

# Meaningful Engagement of Indigenous Peoples in Oil and Gas Activities

Beyond Consultation- Understanding Differences, Trust and Respect, Indigenous Knowledge

Qikiqtani Inuit Association

Northern Oil and Gas Forum

Anchorage, Alaska

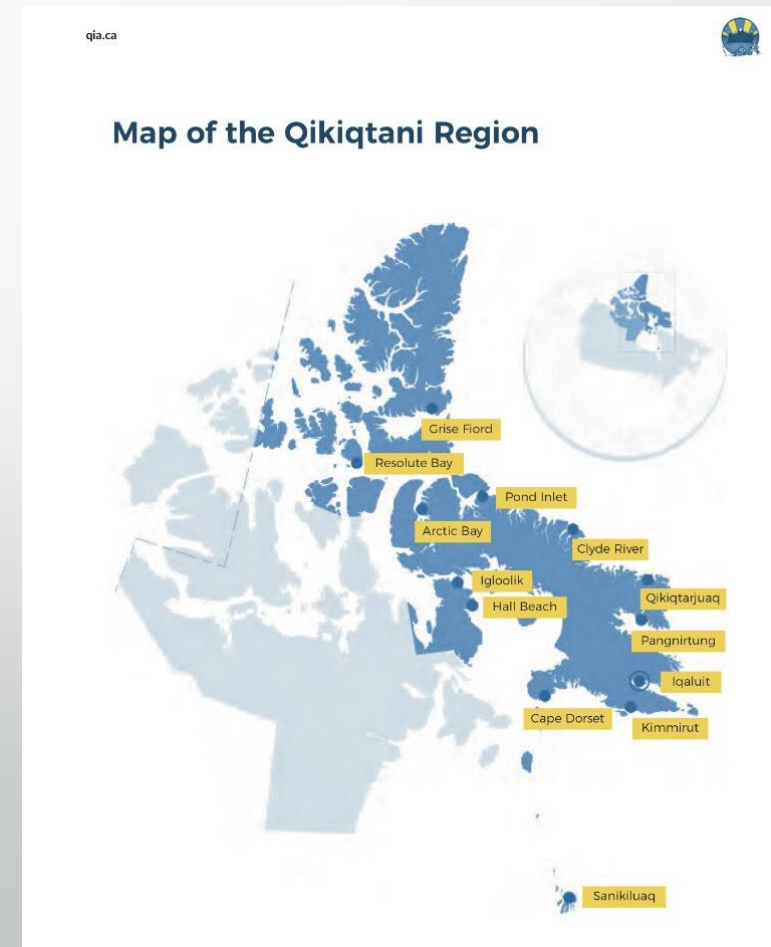
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# Basic Concepts: Consultation in Canada

- Duty to consult
  - Where government has a decision-making role, the obligation on the Crown (government) to consult and determine if Aboriginal rights will be infringed or affected.
- Consultation versus Engagement
  - Consultation is the legal obligation of government. Engagement is what a project proponent does to build a relationship with an Aboriginal group. Government uses the proponent's engagement record to scope the consultation and an initial degree of accommodation.
- Accommodation
  - Accommodation is the compensation for infringement of a right. It is determined on a case by case basis. Government relies on proponent mitigation to provide part of the accommodation.
- Reconciliation
  - The Government of Canada ran a Truth and Reconciliation Commission to address residential school harms. The resulting report led to a national strategy to address the impacts. These actions can be used to design mitigation strategies.

# Qikiqtani Inuit Association (QIA)

- 13 communities, 15,000 Inuit
- QIA is normally an organization that is consulted
- QIA does its own engagement with our communities.
- Reflections from both sides of the table.

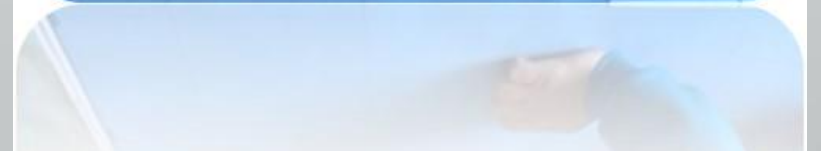


# Understanding Differences

- Each community is very different
  - Learn the expectations of communities and challenges they face
  - Understanding balance of protection of the environment and socio-cultural values with economic opportunities
- Engagement is unique in Nunavut
  - Regulatory system with built in timelines help get consultation right
  - Set timelines viewed as an opportunity to engage not a penalty or delay
- Knowledge based decision making

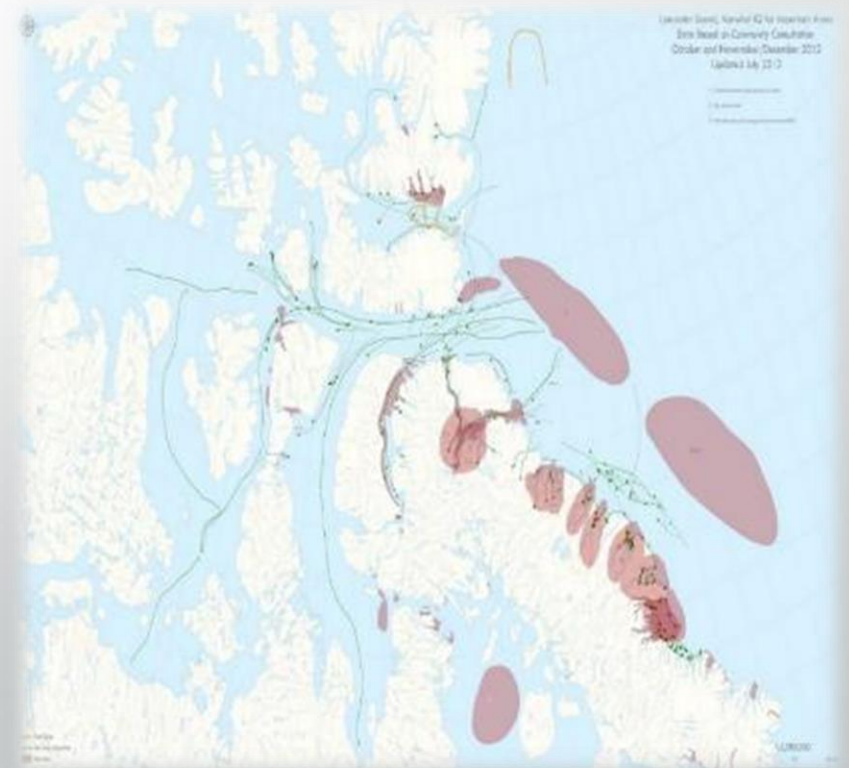
# Trust and Respect

- Connecting
  - Face to face meetings / offices build trust
  - Meetings involving the entire community
  - Provide answers to questions in a language and format that is accessible.
- Real benefits and linked to reconciliation
  - Employment opportunities
  - Training
  - Joint ventures
- If engagement does not result in trust, communities will let regulators know they are displeased

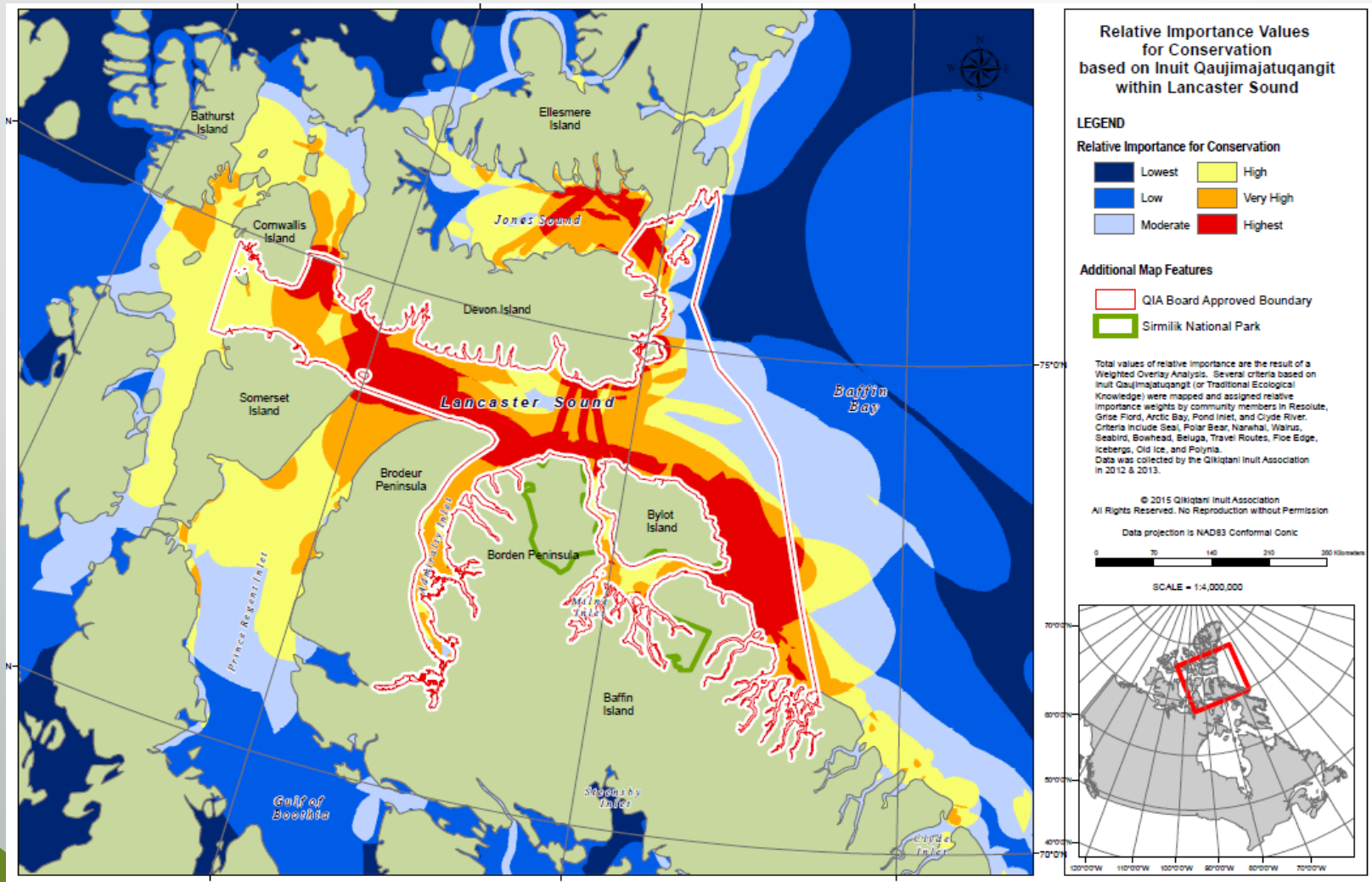


# Indigenous Knowledge / Inuit Qaujimatuganqit

- Inuit Qaujimatuganqit (IQ) is the cultural cornerstone
  - IQ is to be used in decision-making
  - Oral in nature
  - Equal weight as scientific knowledge
- IQ allows one to understand the cultural values attached to the information
- Knowledge based decision making



# Using Inuit Qaujimjatuganqit (IQ) in decision making



# Consultation Case Study

## Supreme Court of Canada: “Clyde River vs PGS Inc”

- “True reconciliation, is rarely, if ever, achieved in a courtroom”
- The duty to consult falls along a spectrum ranging from limited to deep consultation.
- Supreme Court decision clarified consultation obligations on government:
  - Inuit treaty rights (established right to hunt and harvest marine mammals)
  - Impacts on rights
  - Possible accommodations
    - Response to non-compensable damage





# Lessons Learnt “ Clyde vs PGS Inc” Going Beyond Consultation

## Opportunities for participation and consultation:

- Oral hearings
- Opportunities to make submissions for consideration
- Formal participation in decision making process (IQ map)
- Participant funding, which allows communities/ Inuit to review and submit their own scientific evidence and IQ and the opportunity to test the evidence of the proponent.

## Show that you're listening:

- Changes made to the project in light of consultations show that concessions were made and concerns were heard.
- Written reasons show that community/Inuit concerns were considered
- Reveal how the concerns had an impact on decisions.

# What could have been done?

## “Clyde River vs PGS Inc ”

- Inuit organizations stated that completing a Strategic EA before authorizing any seismic exploration could have helped fulfil consultation requirements
- Fill gaps in review before a decision is made.
- Provide Community Liaison Officers 's in communities/ offices (employment)
- Design and implement a traditional knowledge study



# Meaningful Engagement

- Goal of consultation is to identify, minimize and address adverse impacts where possible.
- Talking together for mutual understanding.
- Written reasons foster reconciliation by showing affected indigenous people that their rights were considered and addressed and promote better decision making.
- Empower Inuit to make decisions using traditional knowledge.
- Take the time to develop a project in a way that can benefit Inuit and communities.