ANNEX 3

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[1], 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.[2] 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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[1] The Arctic States include Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States.

[2] 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 Artic 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 Artic 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
Phase 1	37	238	32	22	41	370	370
Phase 2	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
Qualities of Communication	Cultural Awareness, Transparency, Respect, Trust	Indigenous Knowledge	Culture, cultural knowledge, land, sustainable development, traditional knowledge
		Involvement	Capacity, collaboration, consultation, engagement, inclusion, participation, partnership, stakeholders.

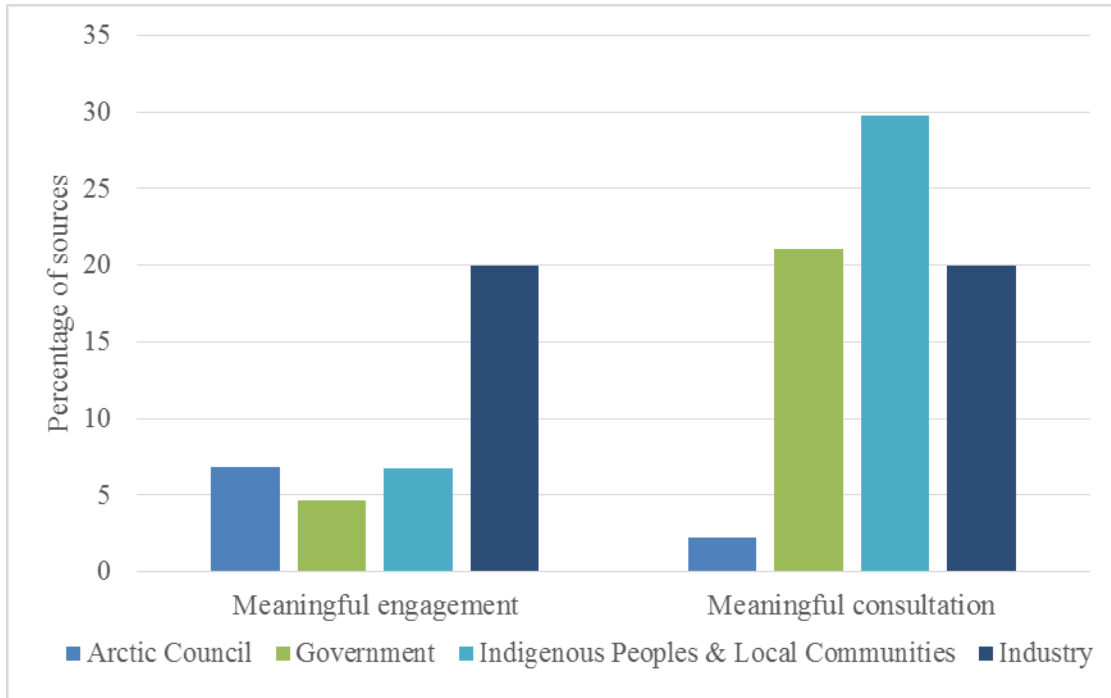| Process of Communication	Informed, Notify, Consultation, Decision-Making		
		Mechanisms Facilitating Engagement	Accommodation, agreements, law, rights
Available Support & Tools	Logistics. Resources	Development	Community, economic, local benefits, projects, resources
Legal Obligations	Government-to-Government,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

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

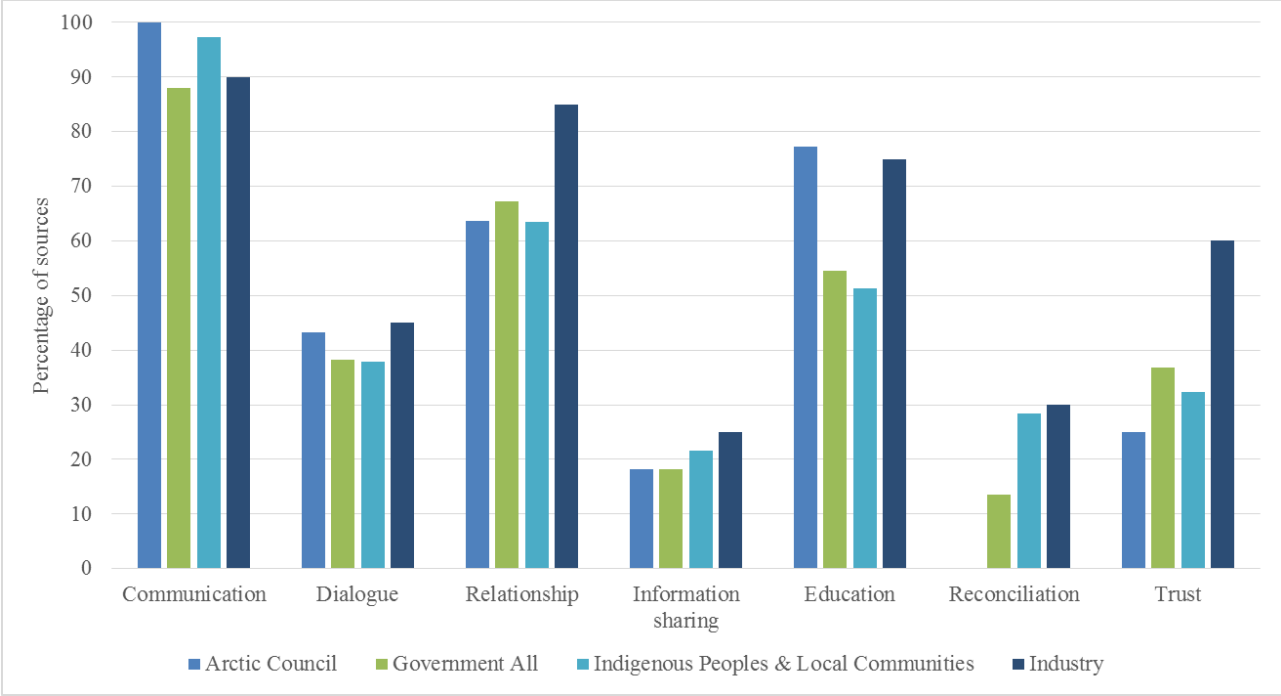Figure 1 is a word cloud that visually represents the frequency of terms across all the Phase 2 documents. The figure provides a general sense of what terms and ideas are common in the documents and could be salient in meaningful engagement. Some of the most commonly referenced words include "Arctic",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

Figure 1. Meaningful Engagement Word Cloud

4.2 Meaningful Engagement and Consultation

Both of the terms "meaningful engagement" and "meaningful consultation" are found throughout the documents examined. Figure 2 shows the percentage of sources that use this terminology within each actor category. In Indigenous Peoples and Local Communities documents, the term "meaningful consultation" is found in 30 per cent of source documents, compared to only seven per cent that use the term "meaningful engagement". Government documents also have a greater percentage of sources that use the term "meaningful consultation". From the Arctic Council documents, seven per cent use the term "meaningful engagement", while two per cent use the term "meaningful consultation". The terms were used in an equal percentage of documents from Industry sources. However, the terms were not used frequently by any actor, and the word frequency query returned a low count that was not easily displayed visually.

It is worth mentioning that use of the word "meaningful" extends beyond engagement and consultation. Qualitative analysis of Indigenous People and Local Communities documents reveals that "meaningful partnerships", "meaningful dialogue", and "meaningful community participation" are also used in relation to project activities and impacts.

Figure 2. Percentage of sources referencing the terms "Meaningful Engagement" and "Meaningful Consultation" by Actor
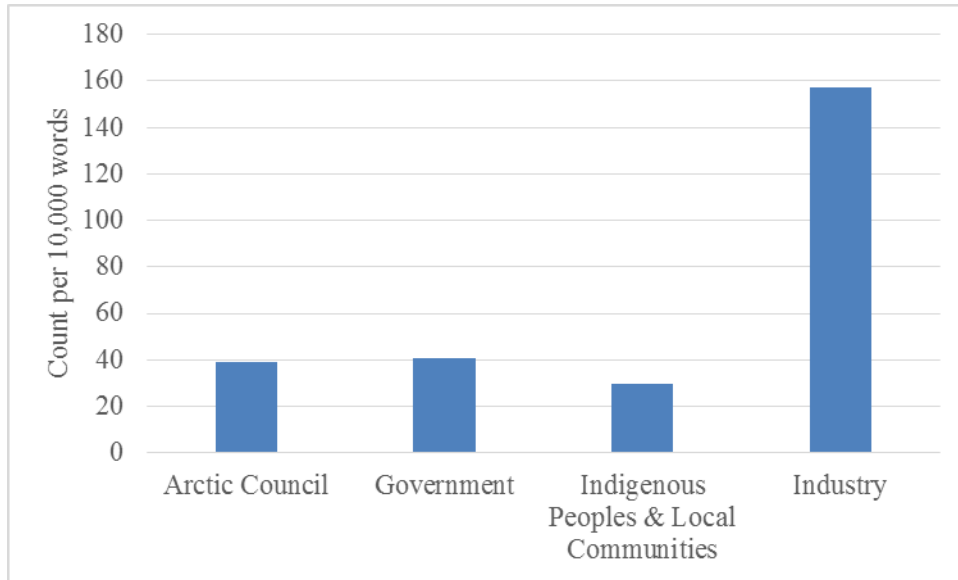
4.1.2 Communication

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
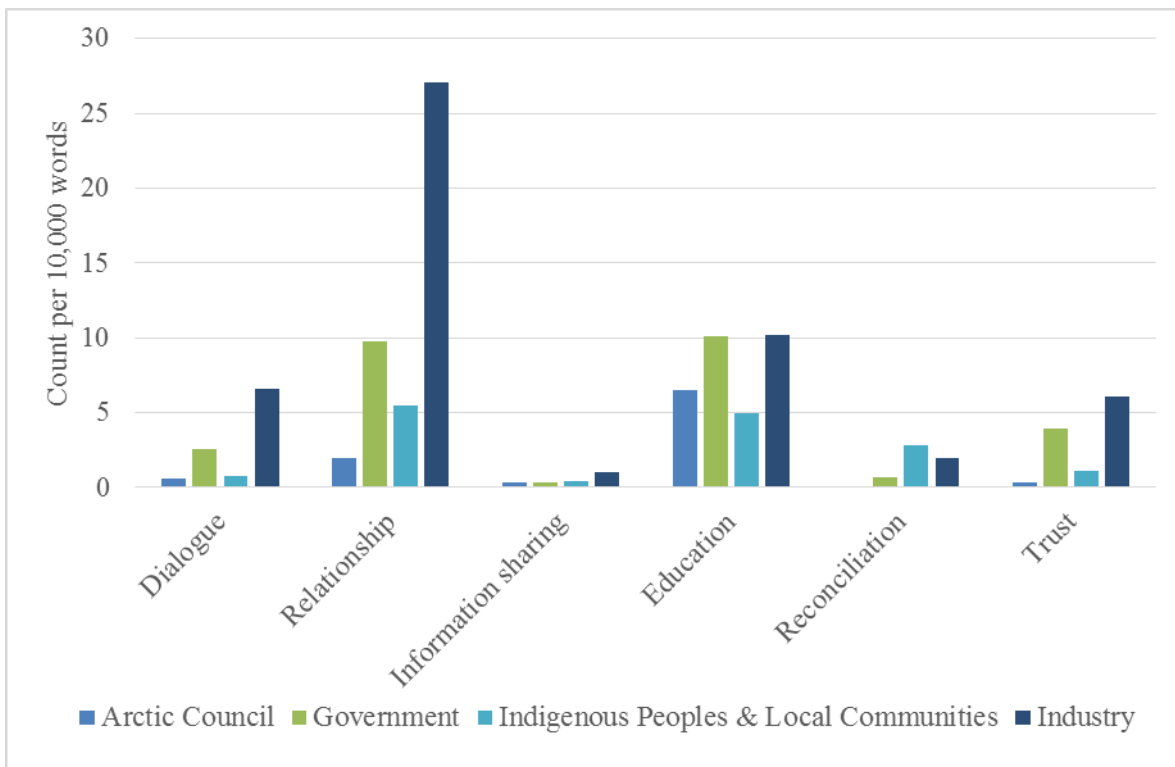
Figures 4 and 5 present the frequency per 10,000 words with which keywords were mentioned by each actor. The Communication theme was particularly salient for Industry which had the highest reference frequency for each of the seven terms, except "reconciliation". The incidence of "communication" was particularly 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).[3]

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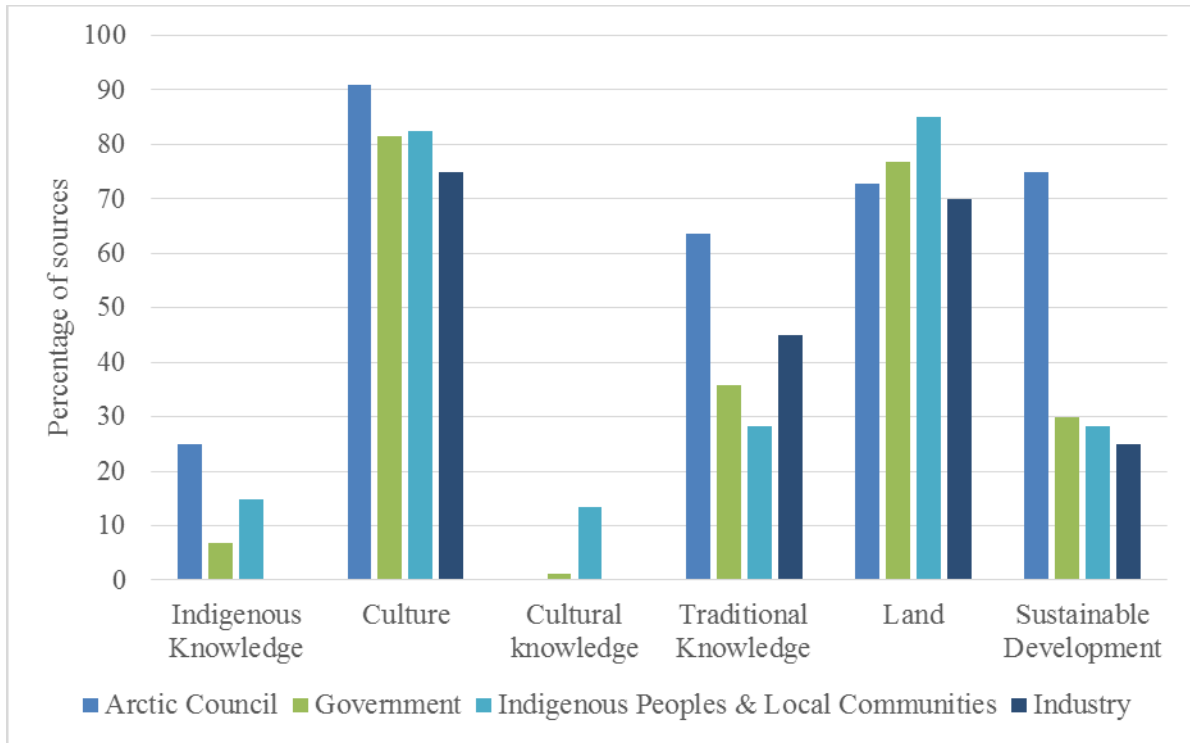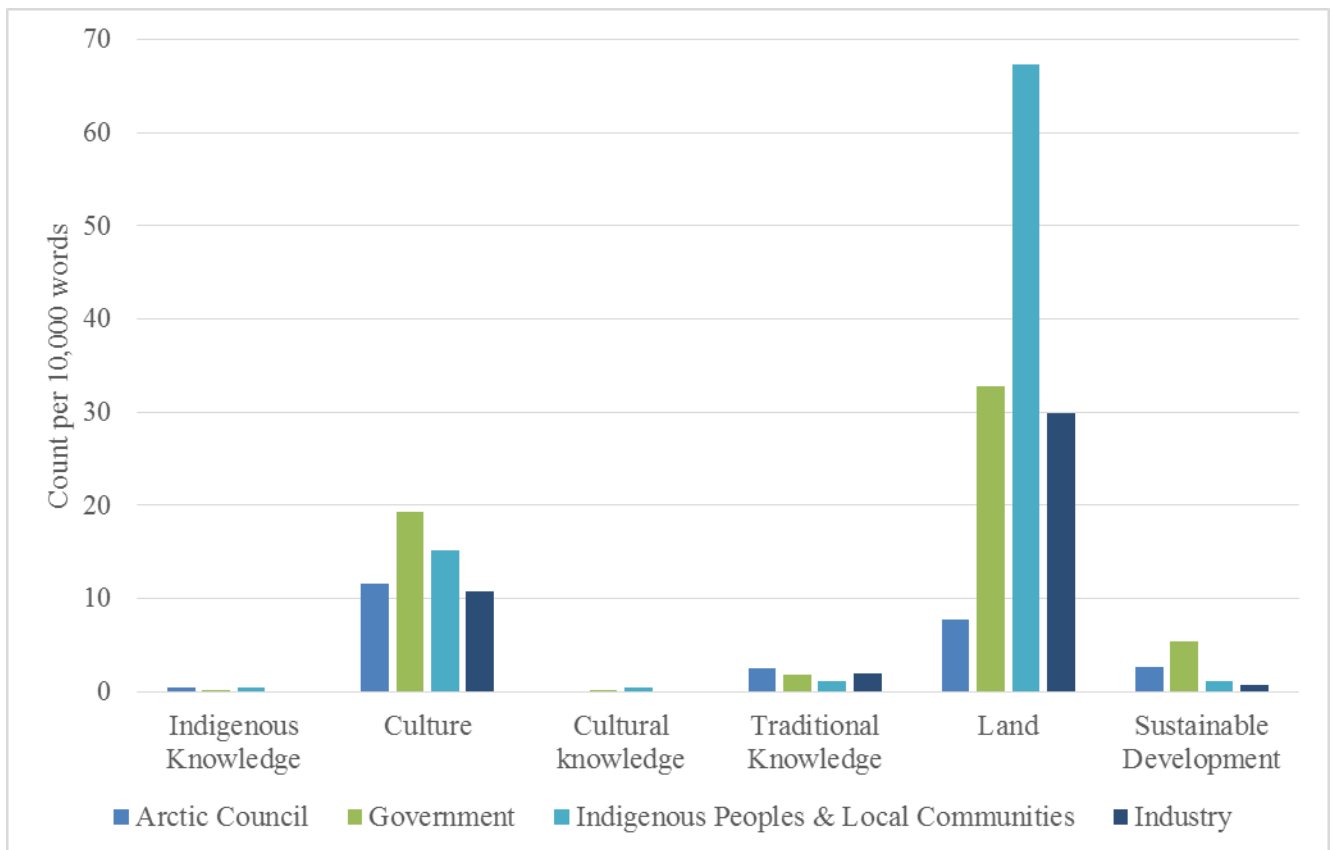
Figure 7. Frequency per 10,000 words of Indigenous Knowledge theme keywords by Actor

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).

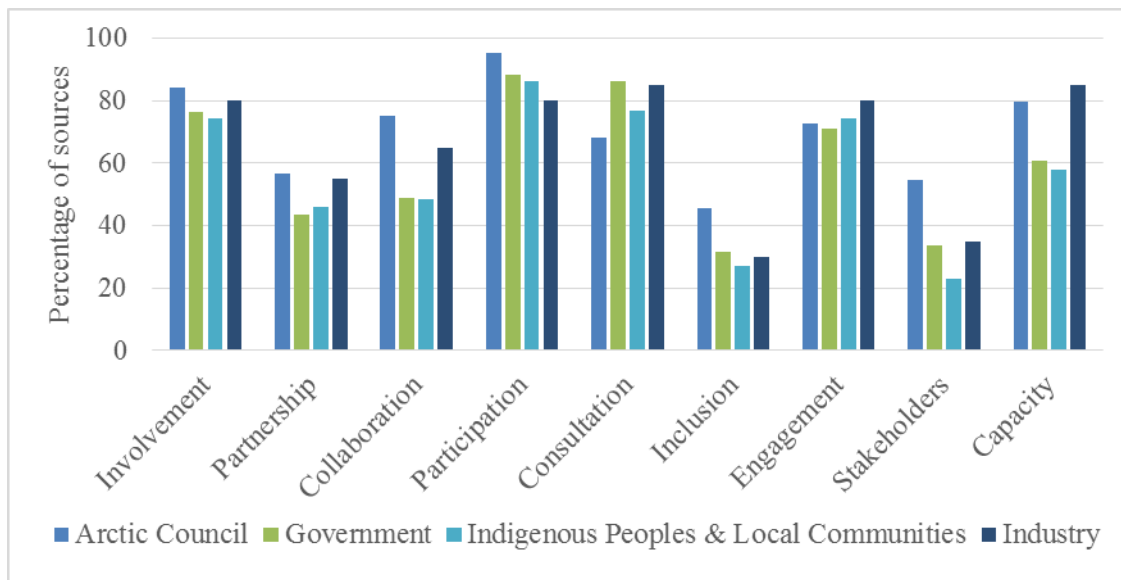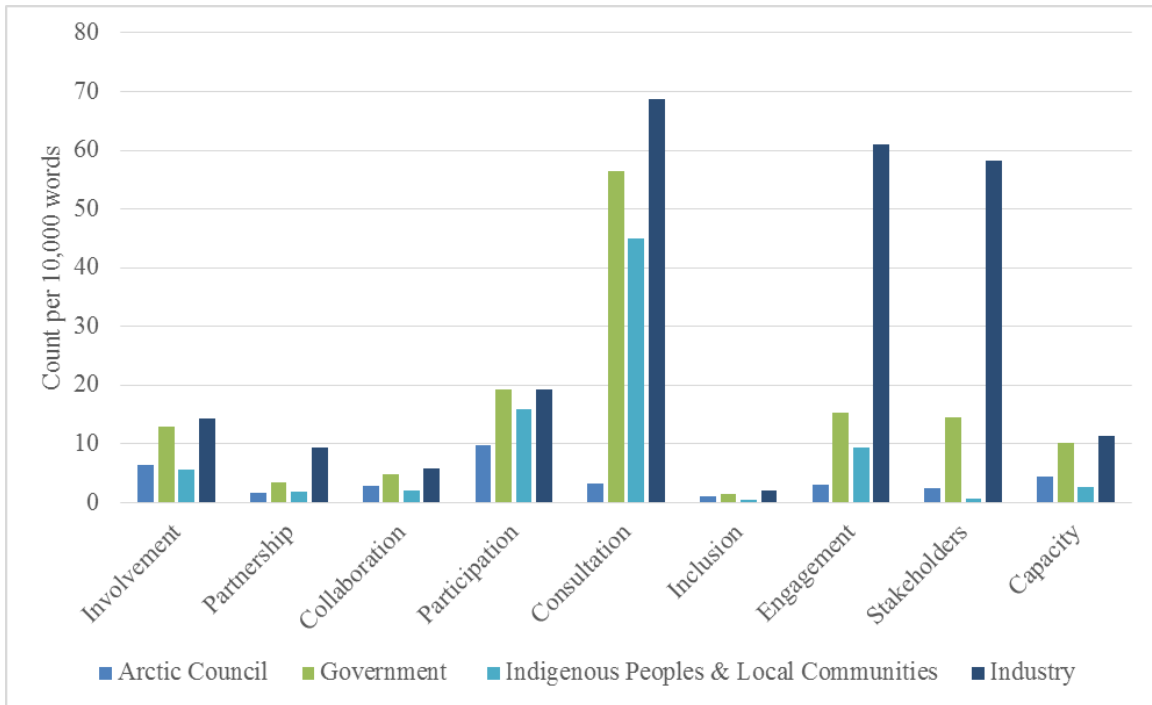*Figure 8. Percentage of sources referencing Involvement theme keywords by Actor*

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 TNMPA 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[4] 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

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[4] 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
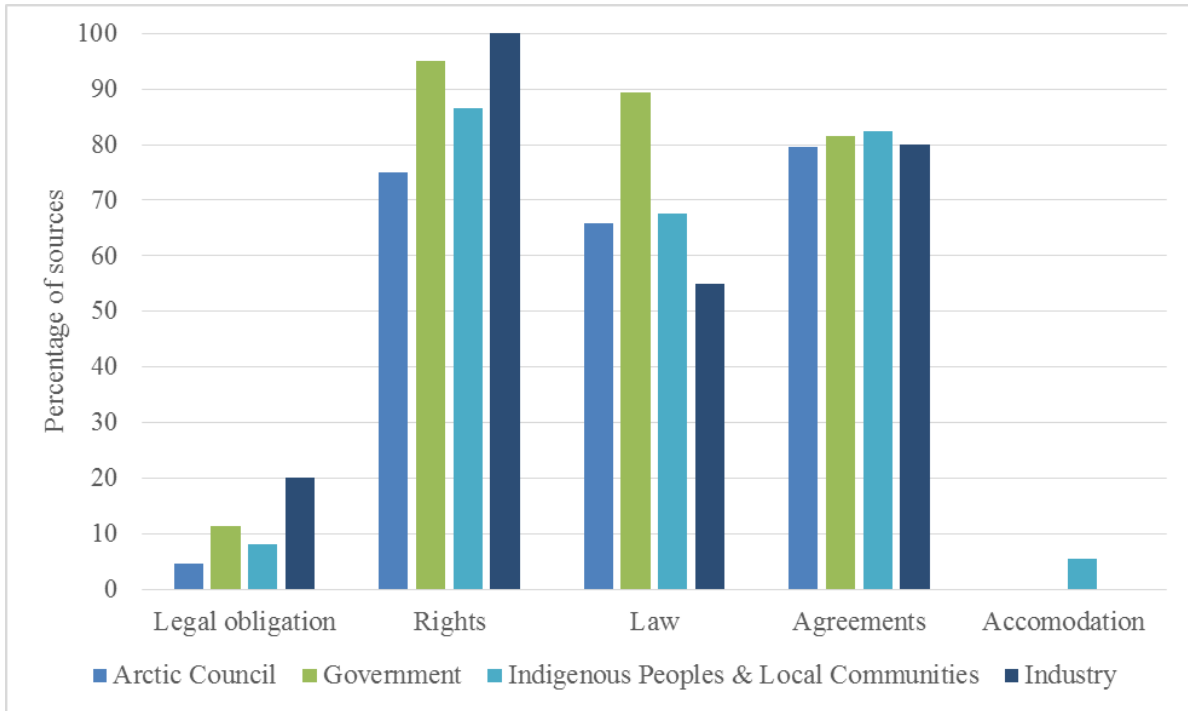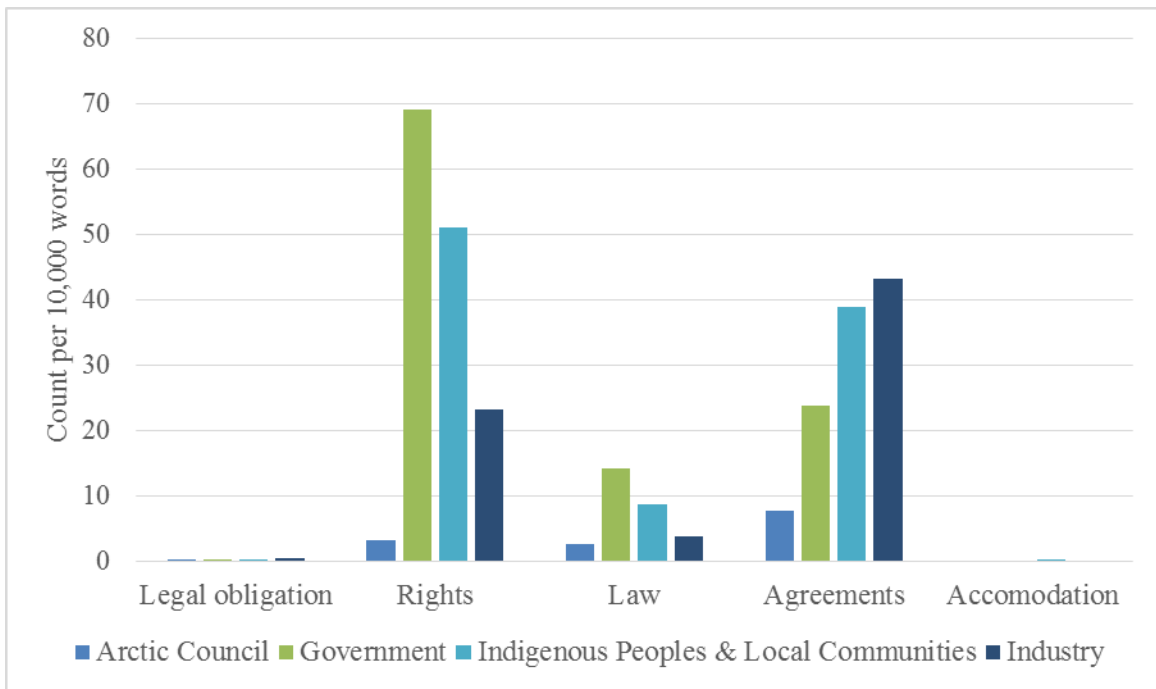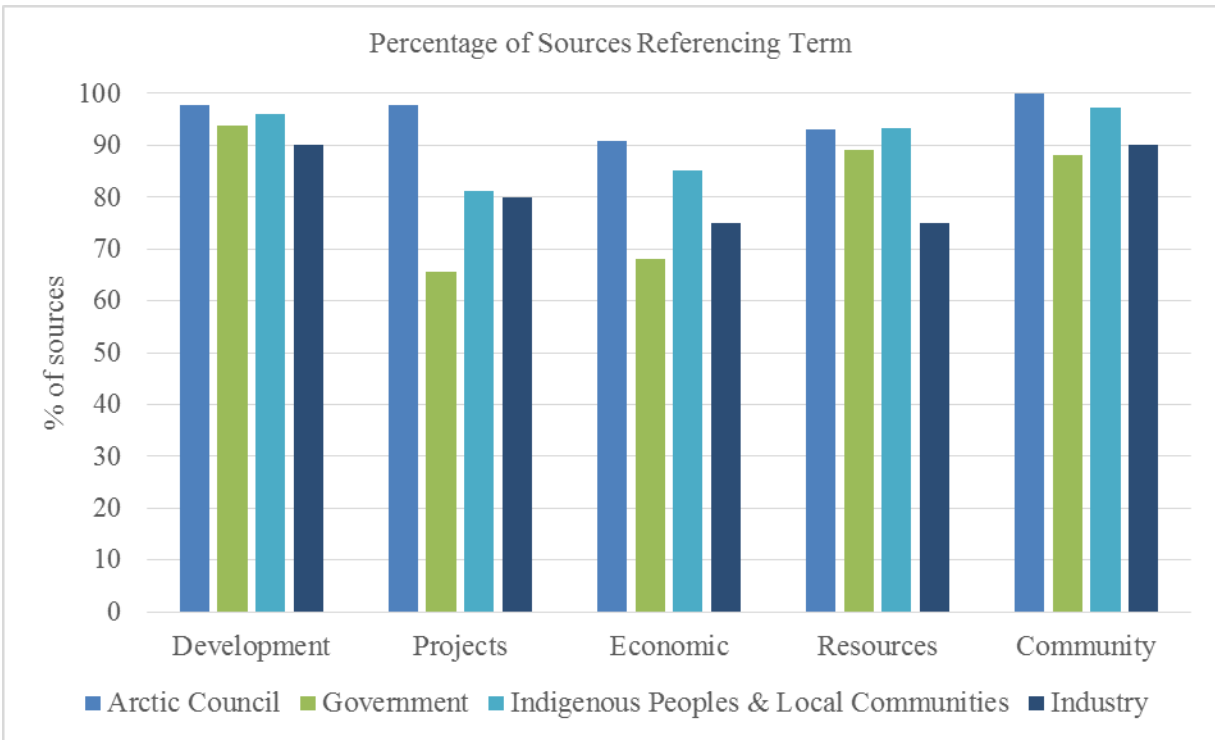
Figure 11. Frequency per 10,000 words of Mechanisms Facilitating Engagement theme keywords by Actor
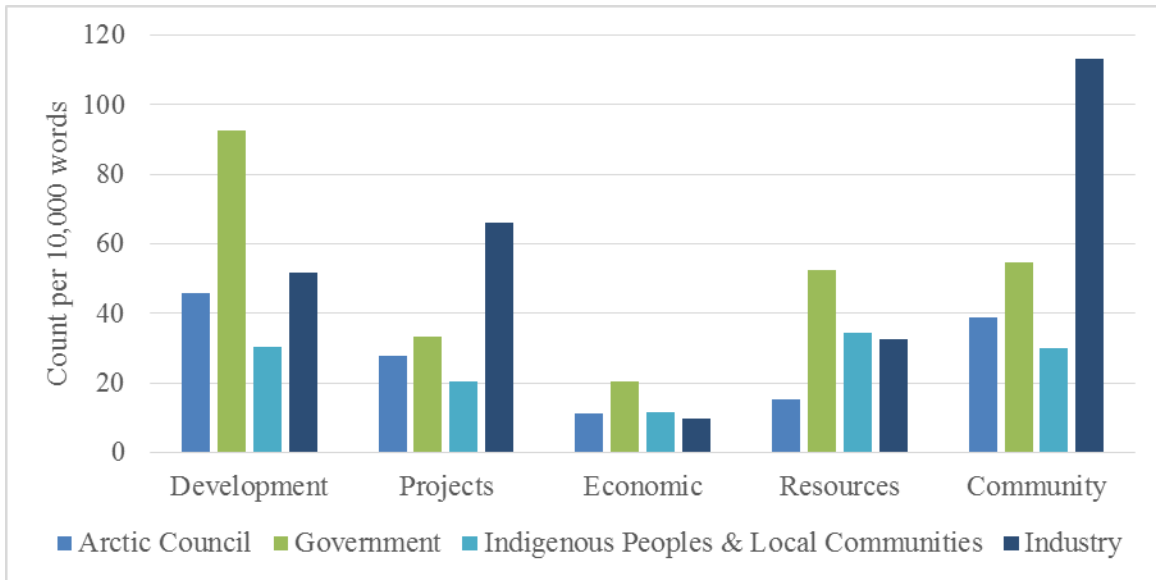

4.2.5 Development

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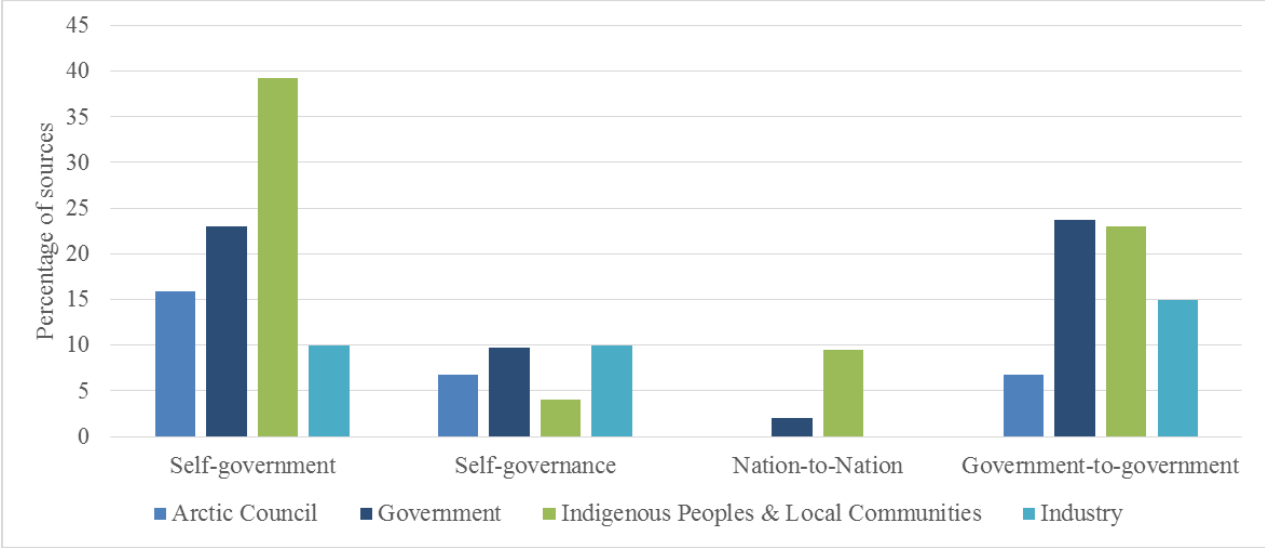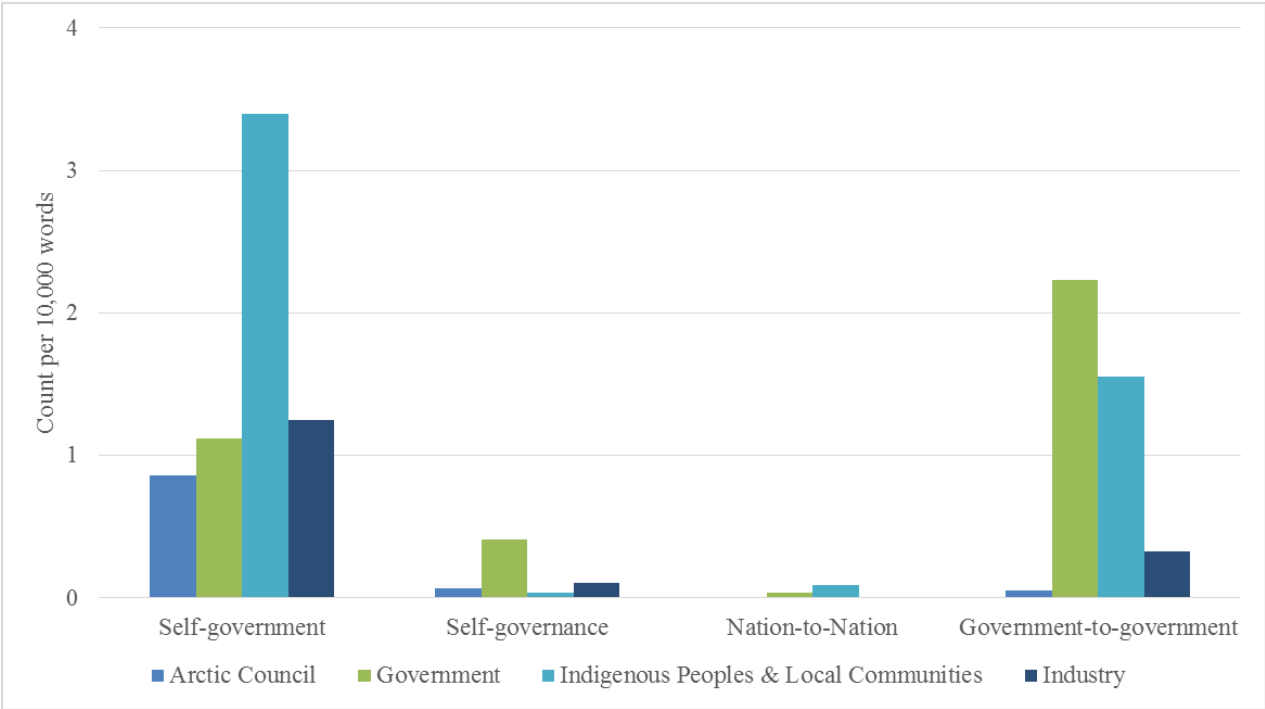
Figure 15. Frequency per 10,000 words of Self-Government theme keywords by Actor

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.[5] 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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[5] 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".[6] 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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[6] 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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