



## One size does not fit all: Changing approaches towards Aboriginal engagement

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Attaining an Aboriginal community's consent to a development project should not be viewed as a line item on a to-do list. Corporations that want to operate successfully in areas subject to Aboriginal interests must therefore find new ways of building or rebuilding relationships – and the first step is developing mutual trust.

The Boreal Leadership Council (BLC) – a working group of conservation organizations, indigenous peoples, resource companies and financial institutions – has developed a framework through which industry and government can engage indigenous communities. The BLC has asked industry and government to implement the idea of Free, Prior and Informed Consent (FPIC) - the right of indigenous peoples to offer or withhold consent to developments that may have an impact on their territories or resources – in other words, a veto power over resource development projects. FPIC cannot exist where a people does not have the option to meaningfully withhold consent.

The BLC – whose members include Suncor Energy, TD Bank and Tembec Inc. – has concluded that fears of “arming” indigenous leaders with a veto power are misguided. The BLC believes that adopting FPIC would serve to facilitate partnerships and not create a barrier to development. In essence, FPIC is the most meaningful olive branch that can be offered by industry and government; it is a tangible step down the path towards true partnership.

On September 20, 2015, the BLC released a report entitled “Understanding Successful Approaches to FPIC in Canada, Part 1”. The report identified several roles for industry in the consultation process, including,

- supporting indigenous communities to advance key policy issues, such as revenue sharing, with the government;
- jointly defining the engagement and consultation process, as early as possible in project planning (e.g. at the project exploration phase);
- working to obtain community consent through impact benefit arrangements (IBA);
- supporting the review of a project through community controlled research, in particular on the traditional knowledge and use of the indigenous people; and
- financially supporting indigenous communities' engagement and participation in negotiations, and their internal technical reviews of project and consultation documents.

FPIC will likely take years to be fully defined and implemented. In the short term, there are other means by which industry can engage indigenous communities for mutual benefit in addition to the consultation process outlined above. An indigenous engagement strategy could also include the following.

- Indigenous representation on boards of directors. In addition to the benefit of fostering a true partnership between a company and the communities in which it operates, the case for diverse board representation is clear: a plurality of opinion leads to better decision-making.
- Proactive introduction. Even before a project is proposed, a company should reach out to communities in which it aims to cooperate in the future – meaningful connections could be formed through, for example, establishing scholarships, supporting social programs, and financing environmental conservation activities.
- Be open to indigenous investment in the project itself.

While the foregoing are by no means a complete list of all of the ways a company can engage with an Aboriginal community, we believe such actions could assist in developing a sense of shared purpose that would promote both cultural identity and wealth creation.

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