences are used for outreach and education to communities on potential risks they may face (ARRT, 2014; AACA, 2013c). As the likely first responders to an oil spill or other disaster, communities should have live training in equipment usage and maintenance, and guidance on basic preparedness to have the capacity to act as responders (EPPR, 2015a). Mutual efforts and agreement on collaborative assistance identifies stressors and appropriate response mechanisms while providing overseeing capacity to communities (EPPR, 2014).

#### 4.5 Resource Development

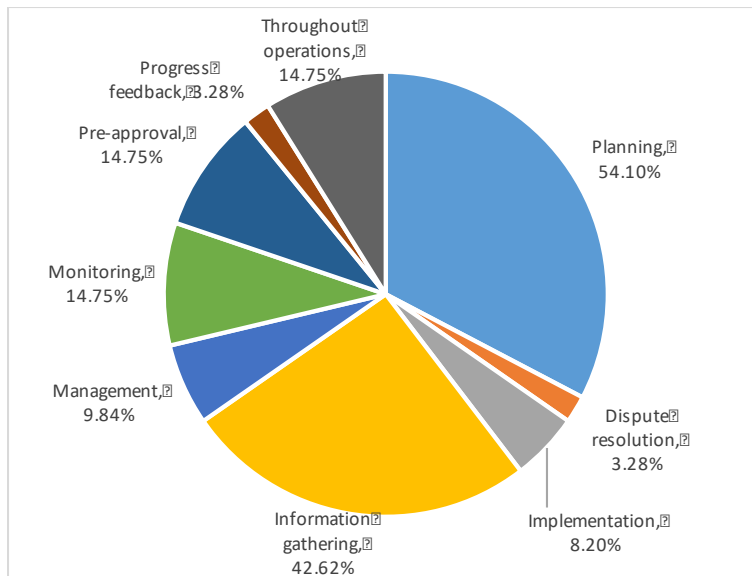
Documentation referring to resource development highlight consultation and participation as important elements of engagement. Traditional knowledge, information sharing, and collaboration are also identified (Figure 39). The importance of consultation is also identified as an important mechanism of engagement followed by informing indigenous people and local communities. Use of working groups to advance open and practical dialogue on issues and interests can assist with collaborative efforts while ensuring participation and consultation (NRCAN, 2014).

**Figure 39. Key elements of engagement – Resource Development**



Engagement during planning and information gathering are noted the most frequently (Figure 40). The pre-approval stage is also noted with some frequency which could be due to some requirements to meet lease stipulations or license requirements. In these circumstances, some companies, such as Shell, conduct consultative meetings within local communities in the Arctic to inform about proposed operations and obtain input on potential environmental, social and health impacts enable discussions with community members (BOEM, 2013).

**Figure 40. Stages of engagement – Resource Development**



Engaging throughout operations is also identified as a stage of engagement. To ensure access to project proponents, communication centers, community liaison officers, and subsistence advisors can be used to ensure a continuous flow of information between stakeholders (BOEM, 2013; Shell, 2014). To minimize impact on subsistence hunting, local subsistence advisors are consulted for guidance regarding marine mammal migration and subsistence activities. Meetings are held with representatives from regional corporations and community leaders to discuss company operations and receive direct input from subsistence hunting organizations to ensure operations do not impede traditional hunting seasons (BOEM, 2013; Shell, 2014).

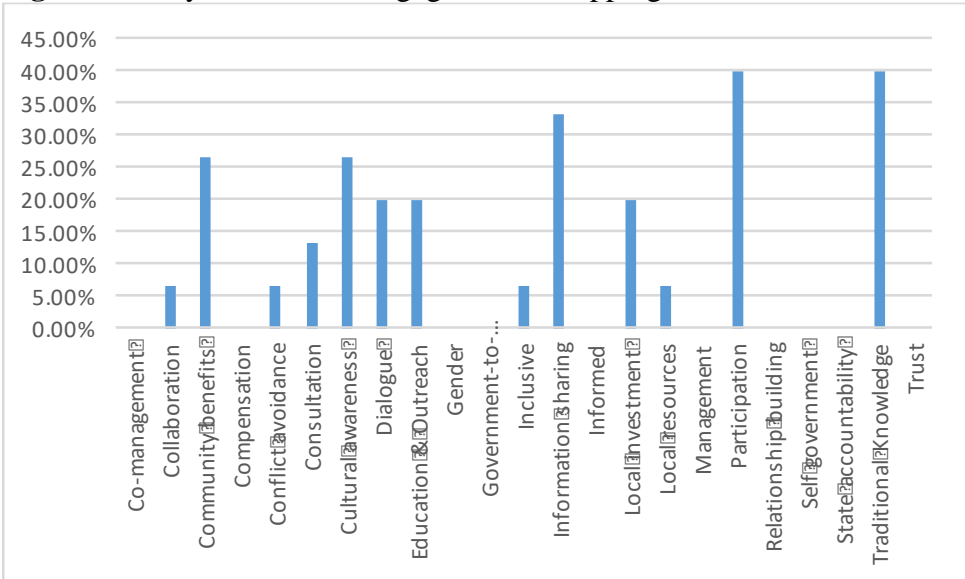
**Subsistence Advisors** serve as a two-way subsistence liaison between Shell and local hunters. Report any actual and planned subsistence activities, concerns and potential and actual conflicts. Assist in coordinating daily program plans utilizing subsistence activity reports and traditional knowledge in daily teleconference calls.

**Community Liaison Officers** advise on culturally-appropriate communication methods and messages. Assist with engaging within their communities and reporting of any local or regional concerns, interests, and comments.

## 4.6 Shipping

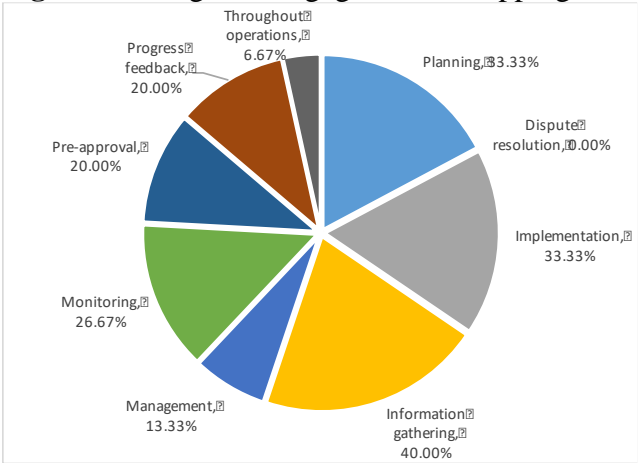
The documentation referring to shipping activities highlights information sharing, traditional knowledge, and participation as elements of engagements (Figure 41). Community benefits and cultural awareness are also noted with frequency which can imply that understanding where there may be potential impacts of shipping activity can be assessed through information exchange, establishing a direct communication line for information on shipping movements, and regular meetings to discuss past and future planned shipping activities (PAME 1 AMSA, 2009; ICC, 2015).

**Figure 41. Key elements of engagement - Shipping**



Consultation is noted the most frequently as an important mechanism of engagement (Figure 42). Consultation through face-to-face meetings and interviews is noted in the literature to create a dialogue (Gadamas and Raymond-Yakoubian, 2015).

**Figure 42. Stages of engagement - Shipping**



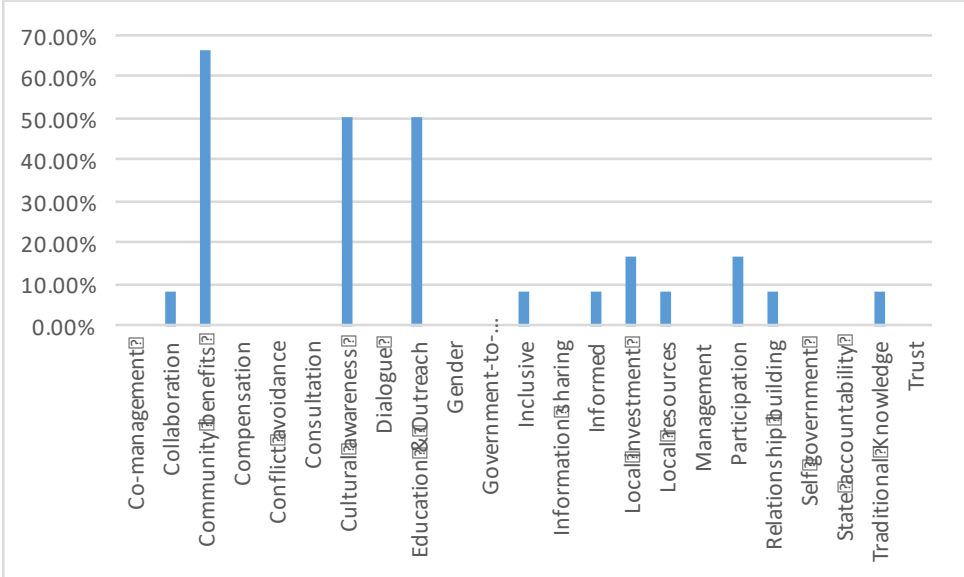
The analysis found that across shipping activities engaging during information gathering, planning and implementation were noted the most frequently. In discussing engagement early and prior to implementation of activities, the University of Fairbanks explored the implications of AMSA report recommendations through workshops. The outcomes of the workshops suggested that communities should be engaged well before ships arrive to enable communication and understanding of tradition uses of ice-covered waterways and potential impacts by vessels (Considering a Roadmap Forward, 2009). Where considering future port site development, recognizing there may be competition or disagreements between communities, and evaluation of gains and losses within and between communities and needs for investment should be considered

(Considering a Roadmap Forward, 2009). The use of traditional knowledge to assist in shaping shipping corridors through the arctic and to ensure minimal impact on traditional and local ways of life are suggested at planning stages (PEW, 2016).

### 4.7 Tourism

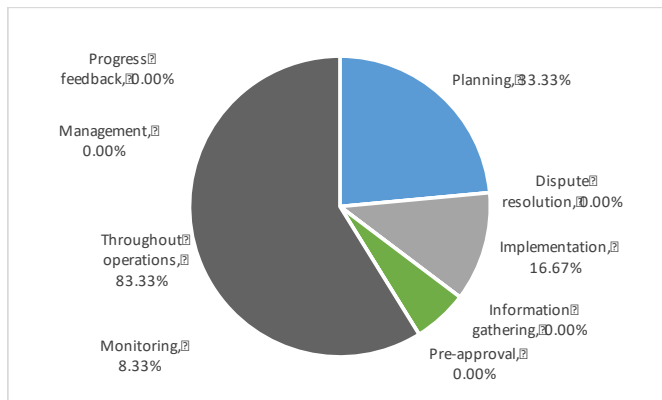
Documents discussing engagement within tourism highlight community benefits as an element of engagement followed by cultural awareness and education and outreach (Figure 43). Documents referring to tourism more discuss the involvement of Indigenous people and local communities within the tourism industry and how the industry may benefit northern communities. In addition, the documents discuss sustainable tourism and practices that visitors should abide by when exploring northern regions (UNGEF, 2012; SMART, 2006).

**Figure 43.** Key elements of engagement – Tourism



Consultation followed by decision-making and informing are highlighted mechanisms of engagement. Documents referring to tourism activities note engagement throughout tourist operations as well as planning and implementation are important (Figure 44). Throughout tourism operations, the Arctic tourism industry best practice engages local communities and Indigenous people(s) by working with locally owned businesses and developing economic opportunities such as homestay programs, community operated restaurants, cooperative and community owned campsites (G Adventures, nd). The creation of employment and financial opportunities through tourism activities enables capacity within communities and provides investment opportunities into communities (UNGEF, 2012).

**Figure 44.** Stages of engagement – Tourism



Coordination between tour operations and local communities enables voluntary participation on the part of citizens in the industry. Local participation can promote local nature, customs, and traditions. The development of tourism strategies, such as visitation guidelines and opportunities for local participation, can be done through establishing working groups with representation from government, industry and community residents to identify accessible areas, to promote and preserve local culture, lifestyles, values and historic sites, and obey local laws (Dawson, et al., 2014).

## 5. Comparisons

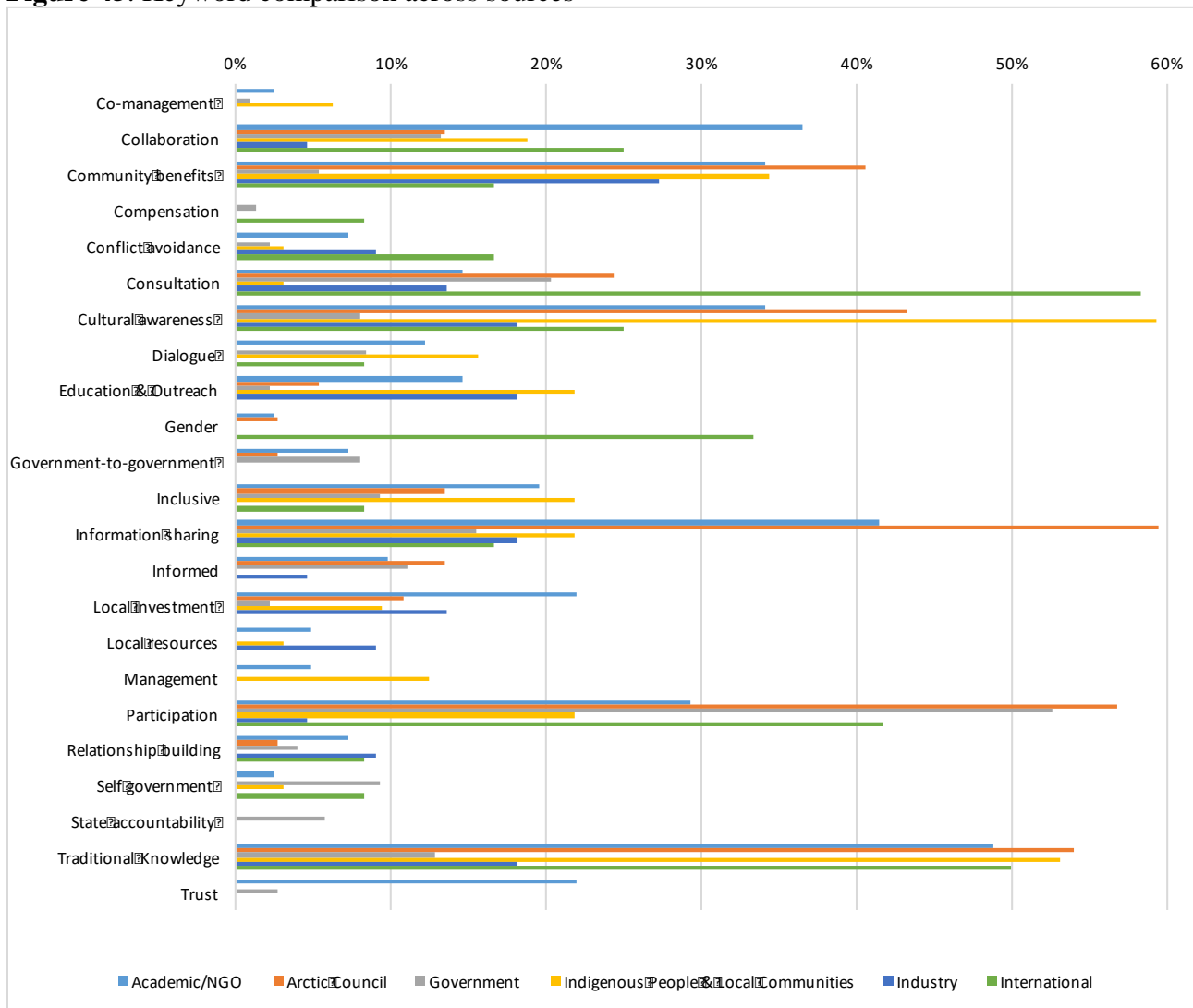
This section includes a comparison across all sources as well as Arctic Council and government, industry and Indigenous People and local communities as well as across sectors and activities to highlight where the Arctic Councils current approaches are in line with current practices and literature from other sources.

### 5.1 Source

Figure 45 provides a visual representation of the distribution across keywords by source.

Figure 45 shows that traditional knowledge, participation, information sharing and cultural awareness were noted with high frequencies across all sources. Traditional knowledge was frequently cited by all sources except within government documentation. Although still mentioned, the higher frequency as within other sources may be due to the fact that the majority of documents received from government overall were statutes from Russia which would skew the information.

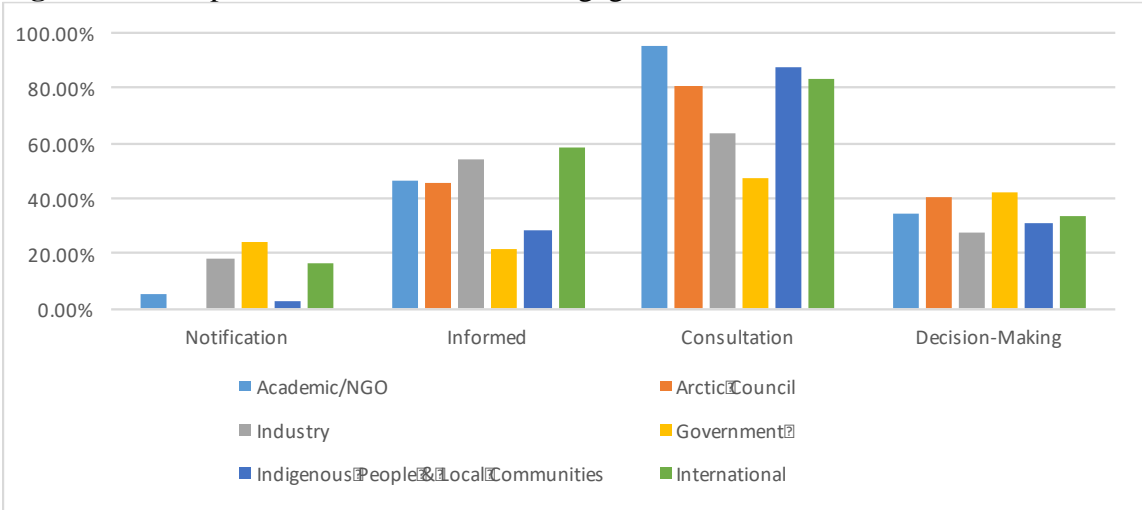
**Figure 45. Keyword comparison across sources**



Consultation was identified as the most common mechanism in the literature across all sources (Figure 46). Informing and decision-making are addressed in similar proportions across the sources. Throughout the documentation, notification was infrequently suggested as a mechanism for meaningful engagement. As this mechanism has the lowest level of participation, it is not sufficient to support the key elements of meaningful engagement identified.

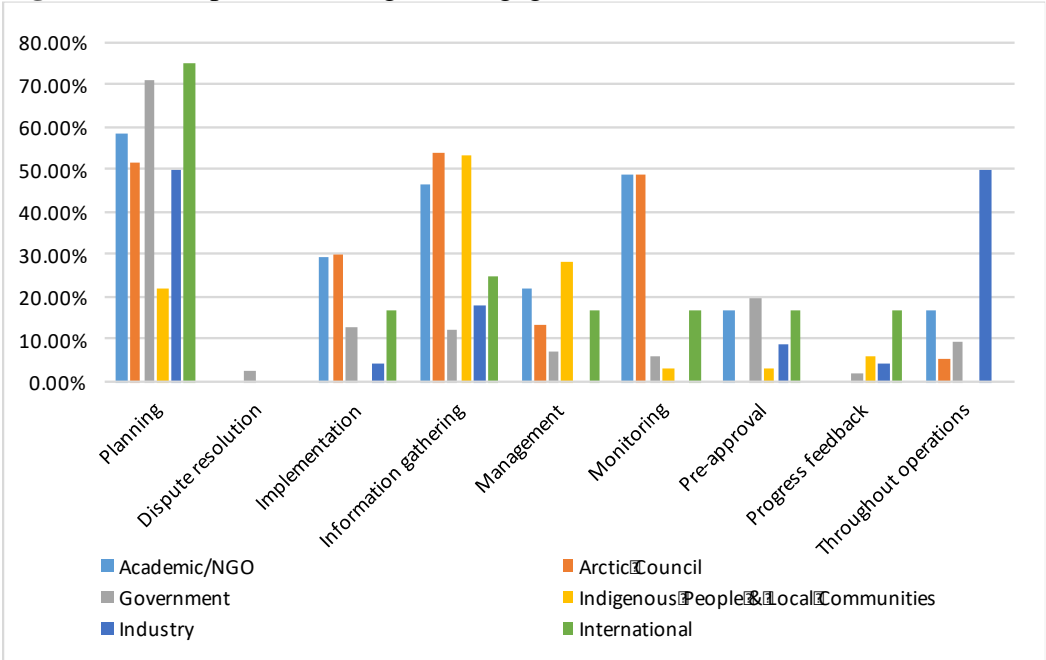


**Figure 46.** Comparison of mechanisms of engagement across sources



Engagement during planning stages was found to be the most referenced stage across groups (Figure 47). Plans, activities, policies and research require planning and may not always have a pre-approval process, making planning and development the earliest opportunity for engagement. Within the literature it is noted across sources that engaging at the earliest stages feasible is beneficial for proceeding in a proactive manner (examples include Aboriginal Consultation and Accommodation, 2011; UNGEF, 2012). Where a pre-approval is not necessary, approaching communities prior to any actual planning and development at the conception stage will begin the process of relationship building with a non-issue focus (BOEM, 2013; Canada’s Public Policy Forum, 2012).

**Figure 47.** Comparison of stages of engagement across sources

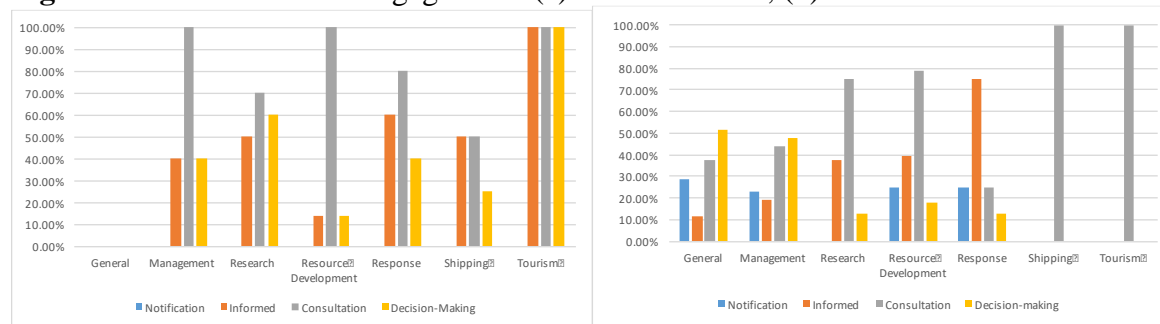


### 5.1.1 Arctic Council and Government

The Arctic Council notes consultation more frequently across the sectors and activities than government. This is in line with the overall assessment of the documents reviewed which also noted consultation as the most frequent mechanism of engagement.

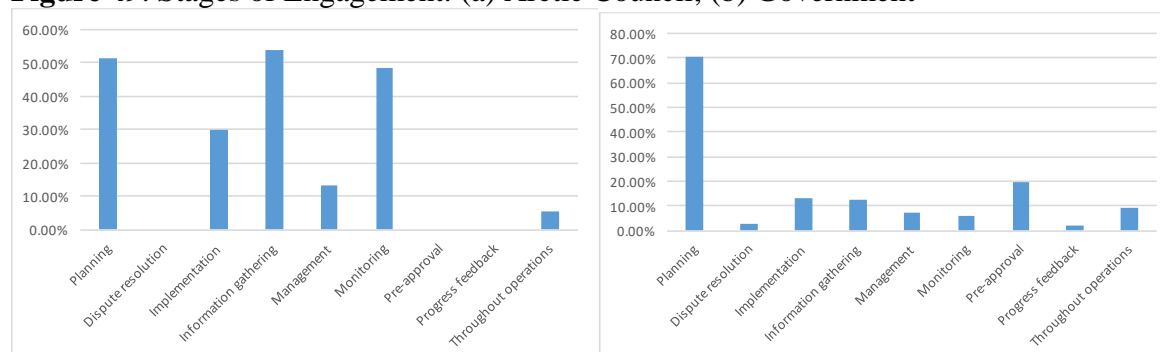
Government sources identify notification within general, management, resource development and response activities as a means of engagement, whereas the Arctic Council does not identify notification in any sector or activity (Figure 48).

**Figure 48. Mechanisms of engagement: (a) Arctic Council; (b) Government**



In looking at the overall breakdown of stages of engagement, both the Arctic Council and government, highlight planning as a priority stage for engagement (Figure 49). However, the Arctic Council also emphasizes information gathering and monitoring whereas the government documentation reviewed minimally discuss the other stages of engagement. This distinction may be due to the number of government documents that were legislation.

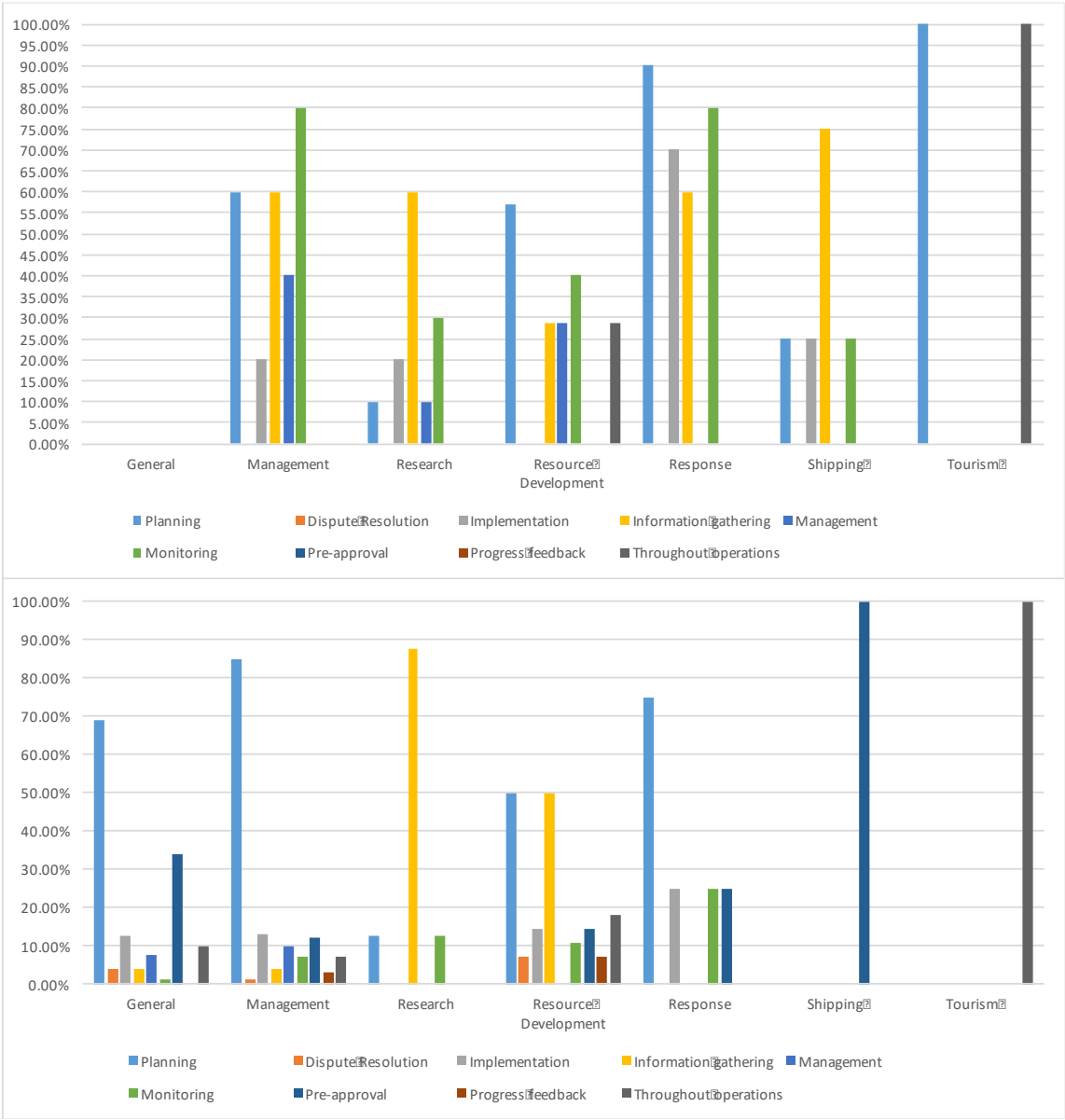
**Figure 49. Stages of Engagement: (a) Arctic Council; (b) Government**



The Arctic Councils documents focus on engagement during planning, information gathering, management and monitoring whereas government documents suggest engagement primarily through participation but also suggests engagement across the stages generally and in management and resource development activities.

Both the Arctic Council and Government documents referring to tourism suggest engagement throughout operations (Figure 50).

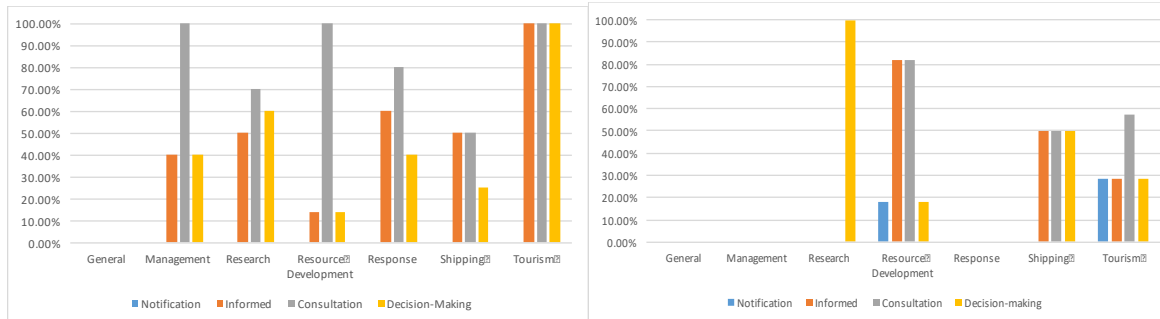
**Figure 50.** Stages of engagement across sectors and activities: (a) Arctic Council (b) Government



### 5.1.2 Arctic Council and Industry

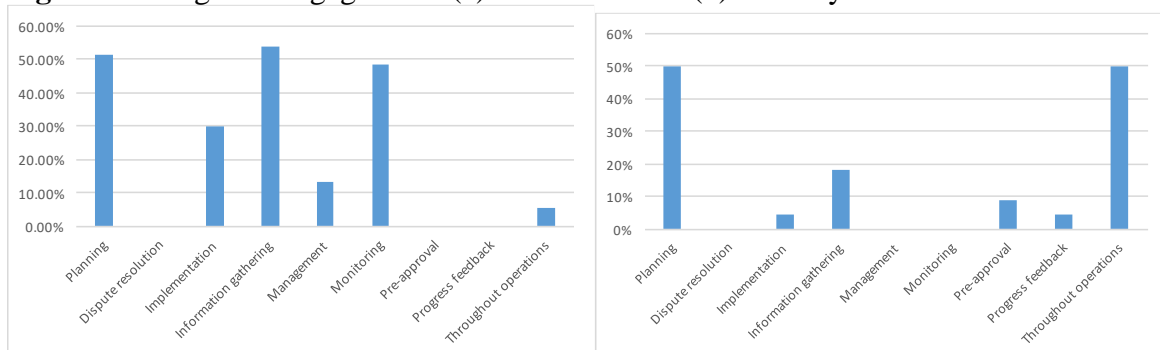
As noted, the documentation from industry sources refers to the sectors of resource development, shipping and tourism. Engagement through informing and consultation are noted as priority mechanisms by the Arctic Council and by industry (Figure 51). Both sources note decision-making as a mechanism for engagement but it is not as frequently referred to.

**Figure 51.** Mechanisms of engagement: (a) Arctic Council (b) Industry



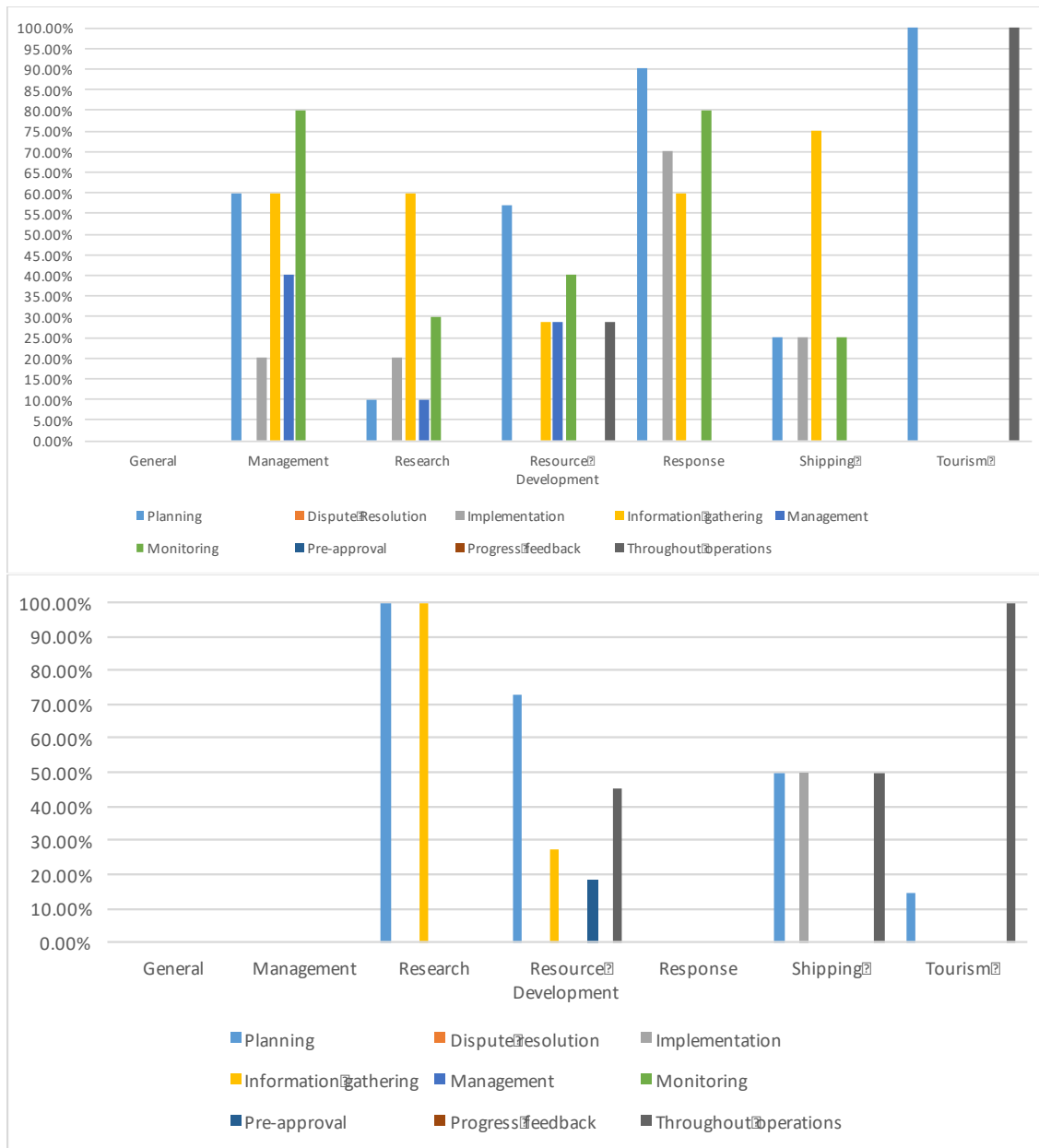
The Arctic Council identifies planning, information gathering, implementation and monitoring as stages where engagement should be employed whereas the focus within industry sources is on engagement in planning and throughout operations (Figure 52).

**Figure 52.** Stages of engagement: (a) Arctic Council (b) Industry



Within resource development activities, both the Arctic Council and industry sources discuss planning as the main stage of engagement (Figure 53). Industry does not discuss engagement through monitoring. In addition, industry notes pre-approval engagement whereas the Arctic Council documents do not. Despite this difference, both sources recognize engaging as early as possible with Indigenous people and local communities.

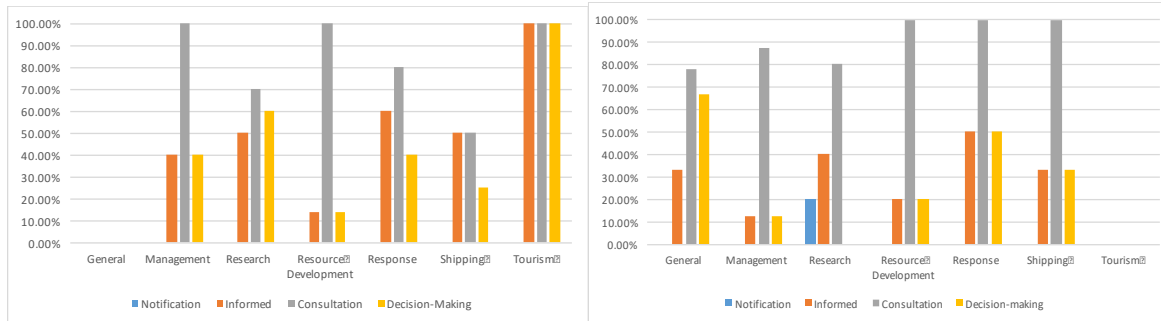
**Figure 53.** Stages of engagement across sectors and activities: (a) Arctic Council (b) Industry



### 5.1.3 Arctic Council and Indigenous People and Local Communities

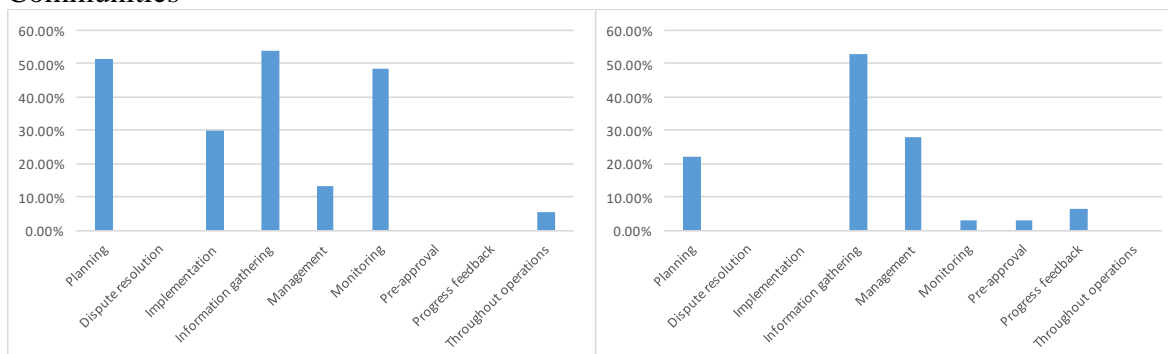
Consultation is recognized by both the Arctic Council and Indigenous people and local community sources as the main mechanism for engagement (Figure 54). The distribution between informing, consultation and decision-making is a bit more even across the sectors and activities within Arctic Council documentation, consultation is recognized more often by Indigenous people and local communities.

**Figure 54.** Mechanisms of engagement: (a) Arctic Council (b) Indigenous People and Local Communities



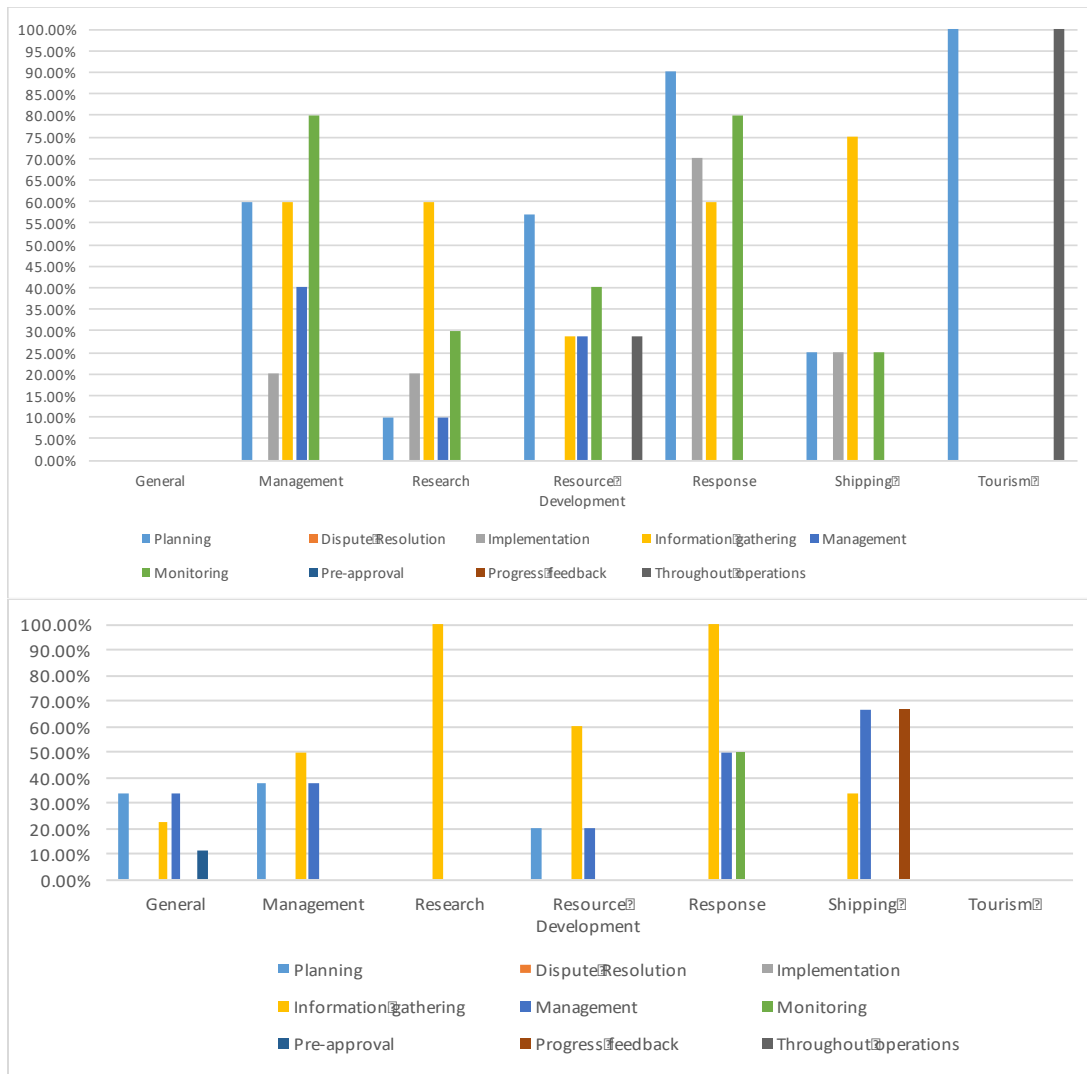
Indigenous groups and communities highlight the importance of their participation in information gathering through the incorporation of traditional knowledge and overseeing the management of activities and plans being implemented within their regions (Figure 55). The Arctic Council also recognizes engagement during information gathering and management but also planning and monitoring.

**Figure 55.** Stages of engagement: (a) Arctic Council (b) Indigenous People and Local Communities



The importance of engagement in information sharing across the sectors and activities is recognized by both the Arctic Council and Indigenous people and local communities. The documentation by the Arctic Council is more comprehensive in that it addresses different stages of engagement across the sectors and activities whereas the documents from Indigenous communities do not address engagement across the sectors and activities in the same manner as documents from the Arctic Council (Figure 56).

**Figure 56.** Stages of engagement across sectors and activities: (a) Arctic Council (b) Indigenous People and Local Communities

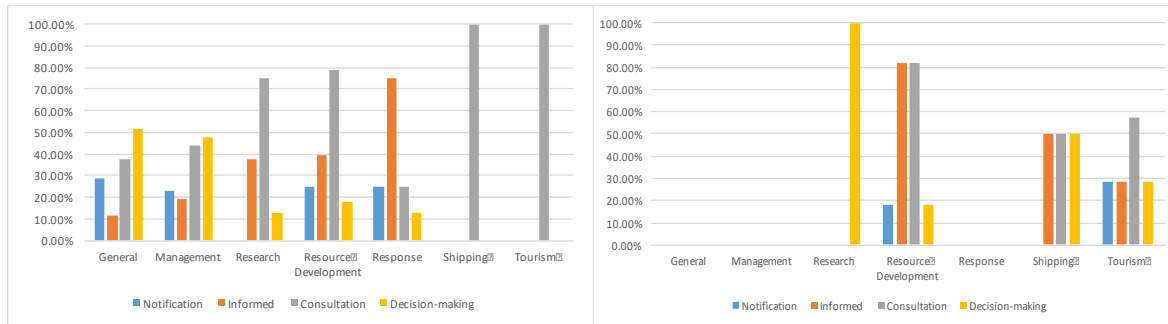


#### 5.1.4 Industry and Government

Industry and governments have interests in development and expansion into Northern regions. With different expectations of engagement placed on industry and government, how and when engagement occurs will differ (Figure 57). As the regulators, government oversees industry actions, and efforts should be made to bring consistency between government and industry on engagement approaches. Federal and regional governments should advance efforts to clarify regulatory requirements and streamline regulations in order to provide industry and Indigenous communities with certainty, transparency and predictability of what is expected in engagement (Canada's Public Policy Forum, 2012). This can give communities clear accountability towards governments and industries to follow a recognized approach to engagement.

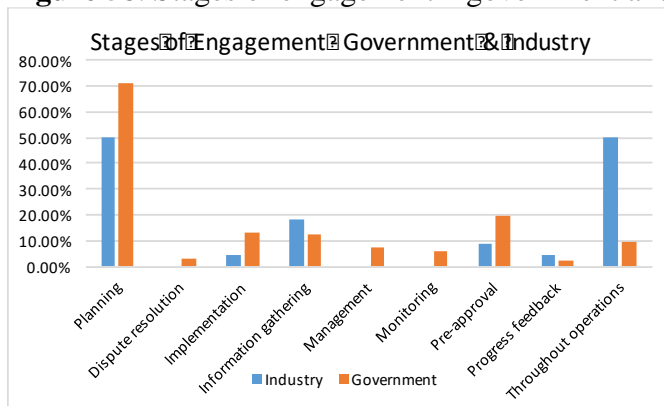
Between government and industry, consultation and informing are noted more frequently than decision-making.

**Figure 57.** Mechanisms of engagement: (a) government (b) industry



Planning is seen by both government and industry as the primary stage for engagement (Figure 58). While government recognized engagement over all of the other stages, industry sources discuss engagement throughout operations, during information gathering, and pre-approval.

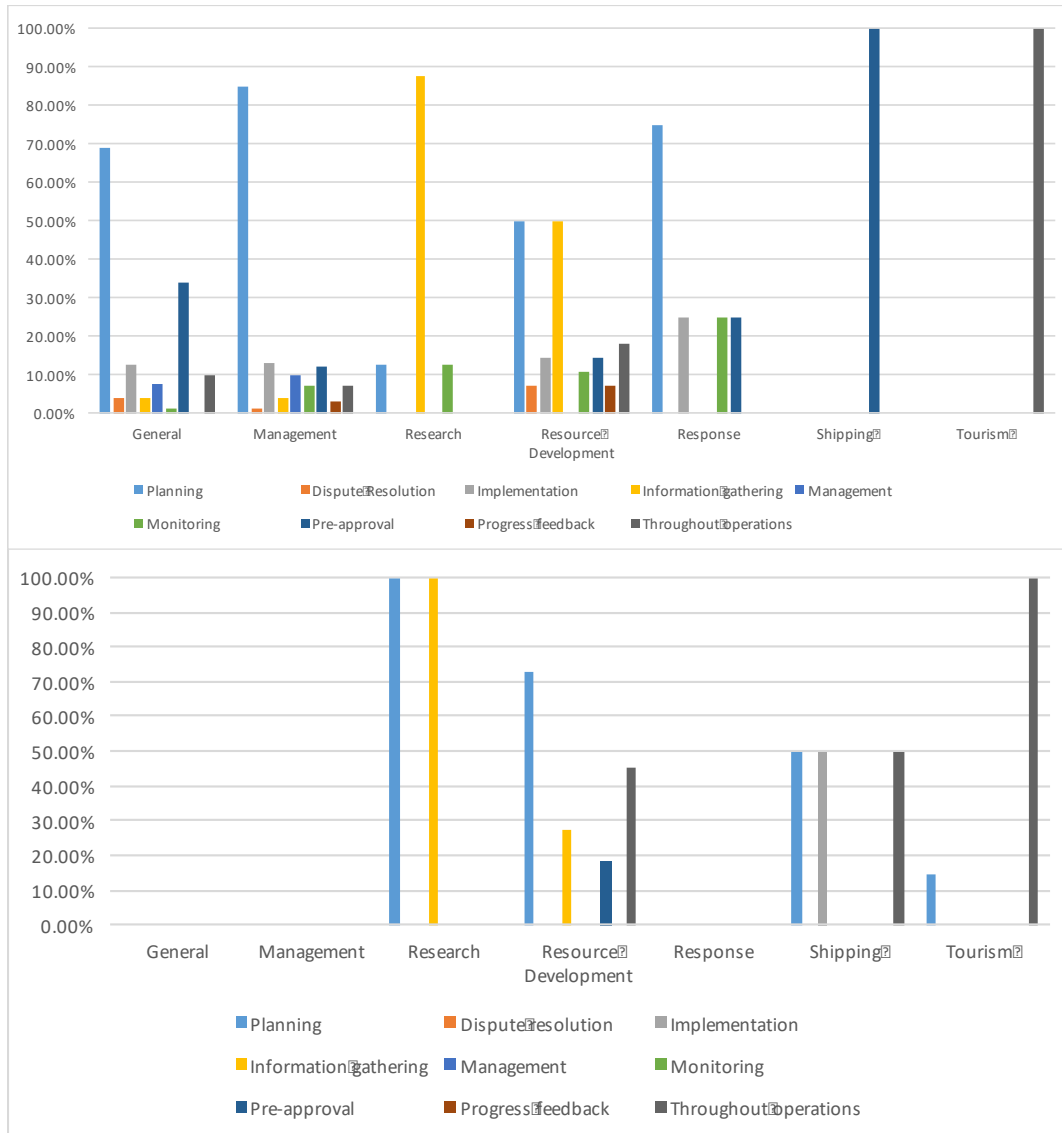
**Figure 58.** Stages of engagement – government and industry



Within resource development, government sources discuss engagement across all stages, whereas industry sources focus on planning, information gathering, pre-approval and throughout operations (Figure 59). With reference to tourism activities, both government and industry discuss engagement throughout operations. The shipping documents refer to different stages of engagement. This may be due to the fact that the single government document reviewed pertaining to shipping is the Port Access Route Study in the Chukchi Sea, Bering Strait and Bering Sea which solicited comments from stakeholders on a proposed route design (SAON, 2009).

**Figure 59.** Stages of engagement across sectors and activities: (a) government (b) industry





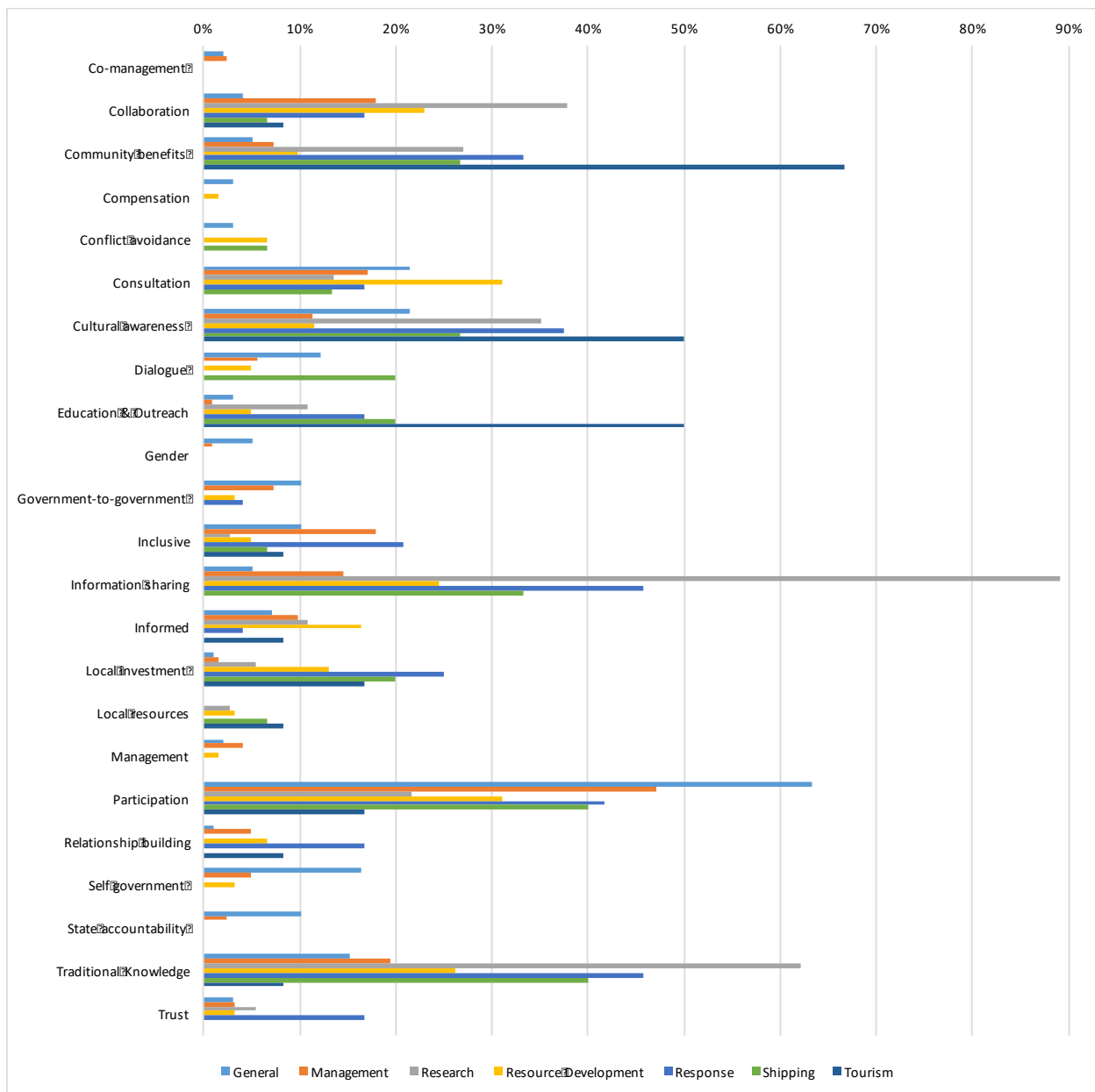
## 5.2 Sector/Activity

Figure 60 provides a visual representation of the distribution across keywords by sectors and activities.

Figure 60 highlights participation, cultural awareness, traditional knowledge and information sharing with high frequencies across all sectors and activities.

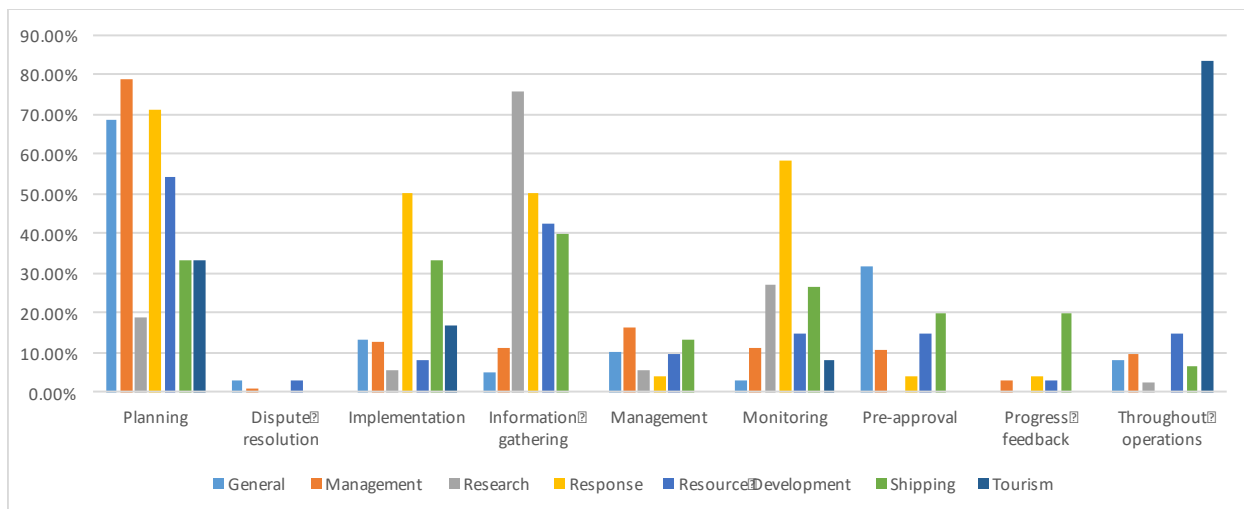
In this comparison it is clearer where certain sectors or activities have a greater focus. For example, tourism activities see community benefits as an important element of engagement or information sharing and traditional knowledge as overarching important for research activities.

**Figure 60.** Keyword comparison across sectors and activities



Across all sectors and activities planning was noted as of primary importance, except for in research activities, information gathering was seen as a greater importance and for tourism throughout operations (Figure 61). Research activities focused on the inclusion of traditional knowledge which would be more beneficial in the collection of data. Documents on tourism activities focus on the benefits to communities through tourism. Engagement throughout operations focuses on the ways in which locals can contribute to and benefit from the industry.

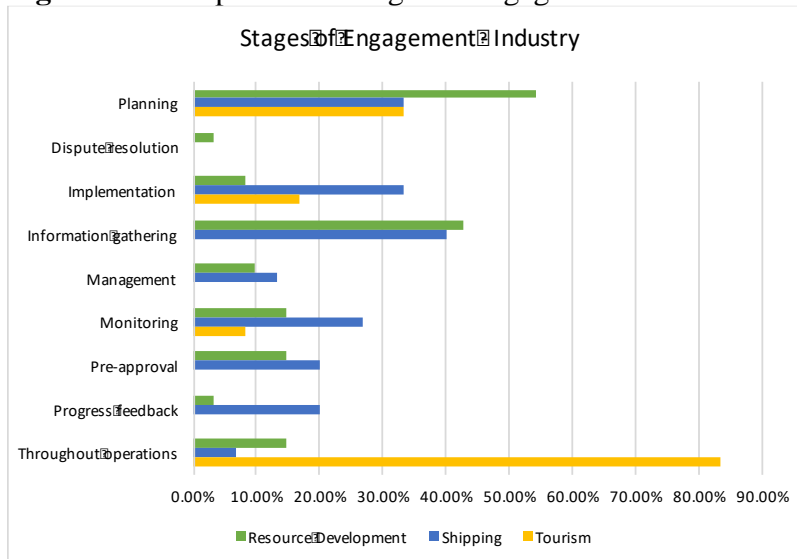
**Figure 61.** Comparison of mechanisms of engagement across sectors and activities



### 5.2.1 Shipping, Tourism and Resource Development

In an industry comparison between resource development, shipping and tourism activities occurring in the Arctic, the stages of engagement will vary according to the activity. Planning is noted as an important stage in which engagement should occur across all industries (Figure 62). Resource development and shipping activities often involve pre-approval steps that should incorporate engagement mechanisms and information sharing on potential impacts of activities (Braund, 2011; PAME 1 - AMSA, 2009). Tourism activities have focused on enabling participation throughout operations in which local communities can develop businesses, share culture and heritage with visitors and highlight the uniqueness of each community (Government of Nunavut, 2011).

**Figure 62.** Comparison of stages of engagement across industries



## 6 Good Practices

A review of the approaches to engagement outlined in the documents have highlighted best practices that governments, industry sectors, and other parties are currently using to engage with Indigenous people and local communities. These approaches have been used to determine the best practices outlined below. Box 1 provides a summary of the best practices for meaningful engagement that can be applied within any sector or activity to meet the context of the situation.

### **Box 1. Summary of Best Practices to Meaningful Engagement**

**Identify** what issues/factors require engagement strategies to be established

**Who** to communicate with

**Consider:** Cultural differences, location of community, resources available

**Mechanism & Stages:**

- Use of multiple strategies
- As early as possible
- Assess location and timing

**Communication**

- Establish an ongoing dialogue
- Ongoing mutual sharing of information
- Develop a mutually agreed to engagement and/or communication plan

What constitutes meaningful engagement by government, industries and other parties seeking to operate in the Arctic region will depend on the circumstances surrounding the proposed activity, plans and/or policy. Ideally, to achieve meaningful engagement the following should be considered:

- Identify the issues and factors requiring engagement
- Identify potentially affected participants and those who to engage with
- Consider legal obligations for how to engage if applicable
- Identify how going to communicate with Indigenous people and local communities
- Identify the appropriate time to begin any engagement and the processes of engagement over the lifetime of an activity
- Establish supportive measures

## **6.1 Beginning of process**

Beginning engagement as early as possible is identified as valuable for establishing relationships, building trust, and for encouraging information sharing from the beginning. Early engagement will assist in seeking to identify and address Indigenous concerns, avoid or minimize any adverse impacts on potential or established Indigenous or Treaty rights, and assess and implement mechanisms that seek to incorporate Traditional Knowledge.

*See documents: MVLWB 2013b, NOAA 2013, DOI 2014, CAPP 2014, AFN 2010, SDWG 2011, Huntington 2007, EPA 2011, DOE 2006, DHS nd, FEMA 2014, GOA 2014, USCG 2010, AMSA 2009*

From the start, the process should be based on transparency and inclusiveness of Indigenous people and other parties included in engagement. Specifically, this entails that all efforts made

should focus on supporting the inclusion of Indigenous people and local communities throughout the life cycle of an activity, plan or policy development.

*See documents: IWC 2014, MVLWB 2013b, DOI 2014, CAPP 2006, Healey & Tagak 2014, AFN 1993, Gjertsen & Halseth 2015, Institute of the North 2012, Public Policy Forum 2012, ATG/IGWG 2008, UNDP 2001*

*See documents: Eyford 2013, DOI 2014, Shell 2010, SATA 2009, ICC-Canada 2014, Gjertsen & Halseth 2015, ICC 2011, NAEDB 2016, Brogan 1979, Kaktovikmuit 2003, AMAP 2013, Conger nd, WCS 2014, Morris et al 2014, Danielsen et al 2014, Sejersen 1999, Public Policy Forum 2012, Institute of the North 2012, Bartley 2014, FEMA 2014, USFWS 1979, EPA 1969, AMSA 2009, PAME 2009, PAME 2015*

## **6.2 Issues, Factors, Participants**

Clearly identify activities, plans, and policies that may affect Indigenous peoples and local communities. This can include scope and location of where there may be an impact on Indigenous peoples and local communities.

Communities and Indigenous peoples who will be affected by activities, plans or policies should be identified to determine the population from which those who are to be engaged can be chosen from. In choosing who to engage with, identify whether seeking general input, community decision-makers, representatives of communities or organizations, or the entire population.

*See documents Government of Nunavut 2011, NEB 2014, UN 1995, MVLWB 2013b, NMFS 2014, DOD 2006, DOI 2014, Brigham & Sfraga 2010, EPA 2011, FEMA 2014*

## **6.3 Legal and Established Practices**

Identify whether there are legal requirements for engagement or any established and outlined approaches already in place that have been identified by members of the community a party is seeking to engage. Asking Indigenous communities for preferred or established practices of engagement will provide an approach that is accepted by Indigenous communities.

*See documents: CBD 2004, Eyford 2013, INAC 2009, MVLWB 2013b, NOAA 2013, Shell 2013, CAPP 2006, Newman et al. 2014, O'Faircheallaigh & Corbett 2005*

## **6.4 Participation in Engagement**

More than one form of engagement should be used in order for engagement to be meaningful for Indigenous peoples and all other involved parties. Parties should consider the following influences: seasons, remoteness of region, language barriers, hunting or other activities that should not be interfered with, and the communities. Mechanisms may change over the course of an activity or plan however, engagement should be continuous and ongoing.

Government sources and others reviewed, state that identified Indigenous peoples and local communities should be notified early on in the process on upcoming proposals for projects and activities and the potential for participation in engagement on the issues. This is intended to provide valuable information to Indigenous peoples and communities so that they may decide whether they would be interested in participating in further engagement processes that will be established and an opportunity for proponents of an activity or project to gain information from the local communities and local experts on that will help in their project planning. Early notification of this sort provides Indigenous peoples and communities with sufficient information

in order for them to provide informed consent to participating in engagement concerning the issues being addressed.

*See documents: MVLWB 2013b, Canada 2011, NMFS 2014, BLM 2013, Shell 2013, CAPP 2006, Swanson et al. 2013, EPA 2011, FEMA 2014, DOT 2011, DOI 1979, PAME 2009*

*See documents: IARPC 2013, NOAA 2015, Raymond-Yakoubian et al. 2014b, Healey & Tagak 2014, ANKE 2000, DOI 2014, Sejersen 1999*

Consultation is highlighted in the documents as a preferred mechanism for engagement as it enables parties to work directly with Indigenous people. This can include interviews, workshops, and meetings in which group discussions can help potentially affected Indigenous peoples and local communities understand what is being proposed or planned and assist in identifying and balancing competing claims, interests and motivations.

*See documents: CBD 2004, UN 1995, IWC 2014, Canada 1993, MVLWB 2013b, Canada 2011, Canada 1993, Clement et al. 2013, Shell 2013, CAPP 2014, NOAA 2012, NOAA 2015b, Shell 2014, Raymond-Yakoubian et al. 2014b, Gadamus & Raymond-Yakoubian 2015, Kawerak 2013, Braund 2013, Carothers et al. 2013, Boveng & Cameron 2013, Quakenbush et al. 2013, DOI 2014, Integrated Environments 2008, Huntington 2009, Sigman 2015, Sejersen 1999, Jacobs & Brooks 2011*

## 6.5 Communication style

Regardless of mechanisms used, being culturally aware includes understanding how communities may communicate differently. This can include recognizing language barriers by translating materials into the community's language, the use of interpreters, and ensuring materials are written in plain non-technical language.

*See documents: CBD 2004, IARPC 2013, MVLWB 2013b, DOI 2014, CAPP 2006, Healey & Tagak 2014, ACPP 2015, AMAP 2013, Bartley 2014, ATG/IGWG 2008, Norway 1987*

To aid with communication difficulties, a local facilitator, advisor or liaison from within a community can provide guidance and direction for getting to know communities and local organizations as well as identifying potential participants and preferred means of engagement.

*See documents: DOI 2013, DFO 2002, MVLWB 2013b, Shell ndb, Shell 2014, Boveng & Cameron 2013, Morris et al 2014, Bartley et al. 2014, Shell 2014*

Developing a communications or engagement plan between Indigenous peoples and other affected parties can set out an agreed upon approach to engagement from the outset. A plan can outline how to coordinate with members of a community or representatives, the roles for all those involved, expected strategies for engagement, and adaptable measures to ensure flexibility of the process. In addition, a plan can assist in facilitating the creation of accessible materials or forums for information sharing.

*See documents: DOI 2013, Eyford 2013, UN 1995, MVLWB 2013b, NOAA 2013, Brigham & Sfraga 2010, WCS 2014, Shell 2014, DOE 2006, GOA 2014*

Social media is a developing form of communication which can be used to generate awareness and interact with remote communities.

*See documents: G Adventures nd, Shell 2014, Morris et al 2014, Shell 2014*

Communication is meant to be ongoing, often and involve a two-way approach which enables Indigenous people and local communities to present their views, concerns and questions. This opens up to a dialogue between Indigenous people and other affected parties. It should be ongoing over the course of an activity, project or plan as it is a means of mutual information sharing between Indigenous people and other parties.

*See documents: IARPC 2013, NOAA 2012, DFO 2002, MVLWB 2013, NMFS 2014, DOI 2014, EPA 2009, Clement et al. 2013, ANKE 2000, Institute of the North 2012, Sigman 2015, Swanson et al. 2013, Jacobs & Brooks 2011, USCG 2010, Norway 1987, DOT 2011, PAME 2014, PAME 2015*

*See documents: NOAA 2012, Greenland 2013, MVLWB 2013b, Canada 2011, Canada 1993, DOI 2014, EPA 2009, BLM 2013, Canada 2014, 201, Shell ndb, ACPP 2015, ANKE 2000, Gofman 2010, SDWG 2011, Sigman 2015, Lefevre 2013, Swanson et al. 2013, Bartley et al. 2014, ATG/IGWG 2008, UN 2007, IWGMI 2014, USFWS 1979, PAME 2009, UNDP 2001, Armitage et al. 2011*

## **6.6 Stage of Engagement**

Beginning the process as early as feasible will depend on whether there are pre-approval requirements to be satisfied. The analysis of the documents reviewed revealed that the planning stage was the most frequently noted stage of engagement across all sectors and activities and by all sources as most do not require pre-approval (see Figure 43). The stages at which engagement is utilized will depend on the activity, plan or project.

There should be follow up with questions, concerns and issues raised over the course of the engagement process. This will show Indigenous people and communities where their input is being included where they are not at the decision-making table and continues the dialogue established between all parties. In addition, at the end of a project, plan, or other activity, a final review to conclude the engagement process should be conducted.

*See documents: CBD 2004, MVLWB 2013b, NMFS 2014, EPA 2009, Clement et al. 2013, Shell 2013, CAPP 2006, Shell nd, ANKE 2000, Braund 2013, Boveng & Cameron 2013, Quakenbush et al. 2013, EPA 2011, FEMA 2014*

## **6.7 Supportive Measures**

The following measures are recognized in the literature as supportive towards achieving meaningful engagement.

### **Record Keeping**

Consultation and engagement activities, meetings, discussions, issues, commitments and outcomes should all be documented and recorded (INAC 2009). Methods of documentation and recordkeeping should be determined and agreed to by all stakeholders from early in the process. Ensuring a records management system in place will enable access to information throughout engagement.

*See documents: CBD 2004, NEB 2011, NEB 2014, INAC 2009, MVLWB 2013b, Canada 2011, NOAA nd, Clement et al. 2013, Shell 2013, CAPP 2014, Shell nd, Gadamus & Raymond-Yakoubian 2015, Brooks et al. 2015, FEMA 2014, USCG 2010*

### **Review of Processes**

Regular reviews of engagement processes in which feedback from Indigenous peoples and communities is received can improve relationships and the overall process. This will allow for adjustments and accommodations as necessary. Governments have identified that accountability measures that review their procedures of engagement as being an important for meaningful engagement.

*See documents: Russia 2014b, US 2000, GOA 2014*

### **Dispute resolution mechanism**

Despite efforts for all parties to be in agreement on issues, there will undoubtedly be conflict. Although not a required component of engagement, including a conflict avoidance mechanism that is agreed to from the outset will outline steps to be taken in the event resolution is needed. In addition, agreements and plans of cooperation can assist in ensuring a focus is on balanced interests.

*See documents: DOI 2007, Inuvialuit Regional Corporation 1987, NOAA 2013, NOAA nd, USFWS nd, NOAA 2015, DOI 2014, Shell 2013, Shell ndc, Shell ndb, Shell 2014, Brogan 1979, Brigham & Sfraga 2010, Nuka 2005, ATG/IGWG 2008*

## **7. Lessons Learned**

From review of some of the literature concerning meaningful engagement, the following lessons learned have been identified by the analyst as insight whereas others are reflections from sources on previous experiences with engagement. The lessons are meant to be compliments to the best practices identified in Section 7 as additional considerations by parties seeking to develop engagement approaches.

### **General**

1. There is no single approach to meaningful engagement, it is a contextual process.
2. Consider outlining what is meant by a meaningful role by all parties.

### **Relationship Development**

3. Understanding communities and the culture, heritage and traditions of the people is necessary for engagement.
4. Relationship building and engagement should be ongoing in order for it to be meaningful.
5. Collaboration and coordination among partners including those that do not normally communicate directly with one another.
6. Develop capacity in communities through the provision of education, training, infrastructure and funding
7. Efforts should be taken to incorporate and apply Traditional Knowledge through engagement approaches
8. Develop a foundation of trust and creates clarity, certainty and reliability through constructive dialogue and including time for events and activities not directly related to issues (Canada 2011)



## Process

9. Planning for engagement while being flexible with the process can lead to more fruitful outcomes.
10. Engagement processes should aim to balance interests and aim for positive outcomes for all partners.
11. Aim for equal representation on advisory councils and decision-making boards.

## 8. Conclusions

The documents reviewed were collected from sources across Canada, US, Russia, Norway, and Greenland. Information from Finland, Iceland and Denmark are not included and some countries are underrepresented in the documents that were reviewed. Therefore, this was not conducted with a complete database of all documents pertaining to engagement with Indigenous people and local communities in the Arctic. The analysis results may be selectively representative of certain attributes due to the nature of the documentation reviewed. Further analysis of a broader range of documentation would likely elicit the emerging prevalence of other practices, such as co-management.

The planning stage was identified as the most common stage of engagement by sources. It is important to note that the Arctic Council and others sources highlight ongoing engagement beyond the planning stage. The Arctic Council does not address progress feedback or accountability measures on government which could require further consideration to assist in developing meaning engagement practices in the Arctic.

Engagement with Indigenous peoples and local communities in the Arctic demonstrates a recognition of Indigenous traditions, culture, values and rights of self-government. It seeks to maintain the cultural identities of Northern communities and develop connectivity between culture systems (ICC-Alaska 2014). Bringing individuals at the local level into decision-making enables regulatory approvals, improved certainty of projects, acceptance, reduced costs, and the ability to address evolving regulatory requirements (CAPP 2006). For expanding marine activities into the Arctic, engaging with those present is necessary.

Although approaches to engagement with Indigenous peoples and local communities in the Arctic will vary depending on the context and parties involved, building trust, a clear delineation of expectations, incorporating Traditional Knowledge, and ongoing communication between parties can lead to effective engagement. The underlying principles and foundations for engagement will be the same across contexts, but the approaches taken will depend on the parties involved. Current approaches have identified meaningful practices to engagement and should be used to improve future efforts and establish ongoing relationships with North communities.

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## 10. Appendices

### Appendix 1

The following keywords were highlighted by the analyst as important elements of meaningful engagement:

**Co-management:** Two or more entities, each having legally established management responsibility, working together to actively protect, conserve, enhance, or restore natural resources.

**Compensation:** Where activities have impeded on or violated the rights and protections held by Indigenous peoples, mechanisms are in place for monetary compensation.

**Conflict avoidance:** Dispute resolution agreements or plans in place to protect the rights of Indigenous peoples and local communities when involved in engagement approaches with other stakeholders.

**Dialogue:** Two-way communication between stakeholders in which all parties are able to share and discuss their interests, concerns, values, and positions.

**Education & Outreach:** Two-way learning in which government or industry make efforts to inform community of benefits, risks and processes of activities and communities communicate cultural values, rights and traditions. In addition, sharing of traditional knowledge and scientific processes to improve understanding of cross cultural differences

**Formal agreements:** Refers to land claims agreements, conflict avoidance agreements or cooperative/partnership plans between government or industry and Indigenous peoples and local communities that lay out roles and rights of each party.

**Gender:** Refers to the need to recognize gender differences when engaging with communities.

**Government to government:** A collaborative and participatory governance structure that includes a spectrum of activities from information-sharing and public notice and comment to processes of consultation and co-management (Swanson et al. 2013). Refers to engagement between governments and a recognition of the right to self-government of Indigenous people.

**Inclusive:** Refers to bringing Indigenous peoples and local communities into decision-making process by incorporating Traditional Knowledge and perspectives from diverse points of view and experiences.

**Informed:** Indigenous people and local communities are notified of activities and have a sufficient information to develop a knowledgeable opinion on the matters and to make a decision about whether to participate in any engagement measures.

**Local investment:** Government, industry or other groups investing in local communities through development of infrastructure, funding, training and employment.

**Local resources:** Assistance in the development of local resources in activity planning and implementation in order to improve opportunities, such as employment and financial, within local communities.

**Management:** Refers to arrangements other than co-management in which Indigenous people and local communities are involved in the overseeing of a project or activity.

**Relationship building:** Between government, industry, or other groups and Indigenous people and local communities, the development of strong, stable relationships that are not issues focused.

**Self-government:** The right of Indigenous people to exercise inherent sovereign powers over their members and territory; distinguished as a level of government.

**State accountability:** Refers to the availability of measures for citizens to question actions of the state authorities.

**Statutory protection:** Refers to the rights and titles of Indigenous people and individuals that are protected under legislation and international conventions.

Appendix 2. Table template for document requests.

<b>TEMPLATE</b> <b>Document Entries for the Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA) Information Database</b> <b>Indicate Source: 1. Arctic Council, 2. Government (indicate country/region and whether guidance or requirement), 3. Indigenous Peoples and/or Local Community, 4. NGO/Academic, 5. Industry</b> <b>If possible please include electronic copies of the documents with the submission of this table to <a href="mailto:dennis.thurston@boem.gov">dennis.thurston@boem.gov</a></b>			
<b>Resource Development</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles
<b>Shipping</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles
<b>Marine Management</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles
<b>Scientific Research</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles
<b>Prevention, Preparedness, Response</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles
<b>Other/General</b>			
Document Title/Name	File name (and/or URL)	Summary	Key Words/Concepts/Principles

### Appendix 3. Example of entries of information into the data table

Example of Information in the Data Table			
Report/Document	File Name or URL	Summary Meaningful Engagement Content	Key Words: Concepts, Principles, Processes
Aboriginal Consultation in the Northwest Territories, Canada	Aboriginal Consultation in the Northwest Territories.pdf <a href="https://www.aadnc.ca/aandc.gc.ca/DAM/DAM-INTER-NWT/STAGING/text/ntr_pubs_cnslt_1330530783250_eng.pdf">https://www.aadnc.ca/aandc.gc.ca/DAM/DAM-INTER-NWT/STAGING/text/ntr_pubs_cnslt_1330530783250_eng.pdf</a>	<p>Role of Aboriginal Groups/Communities</p> <ul style="list-style-type: none"> <li>- Where the duty to consult arises, the Crown, Aboriginal groups, and developers all have a role to play in the process. All parties are expected to act in good faith in order to better understand and address each others' concerns. This is done by: exchanging information, identifying Aboriginal concerns related to specific projects, and taking steps to avoid or minimize any adverse impacts based on information obtained during consultation.</li> <li>- It is essential that Aboriginal people actively participate in and contribute to the consultation process by communicating their concerns and providing information in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>• Involvement</li> <li>• Communication</li> <li>• - Duty to consult</li> </ul>
Principles for the Conduct of Research in the Arctic: Prepared by the Social Science Task Force of the U.S. Interagency Arctic Research Policy Committee	Principles for the Conduct of Research in the Arctic.docx	<ul style="list-style-type: none"> <li>- Scientific investigations in the Arctic should be assessed in terms of potential impact (economic, cultural, and social) on Native people. Traditions, languages and values must be respected. Researchers are responsible for consulting with communities regarding project details, planning, and implementation. Opportunities should be given to these communities when reasonable. If desired, participant anonymity must be respected. Findings shall be conveyed to these</li> </ul>	<ul style="list-style-type: none"> <li>• Mutual respect</li> <li>• Communication</li> <li>• Cooperation</li> <li>• Traditional Knowledge</li> <li>• Responsibility</li> <li>• Consult</li> <li>• Accountability</li> </ul>

		communities upon completion.	
Knowledge, Preserving Local Values, and Discouraging Map Misuse 2015. by Lily Gadamus, Geographer, Julie Raymond-Yakoubian, Social Science Program Director, Kawerak Social Science Program, Nome, AK, USA	Participatory Mapping QPMSWH.pdf	In the Bering Strait region of Alaska decreasing sea ice and increasing development are driving environmental and policy changes that significantly impact federally recognized tribes, which depend on marine resources for cultural, economic, and nutritional reasons. Kawerak, Inc., an Alaska Native non-profit tribal consortium, conducted participatory ice seal and walrus harvest and habitat mapping in collaboration with nine of the region's federally recognized tribes. Participants were concerned that maps could misrepresent marine mammal mobility, limit future harvest area flexibility, increase outside regulation of harvest activities, generate conflict between communities, and attract commercial activity. This paper addresses these concerns through a technique called qualitative participatory mapping, which preserves local voices and priorities. This technique helped communicate and convey respect for traditional knowledge while lowering the probability of map misuse or misinterpretation. This work evaluated project results in terms of Elwood's dimensions of empowerment, which indicated the largest gain in capacity building, and more moderate gains for procedural and distributional empowerment	<ul style="list-style-type: none"> <li>• Community-Based Natural Resource Management</li> <li>• Marine Mammals</li> <li>• Participatory Mapping</li> <li>• Qualitative Methods</li> <li>• Traditional Knowledge</li> </ul>
Federal Law 74-FZ of June 17, 1996 On National Cultural Autonomy	Russian Federal Law 74 On National Cultural Autonomy.docx	The Law codifies the right of ethnic minorities for national cultural autonomy/community associations for the	<ul style="list-style-type: none"> <li>• Rights of ethnic minorities</li> <li>• Cultural Autonomy</li> </ul>



Russia		<p>purposes of national cultural identity conservation (<u>Article 1</u>). In pursuit of this, such associations are duly empowered, also in their interface with public authorities (<u>Article 4</u>), and delegate their representatives to advisory boards under government agencies (<u>Article 7</u>).</p>	<ul style="list-style-type: none"> <li>• Cultural Identity Protection</li> <li>• Government engagement</li> <li>• Participation on Government Advisory Boards</li> </ul>
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Annex B

Meaningful Engagement of Indigenous Peoples and Local  
Communities in Marine Activities: Phase 2 Analysis\*

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## 1. Executive Summary

This report is part of the Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA) project, initiated by the Arctic Council's Protection of the Arctic Marine Environment (PAME) Working Group. This report comprises the results from the second of two phases of the Part II analysis of the MEMA project.

In this report, we review and analyze 240 publically available documents that relate to meaningful engagement in Arctic marine and coastal activities, and that are sourced from four actor categories: Indigenous Peoples and Local Communities, governments (Government), private-sector companies (Industry), and the Arctic Council. Themes with keywords are used to explore the concept of meaningful engagement in Arctic communities used by the different actors. We employed both quantitative and qualitative analysis to identify principles of meaningful engagement and commonalities and differences in approach to meaningful engagement. We conclude this report with identification of commonly-referenced 'wise practices' in the documents analysed in this study, while highlighting where there could be differing views of what is considered wise.

The quantitative analysis reveals the following:

1. A word frequency query of the documents suggest concepts and issues that may be relevant to each actor category. The word "development" is found to frequently occur across all of the actor categories. "Information" is found to frequently occur in all of the actor categories, with the exception of Indigenous Peoples and Local Communities. Top word frequencies occurring in documents sourced from Indigenous Peoples and Local Communities include: government, agreement, rights, consultation, lands, resources, Aboriginal, development, and community.
2. The term "meaningful consultation" and related phrases are found more frequently in documents sourced from Indigenous Peoples and Local Communities, where thirty percent of the documents analyzed contained this term. Twenty percent of both Government and Industry documents also contain this term. The term "meaningful engagement" was found less frequently overall. Compared to all actor categories, Industry had the highest percentage of sources (20 per cent) that used the term "meaningful engagement".
3. We developed a thematic framework with keywords that are categorized into six themes (Communication, Involvement, Development, Self-Government, Indigenous Knowledge, and Mechanisms Facilitating Engagement). For each theme and associated keywords, the percentage of sources and keyword frequency was analyzed and compared across the actor categories. We found:
  - Themes that have the most representation from all the actor categories include: Communication, Involvement, and Development.
  - In the Self-Government theme, the keyword "self-government" is found in a greater number of government document sources, but is found more frequently in documents sourced from Indigenous Peoples and Local Communities.

- In the Indigenous Knowledge theme, Arctic Council documents have the highest percentage of sources that refer to the keywords in this theme; however, the keywords are not frequently mentioned.
- In the Mechanisms Facilitating Engagement theme, the keywords “rights”, “agreements”, and “law” were found in over 50 per cent of the actors’ documents. The keyword “rights” is most frequently used by Government, and Indigenous Peoples and Local Communities.
- The most significant keyword for Indigenous People and Local Communities in the Indigenous Knowledge theme is “land”.

The qualitative analysis reveals the following:

1. For all actors, the purpose of engagement is development, which can refer to economic or community development. For all actors, this concept was a priority. This is notable in that it reflects a framing of development supportive of moving forward and ensuring activities benefit all stakeholders.
2. Meaningful engagement involves relationships, time and capacity. These concepts are of course interconnected (building relationships takes time, for example) but they can help direct actors’ attention and focus in engagement processes.
3. Government, Indigenous Peoples and Local Communities, and Industry did not reference terms associated with the environment as often as the Arctic Council. In addition, these groups mentioned reconciliation more than the Arctic Council. This could mean that addressing relationships and establishing a dialogue is viewed as coming before environmental concerns. This may be useful for the Arctic Council to reflect on.

The summary of wise practices revealed interesting perspectives and questions about the process of engagement, where there is not consensus:

1. Who are the appropriate people to engage is unclear, and subject to discussion. For example, front-line workers are an important channel of communication with Indigenous communities, but an alternative perspective is that engagement should occur at the top level for governments, industry and Indigenous communities. Should the employees on the ground lead engagement or should it come from the top to show respect for communities?
2. How consultation should take place, and the process itself is viewed differently. Government and Industry documents suggested extensive documentation of engagement is a best practice, whereas Indigenous documents indicated this could constrain relationship-building. Should consultation all be written down, documented and reported? How does documentation affect the need to build relationships?
3. Early and proactive engagement, and engagement at all levels, was highlighted by all actors. This includes involving Indigenous groups and local communities in strategic planning and operational decisions.

## 2. Introduction and Background

The Arctic Council is an intergovernmental forum promoting cooperation, coordination and interaction amongst the eight Arctic States<sup>2</sup>, Arctic Indigenous communities and other Arctic inhabitants. The work of the Arctic Council is carried out through six Working Groups. The Protection of the Arctic Marine Environment (PAME) Working Group leads the Arctic Council's activities related to the protection and sustainable use of the Arctic marine environment. The PAME Working Group initiated the Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA) project in 2015. The MEMA project compiles and analyses extant documents on engagement of Indigenous Peoples and local communities in the Arctic. The MEMA project seeks to bring together documents and materials produced by governments, industry and communities that outline recommendations, declarations and guidelines related to the engagement of Indigenous Peoples and local communities in marine activities in the Arctic. The purpose is to take stock of what information is available, identify wise or promising practices that can be shared, and understand what different groups believe is required to make engagement meaningful. The Part I report was published in May 2017, and summarises documentation from Arctic Council on meaningful engagement. This report presents the Phase 2 analysis of the Part II Report on Meaningful Engagement of Indigenous Peoples and Communities in Marine Activities.

Engaging with Indigenous Peoples and local communities is a critical component of marine and coastal activities in the Arctic. Increasingly, Indigenous and local residents and groups are asserting their interests, and in some cases legal rights, when it comes to these activities. Governments of Arctic territories, and businesses who operate in the region, are looking for ways to incorporate the interests and perspectives of Indigenous Peoples and local communities into decision making. It is not controversial to assert that any engagement activity should be meaningful, that it should achieve the purpose it was initiated for (Newman et al., 2014). However, there is a wide range of activities and actors involved in engagement, and there are likely to be multiple purposes for undertaking engagement, some of which may conflict. First, over 40 different ethnic groups, with different cultural, historical and economic backgrounds, inhabit the coastal zones of the eight Arctic States. Indigenous groups are represented by the Permanent Participants of the Arctic Council and include the Inuit, Aleut, Saami, Gwich'in, Athabaskan and over 56 Indigenous groups in Russia, such as the Nenets, Yup'ik, Chukchi, Even, and Evenk.<sup>3</sup> Second, Indigenous Peoples are engaging with a range of actors, including governments and private-sector companies, researchers and scientists. Finally, engagement applies to government decision making and economic activities related to oil and gas development, marine shipping, tourism, research, and development of marine management regimes. Identifying how the concept is defined and used across the range of actors and activities

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<sup>2</sup> The Arctic States include Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States.

<sup>3</sup> This report uses the terms "Indigenous Peoples," "Indigenous groups" and "Indigenous community" interchangeably and without regard to their particular legal status. There are various definitions of "Indigenous Peoples." The Indigenous and Tribal Peoples Convention, 1989 refers to Indigenous peoples as those who "on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions." International Labour Organization Convention No. 169. 72 ILO Official Bull. 59; 28 ILM 1382 (1989).

is important to developing a better understanding of meaningful engagement in Arctic marine and coastal activities.

The goal of this report is to identify and examine existing understandings and approaches to meaningful engagement by the different actors involved in engagement activities. This includes Indigenous Peoples, local communities, governments, private-sector companies and the Arctic Council itself. We conducted a review of publicly available documents related to Indigenous engagement, including legislation, speeches, reports, strategies, news releases, public statements, and guidelines. The analysis presented below compares the incidence of keywords that represent themes or concepts related to meaningful engagement.

The report proceeds as follows; the first section outlines the research approach, including how the documents were collected and analyzed. This is followed by an analysis section which outlines and describes the research findings. The final section discusses the results by identifying themes, as well as wise practices and lessons for meaningful engagement. The purpose of the analysis is to facilitate the continuous improvement of engagement processes in the Arctic through information sharing and learning among the actors involved and increasing areas of mutual understanding. This report is designed to be accessible and useful to a broad audience including Indigenous Peoples, local communities, governments, industry, non-government organizations and academics.

### **3. Research Approach**

The PAME working group members identified and provided documents from the countries that they represent. An extensive online search was conducted by a member of the working group to find additional documents. All of the documents are publicly available.

Data collection occurred in two stages (Table 1) for this Part II project. In Phase 1, 370 documents were collected and analyzed between 2015 and 2016. A preliminary analysis compared Arctic Council recommendations and ministerial declarations in the MEMA Part I report. In addition, a comprehensive analysis of the Phase 1 documents was conducted and presented in a separate report. For the Phase 2 analysis, an additional 344 sources were collected in 2017. These documents are separate from the 370 documents in Phase 1; collection of these additional documents focused on improving representation across the range of actors involved in engagement, as defined by the Phase 1 analysis. This report analyses the Phase 2 documents; where appropriate, reference is made to findings from the Phase 1 analysis. The full summary of the Phase 1 analysis and the MEMA database, containing all documents from both phases, are available on the PAME website.

In the Phase 2 analysis, the documents were organized, managed and analyzed using NVivo software, a data management tool used in qualitative and interpretative research. The documents were organized according to actor: Arctic Council, Government, Indigenous Peoples and Local Communities, and Industry. Arctic Council documents are those that have been produced by the Arctic Council organization itself, as well as multilateral and international organizations the Arctic Council member governments participate in. Government documents are those that are



produced by governments that are members of the Arctic Council. Indigenous Peoples and Local Communities documents are those from Indigenous organizations, and Indigenous and local groups who inhabit territories within Arctic Council countries. Finally, Industry refers to private sector companies and associations that operate in Arctic Council countries. Documents from academic sources and non-government organizations are excluded from the Phase 2 analysis. Unlike Phase 1, there was not the time or space here to do a comprehensive review of the academic and grey literatures. Thus, analysis would be performed on a small sample of the literature on Indigenous consultation and engagement and would not represent the wider state of knowledge. As a result, while 344 documents were collected, excluding the academic and NGO documents meant 240 documents were used in the Phase 2 analysis. The academic and NGO documents are available for reference in the MEMA database on the PAME website.

*Table 1. Documents Collected and Analysed by Analysis Phases and Actor Categories*

	Arctic Council	Government	Indigenous Peoples and Local Communities	Industry	Academic and NGO	Total Collected	Total Analyzed
<b>Phase 1</b>	37	238	32	22	41	370	370
<b>Phase 2</b>	44	102	74	20	104	344	240
						714	610

Note: The 44 Arctic Council documents used in Phase 2 include the original 37 from Phase 1, plus seven new documents produced by the Arctic Council since the Phase 1 analysis. This was to ensure the Phase 2 analysis included adequate and comprehensive representation from the Arctic Council.

The analysis presented below contains three components. First, we conducted a word frequency query across the documents and created a list of the 10 most frequent words within each actor category (see Table 2). Second, we searched the documents for incidences of the term “meaningful consultation” and related phrases. This allowed us to see how often these particular terms were referenced and how they were defined, understood and used in the documents. Third, a thematic framework or codebook was developed by grouping the keywords from the Phase 1 analysis in to six broad themes (Table 3). Keywords from the Phase 1 thematic framework were removed if they were deemed to be too specific to garner high frequency (for example “state accountability”). Keywords were also removed if they were too general to generate specific insights into meaningful engagement. For example, the term “management” could be used in a variety of contexts, which would inflate its frequency but not necessarily indicate its importance to Indigenous engagement. Some keywords were combined if they were deemed to be similar. For example, “local investment” and “local resources” were combined under “local benefits” and located in the Development theme. Finally, some terms that occurred frequently in the word frequency query, but were not found in the Phase 1 thematic framework, were added to the Phase 2 thematic framework. Examples of these keywords are “development” and “projects”.

*Table 2. List of Ten Most Frequent Words by Actor*

	Arctic Council	Indigenous Peoples and Local Communities	Government	Industry
1	Development	Government	Rights	Aboriginal
2	Project	Agreement	Indigenous	Community
3	International	Rights	Consultation	Project
4	Management	Consultation	Development	Engagement
5	Climate	Lands	Information	Company
6	Information	Resources	Government	Consultation
7	Offshore	Aboriginal	Environmental	Development
8	Monitoring	Development	Human	Agreement
9	Local	Community	Resources	Information
10	Environment	Process	International	Government

The terms “project” (second), “international” (third) and “environment” (tenth) were top-ten referenced words in Arctic Council documents. “Project” also made Industry’s list (third), while “international” (tenth) and “environment” (seventh) were in the top ten words referenced by Government documents. “Management” (fourth), “climate” (fifth), “offshore” (seventh), “monitoring” (eighth) and “local” (ninth) were top-ten Arctic Council words that did not appear in the lists of other actors. “Consultation” was one of the top terms referenced by Indigenous Peoples and Local Communities (fourth), as well as Governments (third) and Industry (sixth), but was not in the top ten of the Arctic Council. “Lands” and “process” were unique to the list of Indigenous Peoples and Local Communities.

*Table 3. Phase 1 and Phase 2 Thematic Frameworks*

Phase 1: Thematic Framework		Phase 2: Thematic Framework	
Foundational Themes	Elements	Theme	Related Keywords
Relationship-Building	Collaboration, Participation, Information sharing, Involvement, Indigenous Knowledge	Communication	Dialogue, education, information sharing, reconciliation, trust
		Indigenous Knowledge	Culture, cultural knowledge, land, sustainable development, traditional knowledge
Qualities of Communication	Cultural Awareness, Transparency, Respect, Trust	Involvement	Capacity, collaboration, consultation, engagement, inclusion, participation, partnership, stakeholders.

Process of Communication	Informed, Notify, Consultation, Decision-Making		
		Mechanisms Facilitating Engagement	Accommodation, agreements, law, rights
Available Support & Tools	Logistics. Resources	Development	Community, economic, local benefits, projects, resources
		Self-Government	Government-to-government, nation-to-nation, self-governance, self-government
Legal Obligations	Government-to-Government, Self-Government, Consultation, Accountability		

To provide a uniform comparison, the number of sources for each keyword and actor category was converted to a percentage of sources. In addition, the number of references per keyword associated with an actor category was converted to word count per 10,000 words. These results are used to ascertain similarities and differences in the language used on engagement between actors.

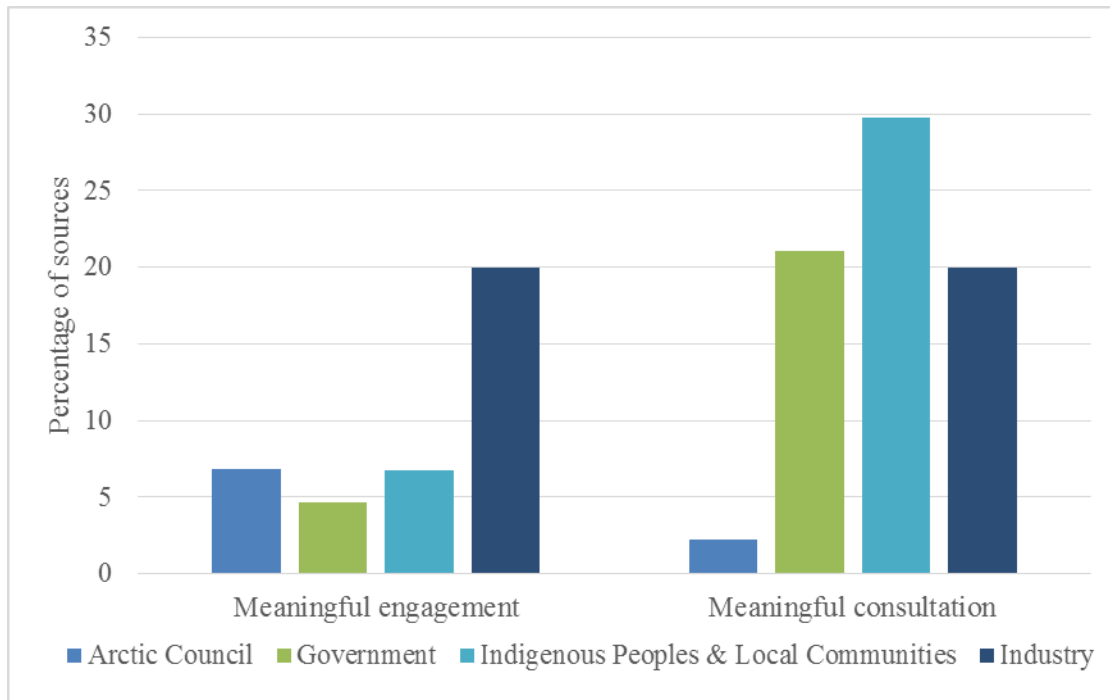
As a verification tool, additional broad themes for the Arctic Council and Indigenous Peoples/Local Community documents were identified using NVivo's "automated insights", which uses computational linguistic processes to identify content patterns in the documents. This methodology provides a non-biased approach, as themes are not pre-determined. These results were examined and compared across the actor categories.

## 4. Analysis

### 4.1 Overall Word Frequency and Ten Most Frequent Words by Actor

Figure 1 is a word cloud that visually represents the frequency of terms across all the Phase 2 documents. The figure provides a general sense of what terms and ideas are common in the documents and could be salient in meaningful engagement. Some of the most commonly referenced words include "Arctic", "rights", "Indigenous", "government", "development" "consultation", "information" and "resources".

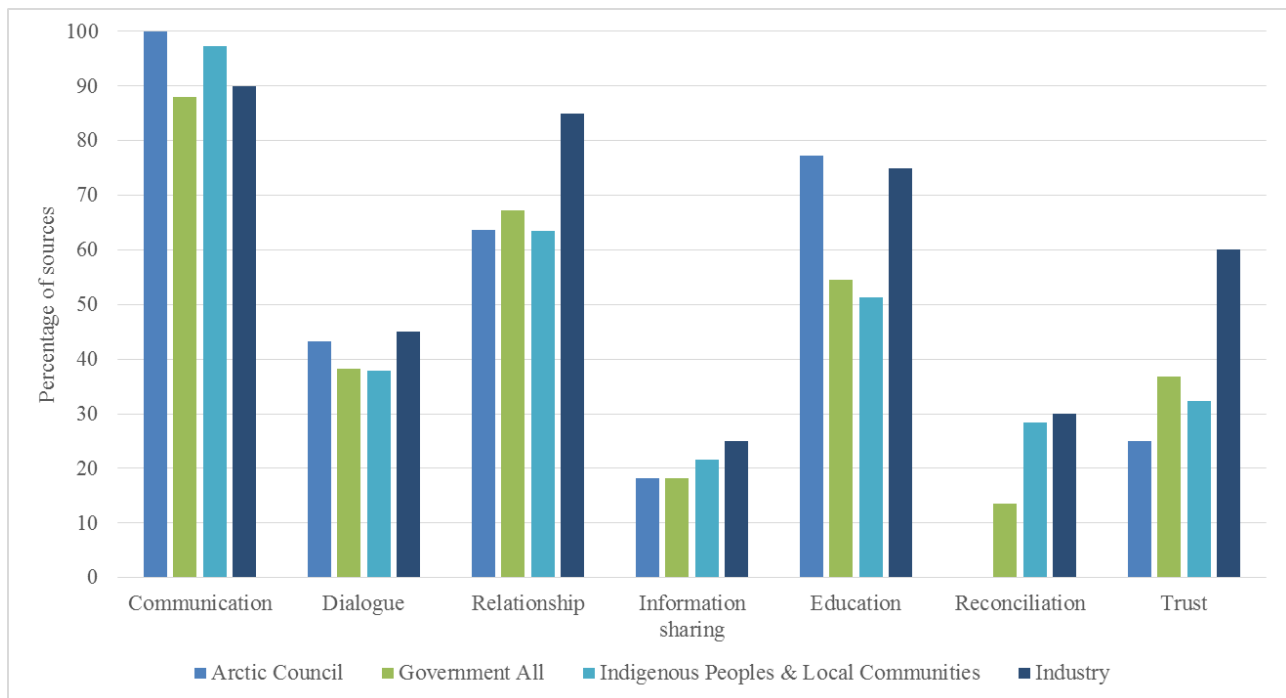




#### 4.1.2 Communication

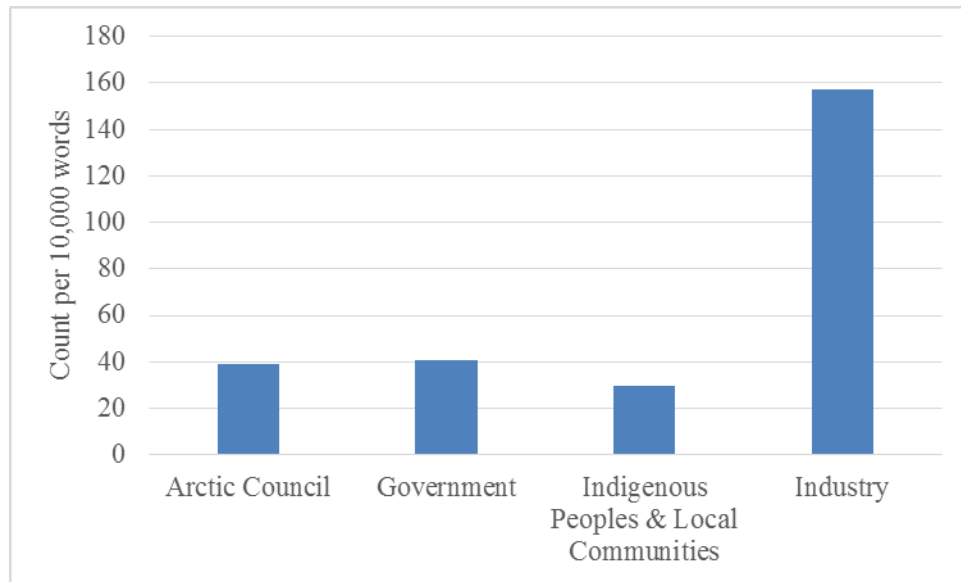
The percentage of sources that use the six keywords from the Communication theme (including the term “communication” itself) are shown in Figure 3. The vast majority of documents in all the actor groups referenced “communication”, with all Arctic Council documents using the term (100 per cent) and Government documents being the lowest (88 per cent). “Education” and “trust” were mentioned by a large portion of documents in some actors, but not others. “Education” was mentioned in approximately three-quarters of Arctic Council and Industry documents, but only half of those belonging to Government or Indigenous Peoples and Local Communities. Similarly, “trust” was referenced in well over half of the Industry documents (60 per cent). The rest of the actor categories mentioned the term in a smaller portion of documents (Arctic Council, 25 per cent; Government, 37 per cent; and Indigenous Peoples and Local Communities, 32 per cent). “Reconciliation” was mentioned much more by Indigenous Peoples and Local Communities and Industry than Government or the Arctic Council. This is corroborated by the Phase 1 analysis, which examined the themes of “dialogue” and “education and outreach” and found that the former was mentioned in a significantly higher portion of Indigenous Peoples and Local Communities documents than those of the other actor groups. The latter was mentioned in a higher portion of Industry and Indigenous Peoples and Local Communities compared to that of Government and the Arctic Council (Appendix A Figure 3).

*Figure 3. Percentage of sources referencing Communication theme keywords by Actor*



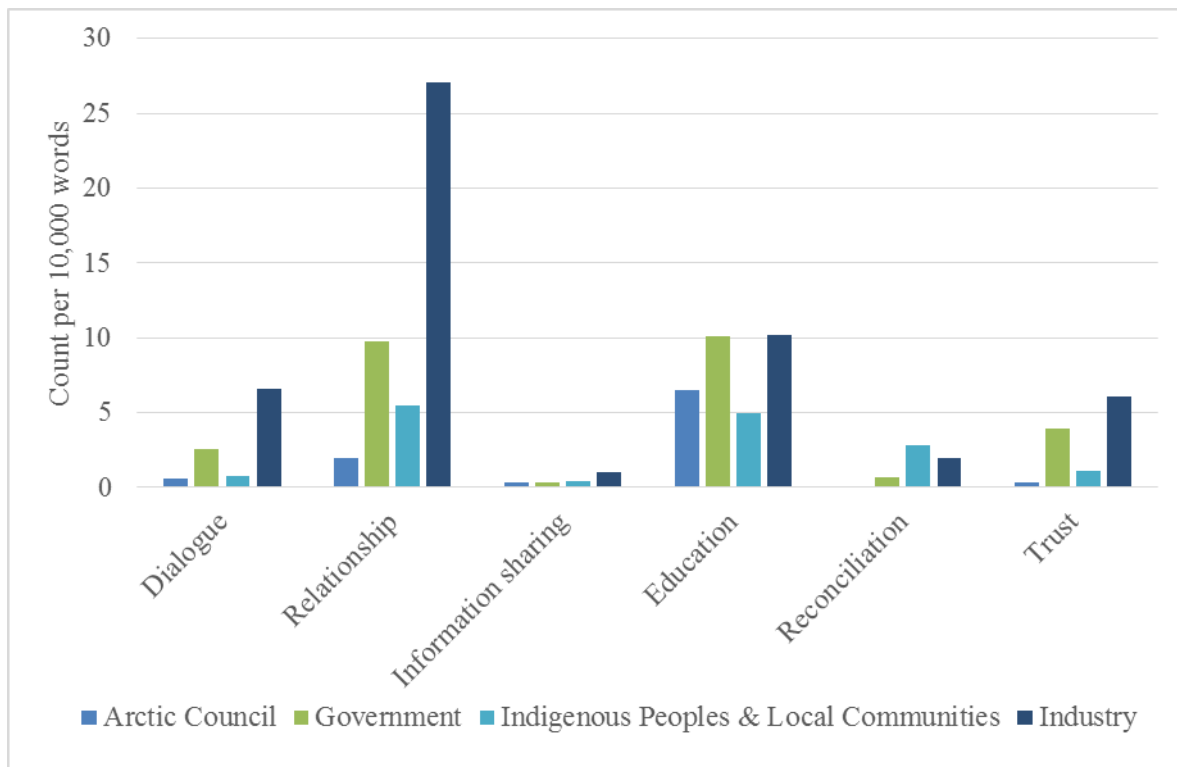
Figures 4 and 5 present the frequency per 10,000 words with which keywords were mentioned by each actor. The Communication theme was particularly salient for Industry which had the highest reference frequency for each of the seven terms, except “reconciliation”. The incidence of “communication” was particularly high within Industry documents at 157 mentions for every 10,000 words, while all other groups did not exceed 40. The frequency of all other terms was much lower across all actors, with “information sharing” having the lowest frequency. An interesting finding is that “reconciliation” did show up as a frequently referenced word by Indigenous Peoples and Local Communities (3), Industry (2) and Government (1), but not by the Arctic Council.

*Figure 4. Frequency per 10,000 words of the term “Communication” by Actor\**



\*This count is based on the number of key words per total words, normalized to 10,000 words.

*Figure 5. Frequency per 10,000 words of Communication theme keywords by Actor*



One Government of Canada document shares a wise practice in engagement activities from the community. The document states:

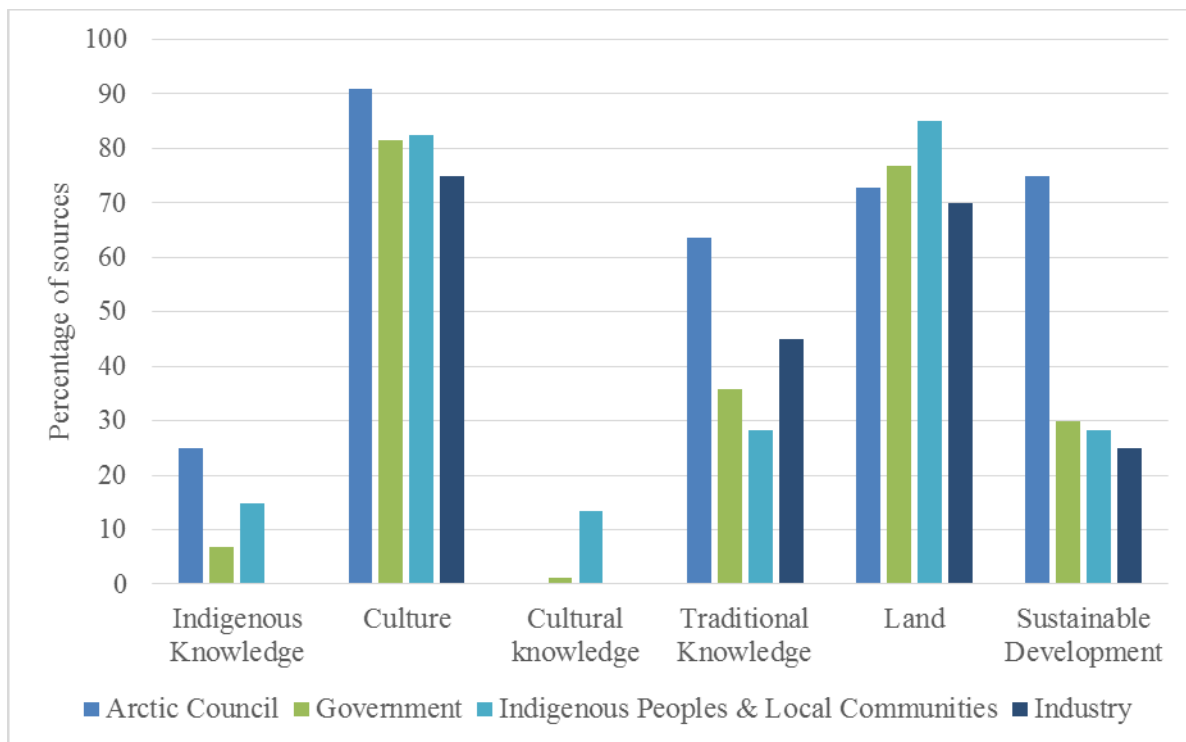
“In the Manitoba Keewatinowi Okimakanak Inc. project community engagement model, the Manitoba Keewatinowi Okimakanak Inc. and Indian and Northern Affairs Canada presentations were simulcast over community television and radio to the 9,100 residents of numerous First Nations. Community residents were engaged with the Manitoba Keewatinowi Okimakanak Inc. and Indian and Northern Affairs Canada presenters through both call in and walk in participation. In Manitoba Keewatinowi Okimakanak Inc., community workers were able to use the knowledge developed through a workshop series to bring discussions on the consultation process to the local level. The mentorship model of information sharing and skills development is a constructive way to facilitate dialogue. When given the tools, resources and empowerment local community workers will be the most effective in facilitating these discussions. Intercommunity sharing and peer support is of high value; online resources and impartial presentations by academics were well received. Video conferencing facilitated effective and low cost training and communication” (506).<sup>4</sup>

#### 4.2.2 Indigenous Knowledge

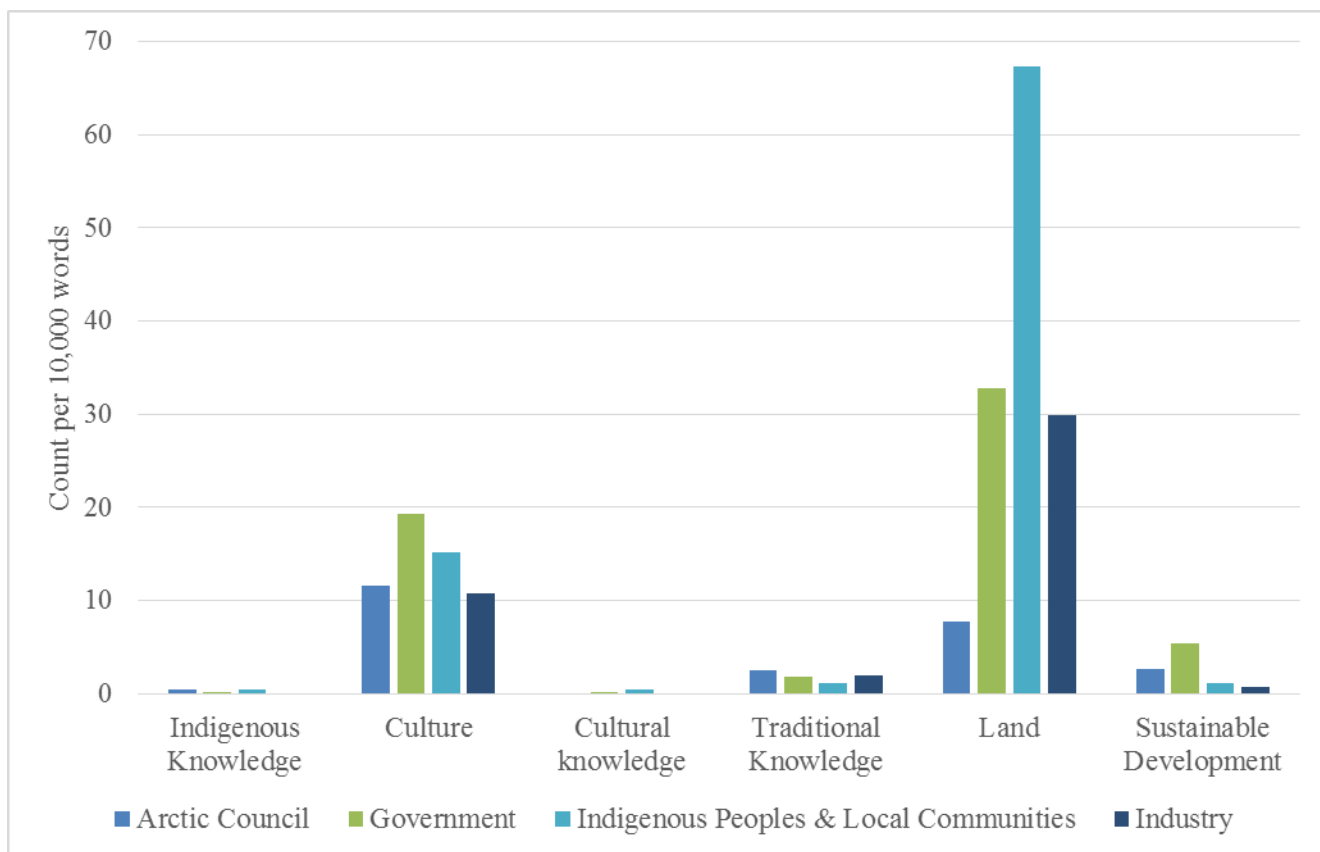
Examining the six keywords used to study the theme of Indigenous Knowledge (Figure 6), the Arctic Council has the highest percentage of documents referencing four of the keywords. For the terms “culture” and “land”, there is broad similarity in the percentage of documents referencing them across the actor categories. Interestingly, the term “sustainable development” was mentioned to a much greater extent in Arctic Council documents than the other actor categories. The Phase 1 analysis found that over 50 per cent of the documents of the Arctic Council and Indigenous Peoples and Local Communities referenced “traditional knowledge”, while between 10 per cent and 20 per cent of Industry and Government documents referenced the term (see Appendix A Figure 3). The word frequency data shows that, even though a significant portion of documents mentioned these terms frequently in each actor category, suggesting they were likely not a primary focus (Figure 7). However, “land” was mentioned frequently by Indigenous Peoples and Local Communities documents, twice as much as Government, and even more frequently than the other two actor categories.

*Figure 6. Percentage of sources referencing Indigenous Knowledge theme keywords by Actor*





*Figure 7. Frequency per 10,000 words of Indigenous Knowledge theme keywords by Actor*

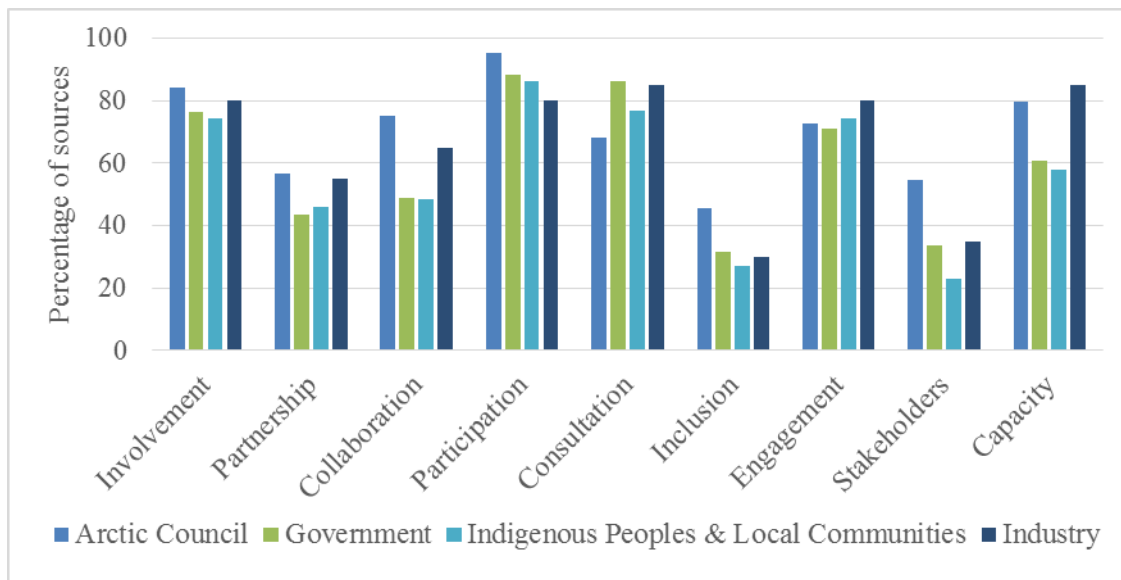


### 4.2.3 Involvement

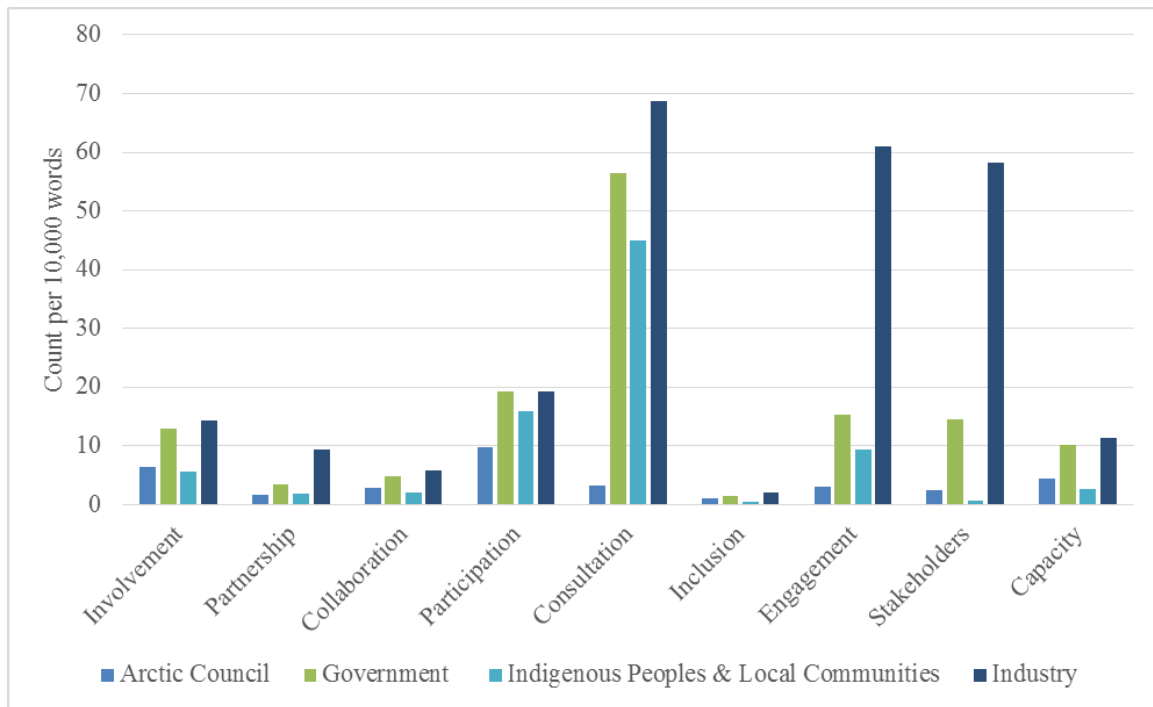
Nine keywords were analyzed under the theme of Involvement, including the term “involvement” itself. Broad similarities were found in the percentage of documents referencing each of the terms, across the different actor categories (Figure 8). “Participation” and “involvement” were referenced by the largest number of documents across the groups (between 74 to 84 per cent and 80 and 95 per cent respectively). The terms “inclusion” and “stakeholders” were mentioned in the fewest amount of documents across the groups (between 27 and 45 per cent and 23 to 55 per cent respectively). The Phase 1 analysis also found relative comparability across the actor categories in the percentage of documents referencing the terms “collaboration” and “inclusion”. However, “consultation” and “participation” were referenced in a higher percentage of Arctic Council and Government documents compared to those of Indigenous Peoples and Local Communities and Industry.

The word frequency count (Figure 9) shows that “consultation” is a commonly-occurring word for Industry (69 occurrences per 10,000 words), Government (56), Indigenous Peoples and Local Communities (45), but is referenced less frequently by the Arctic Council (three). “Participation” has a similar frequency of occurrence across all actor groups. “Collaboration”, “partnership” and “inclusion” did not have high reference rates in any of the actors’ documents. “Capacity” and “involvement” showed higher reference rates in Government and Industry documents than Indigenous Peoples and Local Communities or the Arctic Council. “Stakeholders” was referenced less by Indigenous Peoples and Local Communities (once) and the Arctic Council (twice) compared to Government (14) and Industry (58).

*Figure 8. Percentage of sources referencing Involvement theme keywords by Actor*



*Figure 9. Frequency per 10,000 words of Involvement theme keywords by Actor*



An interesting example of increasing Indigenous involvement in decision-making, emerging from comprehensive agreements, is the Tarium Niryutait Marine Protected Area. The partnership involves Inuvialuit whale hunters near the communities of Aklavik, Inuvik and Tuktoyatuk and the Department of Fisheries and Oceans Canada (DFO), and co-manages beluga whale populations in the region. The partnership dates back to the 1970s and established a scientific program for monitoring and managing the whales under the provisions of the Inuvialuit Final Agreement, signed in the early 1980s. In 2011, the Tarium Niryutait Marine Protected Area (TMNPA) was established and provided increased clarity on what protections are in place in the region. In 2013, the TMNPA management plan was released, which “provides guidance for day-to-day management, governance, priority activities, monitoring and reporting” [Fisheries and Oceans Canada, 2013].

#### 4.2.4 Mechanisms Facilitating Engagement

Governments have a range of mechanisms at their disposal to engage and consult Indigenous Peoples as well as local communities. This could include developing legislation, policies at the national level, or commitments to adopt international values and norms. For example, section 35 of Canada’s *Constitution Act, 1982* recognizes and affirms the Aboriginal<sup>5</sup> and treaty rights of the Aboriginal peoples of Canada. Canadian courts have outlined the government’s duty to consult Indigenous communities, based on section 35, when approving and shaping projects and activities that are located on their land or could infringe on their rights. The purpose of the duty to consult is reconciliation between the state (represented by the Crown in Canada’s

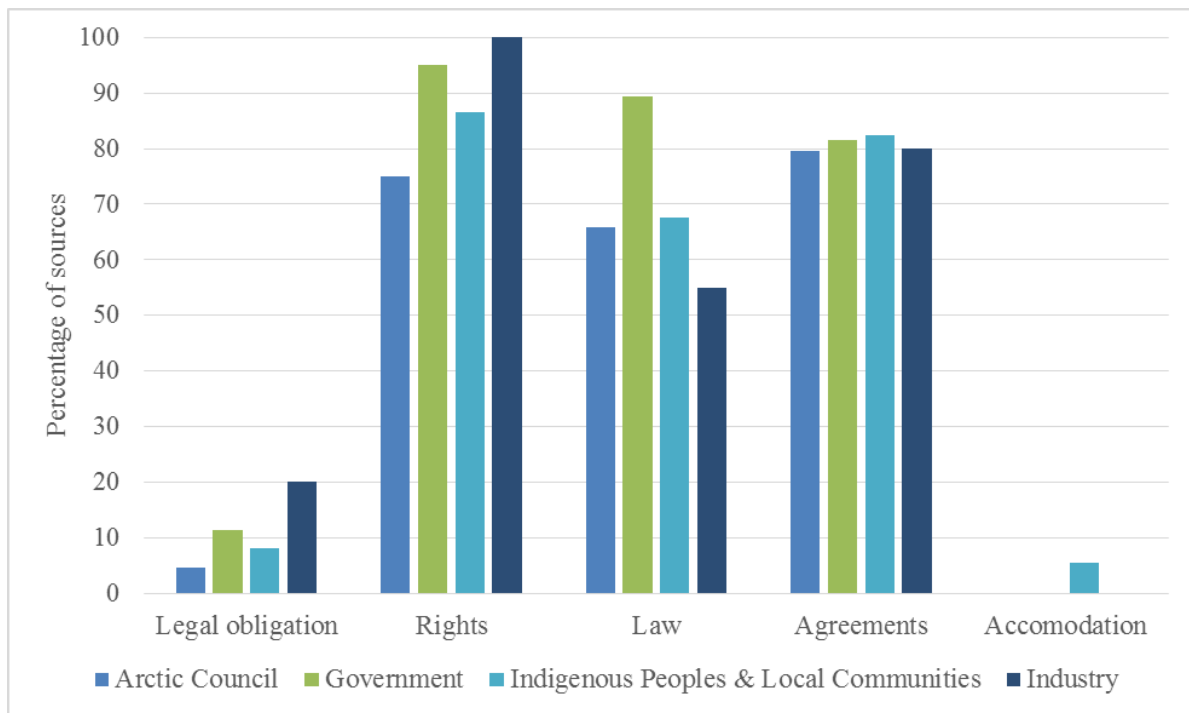
<sup>5</sup> Note that “Aboriginal” has specific legal and historical meaning in Canada, though use of “Indigenous” is much more common than “Aboriginal.”

constitutional monarchy) and Indigenous Peoples and reconciliation between Indigenous Peoples and Canadian society. Constitutional amendments to recognize or protect the rights of Saami People have been made in Norway (1988), Finland (1995) and Sweden (2010). In the United States, section 5 of Executive Order 13175 (2000) outlined a policy that “each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications”.

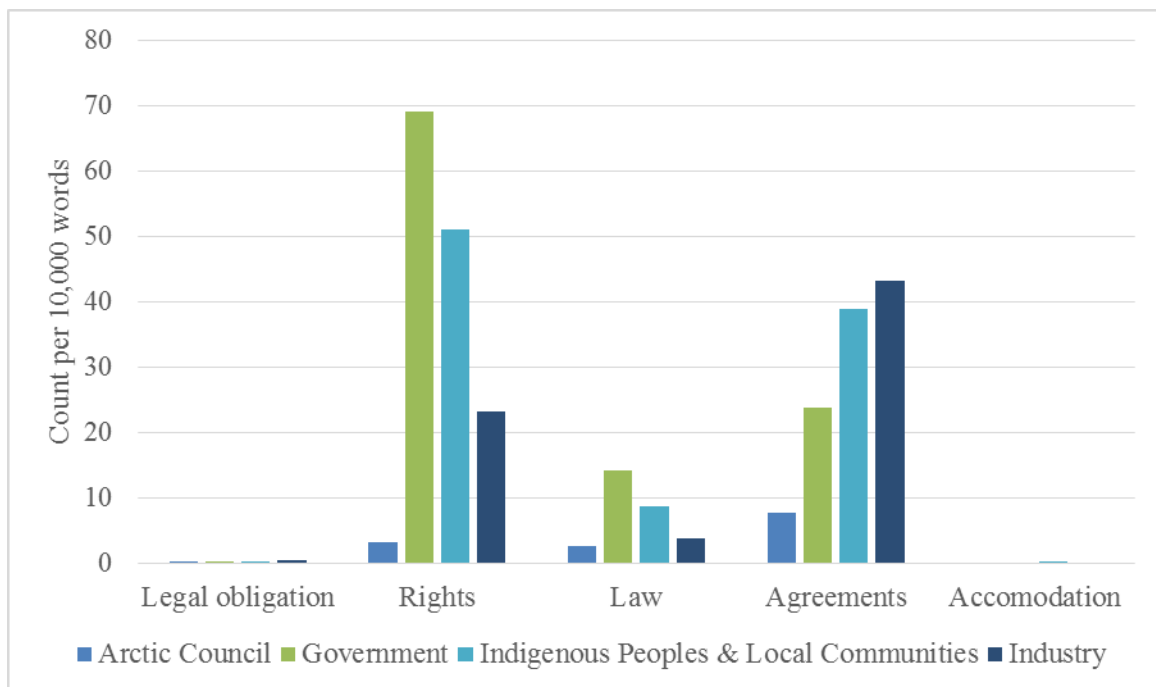
Since the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, free, prior and informed consent (FPIC) has become an important concept at the international level, and has been adopted, formally and informally, by many international organizations. For example, a UN report notes that “the International Labor Organization (‘ILO’) Convention 169 establishes a legally binding duty for ratifying governments -- which are primarily Latin American -- to consult with indigenous communities regarding development projects, and to obtain their consent for resettlement” [Lehr, 2014]. The UN report also acknowledges examples like the European Bank of Reconstruction and Development, the Inter-American Development Bank, and International Finance Corporation require FPIC for certain loans or approvals on projects affecting Indigenous Peoples.

We examined five keywords related to the Mechanisms Facilitating Engagement theme (Figure 10). Over three quarters of documents across all groups made reference to the terms “rights” and “agreements”. The term “law” was also mentioned frequently across the documents of all actors; “accommodation” was not mentioned in a high percentage of documents. Turning to the frequency of these keywords (Figure 11), Government and Indigenous Peoples and Local Communities mention “rights” more often than the Arctic Council or Industry documents. Industry and Indigenous Peoples and Local Communities reference “agreements” almost twice as much as Industry and about four times as much as the Arctic Council.

*Figure 10. Percentage of sources referencing Mechanisms Facilitating Engagement theme keywords by Actor*



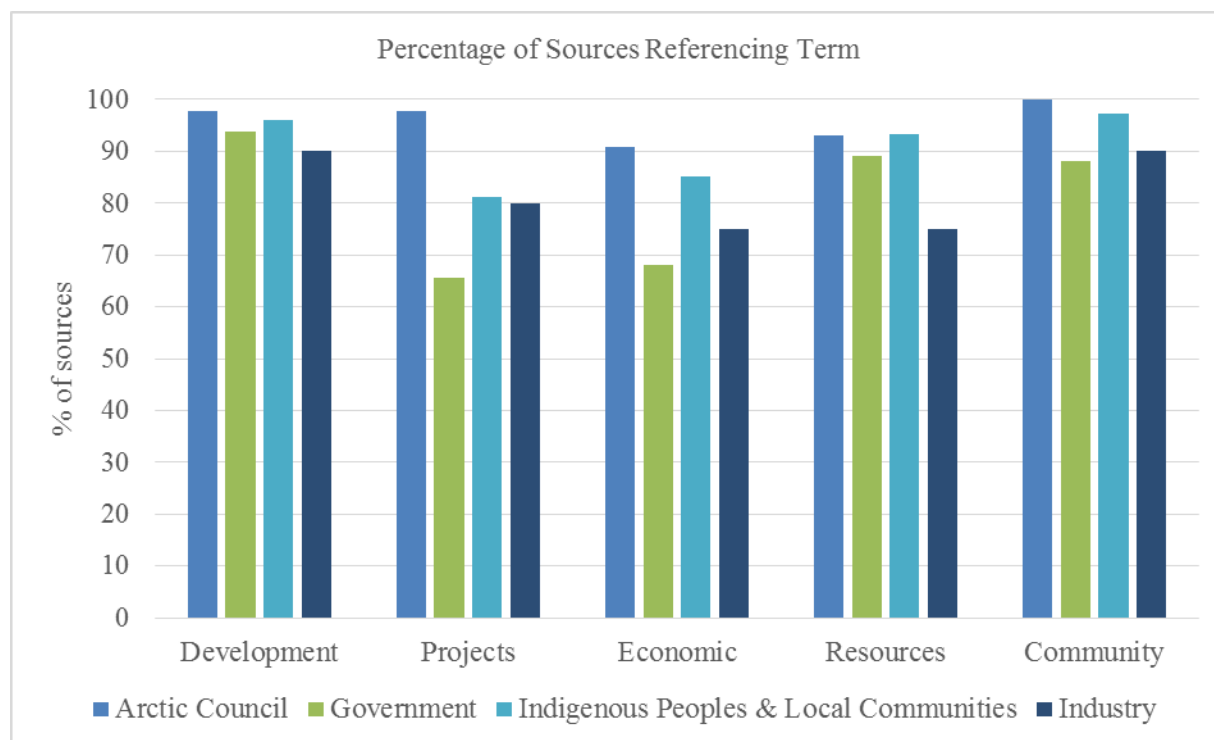
**Figure 11. Frequency per 10,000 words of Mechanisms Facilitating Engagement theme keywords by Actor**



## 4.2.5 Development

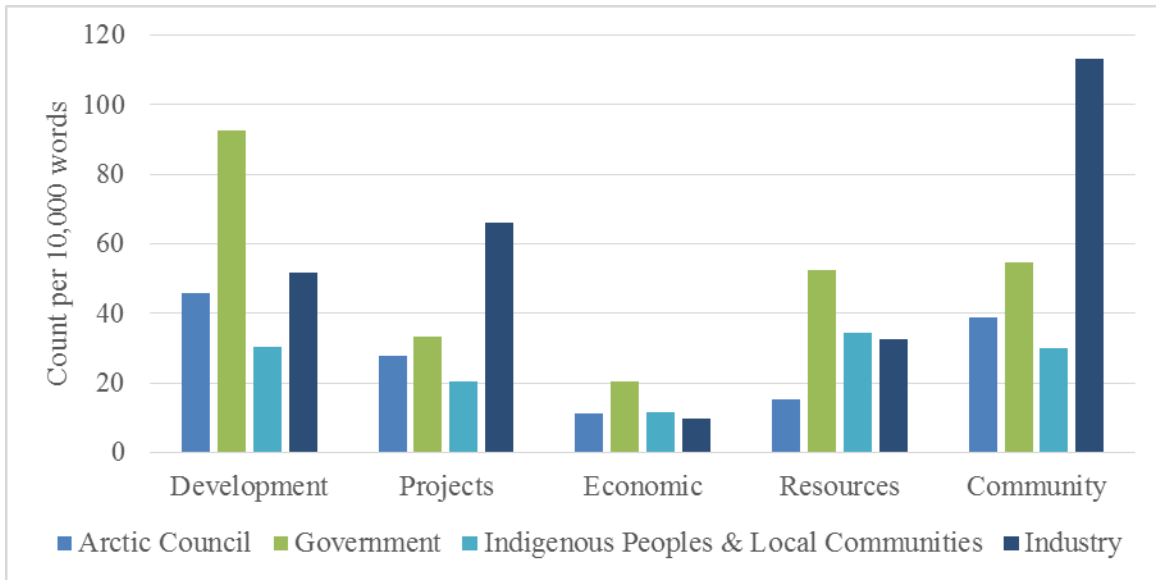
Five keywords were used to study the theme of Development. The analysis (Figure 12) confirms that “development” is an important theme and term as it was referenced in 90 per cent or more of each actors’ documents. The term “community” was referenced by almost 90 per cent of documents for each actor group as well. Terms like “economic”, “resources” and “projects” were mentioned in slightly fewer documents, but still a high percentage (75 per cent or more of documents across all the actor categories. The exception was that Government only mentioned “projects” and “economic” in 66 per cent and 68 per cent of its documents, respectively.

*Figure 12. Percentage of sources referencing Development theme keywords by Actor*



“Local benefits” was not mentioned in high percentage of documents by any actor category, and is not included in Figure 12. However, the Phase 1 analysis found that just over 40 per cent of Arctic Council documents mentioned “community benefits”, a slightly different term than “local benefits”. The percentage of documents of Indigenous Peoples and Local Communities and Industry that mentioned “community benefits” was 35 per cent and 25 per cent respectively. Government documents mentioned the term least, at approximately five per cent (Appendix B). The frequency or intensity of references (Figure 13) in the Development theme demonstrates less consistency across the actors. Industry has the highest mentions of “community” and “projects”, while Government has the highest references of “development” and “resources”. “Economic” was not mentioned frequently by any of the actors, compared to the other terms in this theme.

*Figure 13. Frequency per 10,000 words of Involvement theme keywords by Actor*

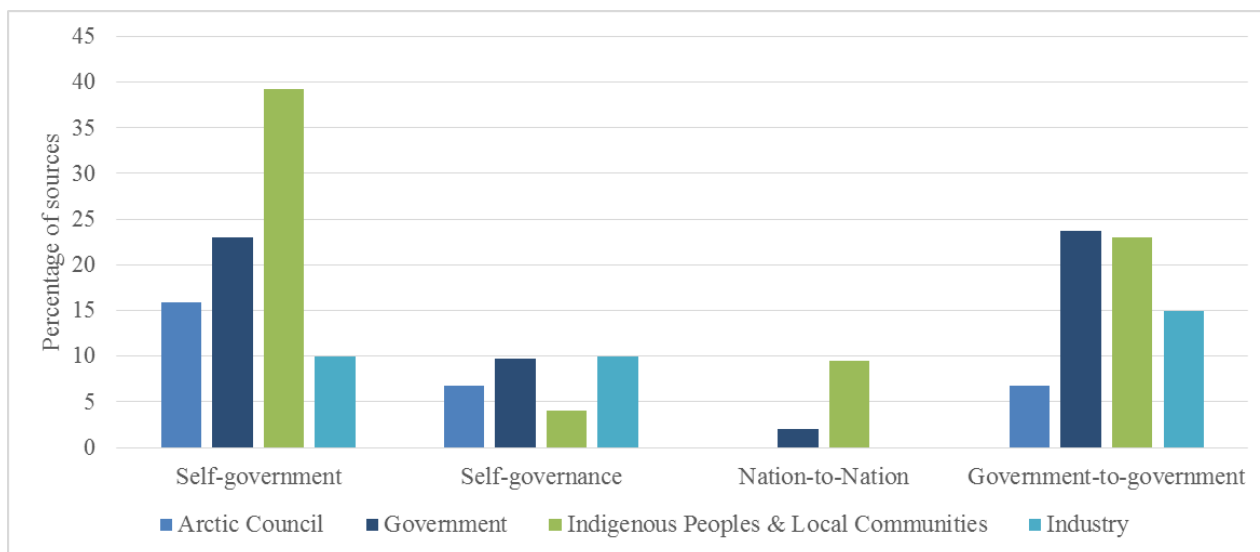


#### 4.2.6 Self-Government

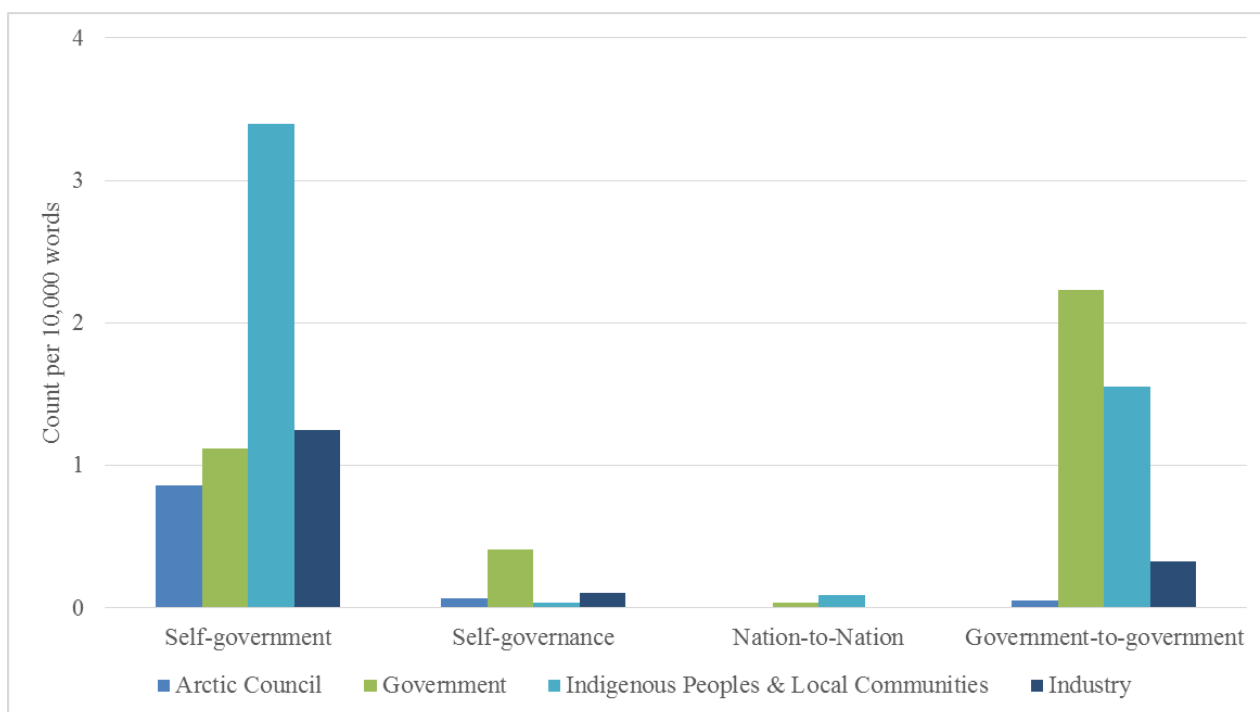
In some cases, involvement of Indigenous Peoples in the Arctic has gone beyond consultation, engagement and even partnerships, moving towards governance arrangements that devolve control and authority over resources, land and environmental concerns to local Indigenous Peoples. For example, in 1999 the Nunavut Act and Nunavut Land Claims agreement established a new Canadian territory (Nunavut) which is primarily habited by Indigenous Inuit. Nunavut's system of government is based on traditional culture and values. Similarly, in Denmark the 1979 Home Rule Act and 2009 Self-Government Act provided Greenland with, among other things, control over natural resources (Kuokkanen, NPA).

Four keywords were used to analyze the theme of Self-Government: “self-government,” “self-governance,” “nation-to-nation” and “government-to-government.” The analysis found that a higher percentage of Government documents referred to “self-governance”, compared to those of Indigenous Peoples and Local Communities, Industry, and the Arctic Council (Figure 14). This is similar to the findings of the Phase 1 analysis. When exploring term frequency, Indigenous Peoples and Local Communities mentioned “self-government” almost three times as often as the other groups and used the phrase “government-to-government” about the same amount as Government (Figure 15). Arctic Council and Industry mentioned these words less frequently, although Industry did mention “self-government” more than Government.

*Figure 14. Percentage of sources referencing Self-Government theme keywords by Actor*



*Figure 15. Frequency per 10,000 words of Self-Government theme keywords by Actor*



## 5. Findings, Insights and Lessons

### 5.1 Meaningful Engagement

In a detailed, qualitative review of the documents sourced from Indigenous Peoples and Local Communities, three themes were identified as elements of meaningful engagement: relationships, time, and having the capacity to engage.



### 5.1.1 Relationships

The documents from Indigenous Peoples and Local Communities indicate that relationships are the foundation of meaningful engagement and consultation. Positive relationships require respect, honour, good faith, and communication. For example, meaningful consultation “is founded in the principles of good faith, respect, and reciprocal responsibility” [Government of Canada, 2013]. In addition, Indigenous groups seek “meaningful and appropriate government-to-government engagement processes based on respect, honour, [and] recognition of Aboriginal title and rights” [First Nations Leadership Council, 2013]. Good relationships require ongoing communication; the Manitoba Metis Federation asserts that “Open lines of communication [are] seen as the key to meaningful engagement. This [is] seen as a way to build and foster relationships” [Government of Canada, 2013]. Additionally, communication is identified as needing to be ongoing, where “engagement plans must provide the opportunity for relationships to be built proactively, not just when issues occur” [Mackenzie Valley Land and Water Board, 2013].

### 5.1.2 Time

Early consultation and efficient timelines are identified by some documents from Indigenous Peoples as an important practice in meaningful engagement and consultation [Government of Canada, 2013; Joffe, 2016]. This allows time for Indigenous communities and groups to address their concerns and interests. The consultation process should start early, “when input can be the most meaningful and impending project deadlines are not yet a factor” [National Association of Tribal Historic Preservation Officers, 2005], and “when significant time pressures are applied and can undermine effective, meaningful and adequate consultation” [478].

### 5.1.3 Capacity

For Indigenous groups to conduct and lead meaningful engagement and consultation, they require the capacity to do so. This includes funding and knowledge sharing to have the opportunity to meaningfully engage. The National Centre for First Nations Governance asserts that Canadian First Nation leaders are concerned that their “traditional lands and resources are repeatedly alienated, lost or developed without regard to their Aboriginal or treaty rights and without meaningful accommodation simply because of lack of funding and capacity on the part of the First Nations to engage in the process” [Carothers, C. et al., 2012]. This concern was noted by the Ginoogaming First Nation, which states that meaningful engagement is achieved with “adequate knowledge and resources to participate fully in consultation processes” [Ginnogaming First Nation, 2014].

However, even with funding and resources in place, there is concern among Canadian Indigenous leaders that “they are being ‘consulted to death,’ with lots of meetings but little opportunity for meaningful input into important federal decisions”, and that “the federal representatives attending the consultations lack decision-making authority” [United States, 2008]. Knowledge sharing promotes a better understanding between Indigenous people and stakeholders. The Manitoba Metis Federation states that “during the engagement process, we

heard that there is an overwhelming desire on the part of the Metis people, the public and public servants for more information about Metis history, culture and circumstances. Gaining this understanding involves rethinking historic and current relationships with Metis people” [Government of Canada, 2013]. Meaningful consultation also requires that knowledge-sharing extends to disclosing economic benefits and mitigating environmental impacts from proposed activities and projects [First Nations Leadership Council, 2013].

## 5.2 Other Themes

### 5.2.1 Development

The analysis suggests that “development” is the primary focus of engagement for all actors, including the Arctic Council, Indigenous Peoples and Local Communities, Government and Industry (Figures 12 and 13). For example, one Government document suggested that “consultation is not intended as a means to prove or disprove claimed aboriginal rights or title. Aboriginal rights or title can only be declared by the courts or agreed to in a government-to-government document like a treaty” [Government of Canada, n.d.]. A distinction can be made between development *in* the community and development *of* the community.<sup>6</sup> This distinction is important in evaluating whether development is defined and discussed in economic terms or whether it also includes social or community outcomes. We found that both types of development are important to all the actors and that development was not defined solely in economic terms.

### 5.2.2 Information

“Information sharing” was a term that appeared to have the same level of priority across actor categories, even if it was not always the most frequently mentioned (see Table 2 and Figures 3 and 5). Transparency, openness and willingness to share knowledge could provide a starting point for developing stronger relationships among actors and building processes of engagement.

### 5.2.3 Reconciliation

An interesting finding was that “reconciliation” did show up as a frequently referenced word by Indigenous Peoples and Local Communities, Industry, and Government, but not by the Arctic Council. Other related words such as “trust”, “dialogue” and “relationships” were also referenced less frequently by the Arctic Council (see Figures 3 and 5).

### 5.2.4 Environment, Climate and Sustainable Development

“Environment”, “climate” and “sustainable development” were important themes in the Arctic Council documents, but less so to Indigenous Peoples and Local Communities, Industry and Government (Table 3 and Figures 6 and 7). That is not to say these actors have less concern for environmental issues overall. This analysis simply suggests that they are less of a focus within the context of Indigenous engagement.

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<sup>6</sup> Beckley, T., Martz, D., and Nadeau, S. 2008. “Multiple capacities, multiple outcomes: Delving deeply into the meaning of community capacity,” *Journal of Rural and Community Development* 3(3) 56-75.

### 5.2.5 Stakeholders

Tellingly, the term “stakeholders” was used the least by Indigenous Peoples and Local Communities documents compared to the other actors’ documents (Figures 8 and 9). This could reflect the position of many Indigenous groups and organizations that they are more than just stakeholders, unlike other interest groups, and require a unique and more comprehensive form of engagement. In countries where Indigenous rights are recognized in constitutions or legislation, this clearly distinguishes them from other potential stakeholders in society, where it may be a matter of good policy to engage, but there is no formal legal mechanism in place that requires it.

## 5.3 Wise Practices and Lessons for Meaningful Engagement

The term “best practices” is frequently used to describe actions, decisions or programs that are deemed innovative and effective, and should be modeled more broadly. Terms such as smart, promising or leading practices are also used, signaling that no single practice is best, and effectiveness may depend on the fit between a practice and the context in which it is applied. In this case, suggested practices typically take the form of broader principles or guidelines, rather than specific actions. Many Indigenous scholars use the term “wise practices” to “recognize the wisdom in each Indigenous community and their own stories of achieving success”.<sup>7</sup> In addition, it also plausible, if not likely, that actors may have different ideas about what practices are considered smart or wise. With this in mind, this section seeks to identify commonly-referenced wise practices in the documents analysed in this study, while highlighting a few places where there could be differing views of what is considered wise. The list is not exhaustive, as this would be too lengthy to be useful. Instead, a list of practices, guidelines or principles from documents’ sections on recommendations or best practices that were identified as frequently occurring was created as a starting point for those looking to learn from others’ experience. This list is provided with the knowledge that the local context in which engagement occurs will play a crucial role in determining whether it is meaningful.

### 5.3.1 Erring on the side of inclusiveness

As expected, the documents did not provide a universal formula or criteria that determines whether and which groups or communities should be included or excluded. What the documents did indicate is that, in general, meaningful engagement should err on the side of inclusiveness [Inuit Circumpolar Council, 2014; International Finance Corporation, 2007; United Nations, 2008; National Association of Tribal Historic Preservation Officers, 2005; FPSC, 2011]. This suggests that a wise practice is to engage with all communities and groups that have an interest or will be affected by an activity, rather than focusing on the one that is nearest to the site or is the easiest to work with.

### 5.3.2 Engaging the right people: Indigenous Peoples and Local Communities

The documents also provide little direction about who, specifically, should be engaged within

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<sup>7</sup> Calliou, B. 2012. Wise practices in Indigenous community economic development. *Inditerra*. No. 4. <http://www.reseaudialog.ca/Docs/02INDITERRA042012CALLIOU.pdf>

communities, as the structures of leadership, governance and decision-making will differ. But they do suggest that a wise practice is taking the time to understand who speaks for the community, which will be different depending on the context [International Finance Corporation, 2007; National Association of Tribal Historic Preservation Officers, 2005; Association of Mineral Exploration British Columbia, 2015]. This means identifying informal leaders, as well as formal representatives. This way, when someone in the community offers a position or opinion, there is more certainty that this represents the will of the community and less chance of misunderstandings or difficulties at a later date. While communities will have different governance structures, there was an indication that a wise practice was to pay particular attention and respect to the knowledge and perspectives of elders in Indigenous communities [International Finance Corporation, 2007; Association of Mineral Exploration British Columbia, 2015].

### **5.3.3 Engaging the right people: Government and Industry**

Little attention was given who should be engaged on the side of government and industry. However, this is important as there could be differing views of who in government should be involved and involving the wrong people could complicate the engagement process. One government document suggested that front-line workers are an important channel of communication with Indigenous communities and suggested involving them in engagement activities [Fisheries and Oceans Canada, 2006]. However, an Indigenous group stated that meaningful engagement demanded relations at the highest level, the minister or deputy of a department, the CEO or senior executives in a company, and the chief. They stated that successful consultation requires “true government-to-government contact between the Agency and Tribe, where high level agency representatives meet with tribal leaders” [National Association of Tribal Historic Preservation Officers, 2005]. It is therefore a wise practice to ensure that the proper representatives are leading, or present, in engagement processes for all actors participating.

### **5.3.4 Early and proactive engagement**

Documents produced by Indigenous Peoples and Local Communities, Government, and Industry noted the importance of engaging early, regardless of the activity or process that is being undertaken [International Finance Corporation, 2007; Mann, 2010; Mackenzie Valley Land and Water Board, 2013; National Association of Tribal Historic Preservation Officers, 2005; Mining Industry Manitoba, 2016; Fisheries and Oceans Canada, 2006]. As one Indigenous Peoples and Local Communities document suggests “framing the issues and understanding impacts early in site management decisions renders the process meaningful” [National Association of Tribal Historic Preservation Officers, 2005]. A wise practice is to be proactive with engagement rather than reactive. Meaningful engagement does not begin when a problem occurs, it is an ongoing process that builds a foundation on which problems can be solved or managed. One way to be proactive is to engage with stakeholders in their community and near the site where the activity will occur [International Finance Corporation, 2007; National Association of Tribal Historic Preservation Officers, 2005].

The International Finance Corporation suggests that a pre-consultation phase is necessary to

establish relationships, determine what the community's issues are and notify them about upcoming engagement activities [International Finance Corporation, 2007]. A key element to the pre-consultation phase is involving Indigenous communities in decisions about how engagement will occur and what issues will be on the agenda. This can add legitimacy to the process upfront and help make engagement meaningful.

### **5.3.5 Engagement at all levels**

The documents also suggest that meaningful engagement requires involving Indigenous groups and local communities in high-level planning and not only engaging after crucial decisions have been made [International Finance Corporation, 2007; Mann, 2010; National Association of Tribal Historic Preservation Officers, 2005; Hupacasath First Nation, 2004 ]. Thus, a wise practice is to engage Indigenous peoples and local communities in all components of an activity, from strategic planning processes that scope the project to operational decisions about how it is implemented. In Canada, the need to include Indigenous Peoples in project planning decisions has been outlined in legal decisions regarding the government's duty to consult with Indigenous Peoples on activities that could affect their constitutional rights.

### **5.3.6 Culturally appropriate engagement**

A commonly referenced recommendation for engagement was being sensitive and considerate of cultural and language differences among the parties taking part in activities [Alaska Knowledge Network, 2000; Gwich'in Land Use Planning Board, 2003; Regjeringen, 2005]. This was particularly important with regard to the validation and use of information and knowledge. Many documents suggested integrating traditional use studies and other forms of local or cultural knowledge into planning decisions [Mann, 2010; Association of Mineral Exploration British Columbia, 2015].

### **5.3.7 Develop an engagement plan or agreement**

Government and Industry documents indicate that it is a wise practice to develop a formal engagement or consultation plan [International Finance Corporation, 2007; Fisheries and Oceans Canada, 2006]. Developing a joint plan, agreement or memorandum of understanding involving all parties may be even more meaningful. The plan should create clear and realistic expectations of the engagement process and the responsibilities of all parties. Establishing one short agreement is preferable to multiple, long and complicated documents. One Industry document recommends that engagement should be viewed as an investment or risk management strategy. It suggests managing engagement similar to any other business function to ensure it is prioritized. This means industry must be prepared to recognize that engagement is not free and also be prepared to pay the costs up front [International Finance Corporation, 2007].

### **5.3.8 Reporting back to the community**

Reporting back to the community on the results of the engagement and how its feedback was incorporated into a project or activity is another practice that is helpful in ensuring engagement is viewed as meaningful [International Finance Corporation, 2007; The Mining Association of

Canada, 2015]. This will involve taking measures and providing resources to ensure information contained in a report is understandable by the community. Meaningful information is accessible and directly addresses the concerns that were raised by the community.

Another practice recommended by Industry and Government documents is to record and document engagement activities and decisions while they are being carried out [Association of Mineral Exploration British Columbia, 2015; Mining Industry Manitoba, 2016]. In fact, one Industry document advised that companies be wary of any discussion with communities that is not on the record. However, an Indigenous document indicated recording single conversation and interaction can constrain building informal relationships [Federation of Sovereign Indigenous Nations, n.d.]. Thus, again, developing an understanding about what parts of engagement will be informal and what will be “on the record” is helpful. This could potentially be addressed in an initial agreement or MOU about the engagement.

It is worth mentioning that many of the same wise practices or lessons were identified in the Phase 1 analysis. These included:

- Being as inclusive as possible;
- The importance of carefully identifying the communities, and the individuals and organizations within them that should be engaged;
- Beginning engagement as early as possible;
- Identifying and using Indigenous communities preferred methods or approaches to engagement;
- Developing an engagement plan;
- Documenting and recording engagement activities; and
- Understanding and respecting culture, heritage and traditions of Indigenous Peoples and local communities.

## 6. Conclusions

Despite widespread agreement that engagement with Indigenous Peoples is a critical component of activities in Arctic and marine areas, there is less consensus on how to make it meaningful. This report has explored what the concept of meaningful engagement means to the actors involved and what elements or components of engagement they view as important. The analysis relied on publicly available documents produced by governments, the Arctic Council, Indigenous Peoples, local communities, and industry actors as a first step towards understanding meaningful engagement. Next steps for consideration in deepening understanding of meaningful engagement could include interviews with community members, leaders and others involved directly in the process to capture and share their stories. This work can help to increase areas of mutual understanding and wise practices that can facilitate the design and implementation of engagement processes, while contributing to the underlying relationships and dialogues that support them.



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