Increasing Opportunities for Meaningful Community Engagements
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Agenda

1. **Definitions:** Increasing Opportunities for Meaningful Community Engagements
2. **History:** The Numbered Treaties
3. **Legal:** The Constitution Act, 1982
4. **Indigenous Knowledge:** Best Practices?
5. **Regulatory process:** Consultation/Planning
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1. Definitions

- **Increasing**: become progressively greater
  - size
  - amount
  - number
  - intensity
  - quality
1. Definitions

- **Opportunities**: a set of circumstances that make it possible to do something
  - suitable
  - sufficient
  - preferred
  - explore
  - pursue
1. Definitions

• **Meaningful**: having a serious, important or useful quality or purpose – and not always directly expressed
  – valuable / important / significant
  – worthwhile / net gain
  – relationship / mutual understanding
  – narratives / stories
  – fulfillment / satisfaction
  – about / related to / affecting you
1. Definitions

• **Community**: a group of people who share something in common
  – language / protocol
  – culture / tradition
  – knowledge / education
  – profession / expertise
  – location / place
1. Definitions

- **Engagement**: an arrangement to meet or be present at a specified time and place; the process of encouraging people to be interested
  - meeting / communicate
  - advocate / position / evidence / discovery
  - gestures / conduct / protocol
  - listen / talk / listen
  - understand / try the left shoe on the other foot
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2. History

The Numbered Treaties

Treaty Medal – Indian Chiefs Medal
courtesy Library and Archives Canada, 1986-79-1638/WikimediaCC
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3. Legal

The Constitution Act, 1982

Proclamation of the Constitution Act, 1982
signed by Quenn Elizabeth II, in Ottawa on 17 April 1982.

3. Legal

The Constitution Act, 1982 – Section 35

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.
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4. Indigenous Knowledge

• Working with Indigenous communities, Elders, or knowledge holders to understand the appropriate time, processes, and protocols required to enable the respectful articulation and application of Indigenous Knowledge;

• Taking time to respect protocols and ceremonies associated with seeking Indigenous Knowledge, based on guidance provided by an Indigenous community, Elder, or knowledge holder;

• Respecting that Indigenous Knowledge originates with and belongs to an individual or Indigenous community or groups of communities from where it came, and sometimes may not be shared or disclosed publicly

Draft (Alberta) Indigenous Knowledge Document, 2018
(Joint Working Group, unpublished, at Best Practices, pp 6-7)
4. Indigenous Knowledge

• Maintaining the confidentiality of Indigenous Knowledge when requested by the Indigenous people providing the information.

• Protecting and maintaining earned and/or gifted Indigenous Knowledge for its intended purpose(s) with correct and appropriate interpretations;

• Seeking consent from Indigenous groups to use Indigenous Knowledge for any intended purposes;

Draft (Alberta) Indigenous Knowledge Document, 2018
(Joint Working Group, unpublished, at Best Practices, pp 6-7)
4. Indigenous Knowledge

- Conducting discussions relating to Indigenous Knowledge in a manner that is constructive and builds an atmosphere of mutual respect;
- Considering the living nature of Indigenous Knowledge on an ongoing, current case-by-case basis;
- Discussing interpretation or documentation resulting from shared Indigenous Knowledge with the knowledge holder(s) on an ongoing basis.
4. Indigenous Knowledge

- Indigenous communities do not relinquish their right to discern how their knowledge is used, transparency and agreement on how the knowledge provided will be used, stored, presented and considered needs to be made, as it is a shared responsibility between the community and public servants.
- Facilitating the funding of collection of Indigenous Knowledge for use in government decision-making processes.
- Encouraging proponents to work with Indigenous groups to facilitate the collection and consideration of Indigenous Knowledge in project applications and regulatory review processes.

Draft (Alberta) Indigenous Knowledge Document, 2018
(Joint Working Group, unpublished, at Best Practices, pp 6-7)
4. Indigenous Knowledge

- With the assistance of the Indigenous group providing the Indigenous Knowledge, respectfully Incorporating that Indigenous Knowledge, in a manner that is on par to the use of western science, into government decision-making, including land and resource decisions, policy development and legislative and regulatory initiatives, while maintaining the confidentiality of confidential aspects of information as requested by the Indigenous people providing that Indigenous Knowledge.

- Ensuring that archeological, heritage, cultural and spiritual sites are protected and managed in accordance with Indigenous Knowledge requirements.

- Respecting the right of Indigenous people to maintain, control, protect and develop their Indigenous Knowledge. [See Article 31 of UNDRIP].

Draft (Alberta) Indigenous Knowledge Document, 2018
(Joint Working Group, unpublished, at Best Practices, pp 6-7)
4. Indigenous Knowledge

- Respecting the right of Indigenous people to maintain, control, protect and develop their intellectual property over their Indigenous Knowledge. [See Article 31 of UNDRIP].

- Respecting the rights of Indigenous people to utilize their Indigenous Knowledge to determine and develop priorities and strategies for the development of their lands or territories and other resources. [See Article 32 of UNDRIP].

- Respecting the rights of Indigenous people to participate in decision-making that affects their Indigenous Knowledge to and to maintain their own Indigenous decision-making bodies. [See Article 18 of UNDRIP].

_Draft (Alberta) Indigenous Knowledge Document, 2018_

(Joint Working Group, unpublished, at _Best Practices_, pp 6-7)
4. Indigenous Knowledge

- Consulting and cooperating in good faith with Indigenous people through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that could affect Indigenous Knowledge. [See Article 19 of UNDRIP].
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5. Regulatory Process

A Slightly Pessimistic View?

- I LIKE TO CON PEOPLE. AND I LIKE TO INSULT PEOPLE.
- IF YOU COMBINE CON AND INSULT, YOU GET “CONSULT.”
- I’M HERE TO CONSULT YOU.
- IT SOUNDS EXPENSIVE AND DEMEANING. … OKAY.

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5. Regulatory Process

A Consultation Secret

Early Engagement and More Planning

More time for mutual understanding, sharing, co-creating scenarios and jointly developing meaningful relationships and outcomes

= Less Consultation needed at the ’11th hour’ about unmitigated impacts, outstanding concerns, large-scale issues at Application time
5. Regulatory Process
Approaches to Planning with Communities

1. Draft preliminary plans
2. Predict some potential project effects
3. Present draft plans and potential project effects to communities, incl. what has/hasn’t worked in past.
4. Identify communities and individuals most likely to be potentially adversely affected by project effects
5. Identify traditional use activities and values
   • Community meetings
   • Focus/working groups
   • Mapping / spatial-viewer interviews
   • Field assessment (fixed sites and trails)
5. Regulatory Process

Approaches to Planning with Communities

5. Incorporate traditional activities and values into preliminary plans.

6. Assess potential adverse affects and develop preliminary strategies to:
   - Avoid;
   - Mitigate;
   - Reduce;
   - Offset;
   - Accommodate.
5. Regulatory Process

Approaches to Planning with Communities

7. Meaningfully discuss preliminary strategies with community, incorporate feedback and develop plans to implement project-specific mitigations / avoidances

8. Discuss and track all values and concerns – some might be larger than the project or application, but these are meaningful

9. Develop recommendations for larger-scope issues (i.e.: policy, guidelines, OGR’s, directives/regulation/legislation)
5. Regulatory Process

Approaches to Planning with Communities

10. Decide which large-scope issues are actionable bi-laterally, and do so.

7. Implement project-specific mitigation / avoidance strategies, to try to address concerns into actions, general to specific and visa-versa:
   - Anywhere, everywhere;
   - Anytime, all-the-time;
   - Somewhere, sometimes;
   - Around here, at certain times;
   - right here and now (and possibly future)

8. Adaptively co-manage and continue, for the life of the project and the community relationship
5. Regulatory Process

Monitoring and Harvester Support Projects
– Monitors contribute to knowledge about projects and developments in First Nation Territory
– Monitors provide data collection and identification of Traditional Knowledge and Environmental/Industrial concerns
– Monitors are the ‘Eyes and Ears’ of community
– Monitors are ‘Boots on the Ground’
– Monitors use data collection phone app developed for Indigenous Guardian programs
– Harvesters can perform Monitoring functions while pursuing traditional livelihood activities
5. Regulatory Process

Archaeology Projects

– Archeological work to verify and confirm presence in First Nation Traditional Territory

– Projects promoted culture, language and identity

– Include children, youth, elders, harvesters

– Produces artifacts from the past, that are unique, priceless and irreplaceable
5. Regulatory Process

Grant Funding Projects

Develop working groups and grant projects with First Nations, ENGO’s, stakeholders in support of addressing local or landscape level concerns / priorities:

- ECCC – Nature Fund
- ECCC – Indigenous Guardian Tier 1, 2 & 3
- ECCC – Community-nominated Priority Places
- NRCan – Increasing Indigenous Participation in Dialogues
- AANDC – Community-based Environmental Monitoring
- Other provincial and federal grants
Questions / Comments?

Thank you! / Merci! / Mahsi-cho! / Tansi!

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