



Summary of the Indigenous Advisory Committee Meeting on Crown/Indigenous Impact Assessment Agreements

October 19, 2020

Virtual Meeting

Meeting Objectives

To discuss the Agency's ongoing work with respect to collaboration agreements, and options for IAC (Indigenous Advisory Committee) to input into that work. The Agency is interested in advice related to the overarching principles related to the negotiation of such agreements, particularly with respect to how the Agency can support a robust nation-to-nation relationship between the Agency and Indigenous groups.

Agenda item: Introduction & opening remarks

The meeting began with a cultural welcome and an opening prayer from an Indigenous Elder. IAC (Indigenous Advisory Committee) co-chairs provided a welcome to members and opening remarks. An Agency representative provided opening remarks highlighting the importance of the IK (Indigenous Knowledge) Sub-Committees' work to inform the IK (Indigenous Knowledge) Policy Framework. An update on the work from the Technical Advisory Committee on Science and Knowledge was also provided. The TAC (Technical Advisory Committee) is focusing on priorities including health, social and economic effects, positive effects and cumulative effects. Sub-Committees will advance the work in each of these areas.

Agenda item: Overview of Collaboration Agreements

An Agency representative presented an overview of the Government of Canada's commitments in relation to reconciliation as IAC (Indigenous Advisory Committee) members consider this work capturing direct quotes from various pieces of work the Government is hoping to achieve in commitments of reconciliation:

- “Principle 4: The Government of Canada recognizes that Indigenous self-government is part of Canada’s evolving system of cooperative federalism and distinct orders of government....
- ...As informed by the UN Declaration, Indigenous peoples have a unique connection to and constitutionally protected interest in their lands, including decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands.”
- In the *Environmental and Regulatory Reviews: Discussion Paper* (June 2017)
 “Our Government is committed to deliver environmental assessment and regulatory processes that...advance reconciliation with Indigenous peoples...Ensuring that processes better recognize Indigenous jurisdiction, laws, practices and governance systems.”

A high-level overview of lessons learned to date and the path forward for the Agency’s work on these commitments was also presented. Key themes from the Agency’s engagement session on collaboration and partnership included: the importance of relationship building throughout the Impact assessment (IA) process, the importance of recognition and partnership as well as capacity-building. The Agency’s interim guidance on Collaboration was also highlighted as an area IAC (Indigenous Advisory Committee) could provide feedback on for strengthening the nation-to-nation aspect. The Agency is also seeking guidance from IAC (Indigenous Advisory Committee) on principles related to respectful recognition and negotiating broad agreements on nation-to-nation basis (non-project specific).

Agenda item: Discussion on Collaboration Agreements

Members reflected on how future agreements on IA could be used to clarify expectations in advance of projects, and build on existing approaches to implement Canada’s reconciliation commitments and respect for nation-to-nation, government-to-governing, Inuit/Crown relationships. Members highlighted the following principles to be considered for these agreements:

- **Timelines** – importance of ensuring these are set mutually with all parties and are reasonable, ensuring no delay in processes;
- **Flexibility/Certainty** – process should be both predictable and flexible. Important to ensure process can be customized for individual disputes, within parameters of an overarching framework;
- **Funding** – importance of flexible funding regimes, agreement negotiations must be funded to ensure Indigenous nations can effectively participate;
- **Impartiality** – negotiations without prejudice to processes or activities outside of the process. Will not affect the rights of Indigenous nations from seeking a remedy in court in

relation to any issue that may arise during an IA.

- **Measurable results** – Achieving better outcomes through tangible/measurable deliverables where communities can measure success.

Approach for IAC (Indigenous Advisory Committee) Work

A sub-committee was agreed to – to inform principles to be considered in agreements to reflect a nation-to-nation relationship.

- 3 members volunteered to sit on the sub-committee;
- Support expressed for a working session with two breakout groups to go through key questions, which would inform the sub-committees work.
- A Policy writer would support the sub-committee by penning the overarching Principles for negotiating agreements with relation to nation-to-nation relationships, to be submitted to the Agency.
- In a parallel process, the sub committee will direct the work of an academic to undertake research (gaps, best practices or an environmental scan of current and past examples of collaboration agreements.
- The targeted timeline to complete this work is January 2021.

Agenda item: Committees Business and next steps

An update was provided on the next steps for joint work between IAC (Indigenous Advisory Committee) and TAC (Technical Advisory Committee) on IK (Indigenous Knowledge) and Western Science. One area the Agency has deemed most helpful was advice on IK (Indigenous Knowledge) and Science to better inform proponents. Three members from the IAC (Indigenous Advisory Committee) volunteer to join the joint sub-committee on IK (Indigenous Knowledge) & Western Science, with the two volunteers from the Technical Advisory Committee.

An additional aspect of the joint sub-committee work discussed was the possibility to present their final deliverable at the International Association for Impact Assessment (IAIA) conference in May 2021 in Spain. The conference, entitled "Smartening Impact Assessment in Challenging times" is planning a session on "integrating Indigenous Rights and Knowledge into Impact Assessment". The work would benefit from the inclusion of case studies from communities who have experience in this area, including successfully weaving the two knowledge systems into the IA process. The Agency is looking into logistics and the possibility to send a representative from each committee and a community.

- The next IAC (Indigenous Advisory Committee) meeting will take place on November 9 focusing on next steps for the Institute of Governance Report, the committee's forward work plan, and work on Assessment of Impacts on Rights.
- The meeting ended with a closing prayer from an Indigenous Elder.

Indigenous Advisory Committee Action Items from October 19 Meeting

Secretariat Action Items:

- Prepare meeting summary for Members to review and finalize.
- Send placeholder and meeting materials for November 9 meeting
- Circulate email for joint IAC (Indigenous Advisory Committee) - TAC (Technical Advisory Committee) sub-committee members (roles, responsibilities, time commitment).
- Set up initial IAC (Indigenous Advisory Committee)/TAC (Technical Advisory Committee) sub-committee meeting and material.
- Set up Collaboration Agreements breakout meetings and material.
- Set up initial Collaboration Agreements sub committee meeting to discuss the academic piece.
- Pursue proposal for session at IAIA (International Association for Impact Assessment).

Members' Action-items:

- Review meeting summary;
- Provide Secretariat any further recommendations for academics and standing offer policy writer.
- Collaboration Agreements Sub-Committee to meet to discuss the work of the academic.

Attendees

IAC (Indigenous Advisory Committee) Co-Chairs

Sue Chiblow

Stanley Oliver (interim)

IAC (Indigenous Advisory Committee) CommitteeMembers

Suzie O'Bomsawin

Angel Ransom

Deana Sappier

Paul Jones
Melody Lepine
Jocelyn Gosselin
Rachel Olson

Regrets

Kyle Vermette
Stewart Lindale

Impact Assessment Agency

Ian Ketcheson
Susan Winger
Janice Zeitz
Emily Fairbairn
Christina Mulvena
Alana Green

Date modified:

2020-11-19