COMMON PRINCIPLES FOR ENGAGEMENT AND PARTICIPATION IN ENERGY AND MINERAL DEVELOPMENT

Public confidence is a critical factor in successfully developing and managing Canada's natural resources. It is achieved when the public trusts that resource development and management align with the broader public interest, risks are mitigated to ensure the safety and security of citizens and the environment, and benefits in the short and long term are shared.

Community engagement is critical to building public confidence in communities directly impacted by resource development. Engagement includes working with Indigenous and non-Indigenous community groups to build meaningful relationships, foster greater capacity and participation, and collectively identify remedies to address issues associated with energy and mineral development throughout their life cycle.

This document identifies common principles and a checklist of considerations for engagement and participation to help governments and regulators build and maintain constructive relationships in communities where energy and mineral resource development is taking place or being considered. The principles were developed based on success factors identified in public confidence and community engagement research and the 2016 National Workshop on Public Confidence, prior to the Energy and Mines Ministers' Conference (EMMC). They are also informed by efforts in some jurisdictions to develop community engagement principles and by the Compendium of Case Studies on Public Confidence prepared by the EMMC Joint Working Group on Public Confidence in 2016.

Recognizing that each project evolves according to the distinct interests of local and Indigenous communities and a unique set of environmental, political, social, and economic circumstances, the following principles and checklist should be viewed as guidelines to inform effective engagement in support of timely decision making.

Indigenous Engagement

Engagement with Indigenous communities must take into account the unique relationship between the Crown and Indigenous groups in Canada. Initiatives should be consistent with reconciliation efforts including upholding the Crown's obligations with respect to Section 35 of the *Constitution Act*, 1982 to fulfill the duty to consult and, where appropriate, accommodate Indigenous groups whose potential or established Aboriginal or Treaty rights may be adversely impacted.

Meaningful partnerships between Indigenous groups, governments or industry proponents can result from establishing mutually beneficial relationships founded on shared understanding and informed decision-making.

Jurisdictional authorities may also publish guidelines, policy statements and procedural protocols to support engagement with Indigenous groups. In addition to other tools, these resources should be used to maintain consistency with best practices and legal requirements according to the specific circumstances of an engagement initiative.

Common Principles for Engagement and Participation in Energy and Mineral Development

Engagement must start early

Early engagement is critical in building the foundation for a long-term relationship throughout a project's life cycle. Early engagement provides potentially affected communities with the opportunity to consider impacts and benefits, build capacity to engage, and participate in designing an appropriate engagement strategy that takes the community's interests into consideration.

Engagement must occur often and be meaningful

Engagement should occur often throughout the life of a project, while being aware of the communities' capacity to respond and in a timely fashion. Continued engagement following the issuance of leases and licences keeps the community informed of developments and builds confidence that the project is proceeding as expected and/or that modifications to design and implementation meet the expectations established during the approval phase. The same representatives consistently engaging with the community over time helps to build a trusting relationship.

Develop a common understanding of the purpose of engagement

Engagement processes work most efficiently when communities fully understand their role, their legal rights, the purpose of engagement, and how they can be involved in the outcomes at the outset of the process.

Inviting engagement and discussion on broader policy issues (i.e., climate change, reconciliation) allows communities and governments or regulators to exchange information and learn from each other, helping to form a trusting working relationship. However, these discussions should be kept separate from project-specific engagement. Informing communities of the appropriate forum or process for historical/legacy, policy, or political concerns that extend beyond the scope of a project helps to focus engagement.

Promote informed engagement

Making information accessible to communities or interested parties helps to facilitate engagement and build trust. This may include providing the details of a project as early as possible; using plain language that is easily understood; communicating in the language(s) commonly used in the community; and, using a variety of mediums to broadly disseminate information on the project and engagement process (e.g., social media, television, radio, newspapers, local community media). Technical reports related to the project should be made available in addition to summary information. Providing information well in advance of engagement opportunities provides communities the opportunity to review, discuss, and consider information before commenting.

Working with communities to identify capacity-building needs supports effective engagement and helps to reduce actual or perceived power imbalances. This may include providing educational opportunities to community representatives to improve resource literacy.

Be inclusive and listen with intent

All opportunities and fora for participation should be flexible to encourage broad participation from interested parties while balancing the need for timely decision making. Ample time should be provided for respectful interaction in order to understand the views of others and answer questions as part of the information-sharing process.

Ensure transparency and trust

Transparency helps communities/interested parties understand decisions are being made and how their views and contributions were considered as part of the project review process(es). Publicly reporting what was heard throughout the engagement processes in a timely manner can reassure participants that they have been heard. Putting processes in place to receive and respond to irritants or concerns from communities or interested parties demonstrates that all views are welcome.

Checklist for Engagement and Participation in Energy and Mineral Development

The following checklist provides a tool that may be considered by governments and regulators when planning community engagement.

		Yes	No
Objectives and outcomes	Have objectives for each engagement activity been clearly defined?		
	Is it clear how specific engagement activities contribute to the engagement plan for the entire life cycle of the project?		
	If broader issues (i.e., climate change) surface during the engagement activities, is there a process in place to inform participants on how they can raise issues on broader historical/legacy, policy, or political concerns?		
Building internal capacity	Are staff in the engagement process aware of the community's culture and its past experiences in relation to resource development projects?		
	Do staff have the skills and training to support effective community engagement?		
	Is there a readiness and willingness to learn from and respond to ideas from the public?		
Knowledge of the community	Has time been taken to recognize and understand community visions, protocols, and the different needs of the affected community?		
	Have the concerns and interests of different segments of the population (e.g., youth/seniors, diverse cultures) been considered?		
	Have leaders within the community been identified?		
	Has the political landscape and history of the community been considered and understood?		
	Is there a transition plan in place to ensure this knowledge will be retained and used when staff turnover occurs?		
Engagement methods	Is the format of the planned engagement activities accessible?		
	Does the selected format align with the objectives?		
	Does the format suit the nature of the initiative and the community being engaged?		
	Do regulators, governments, and communities have enough time and resources to support this approach?		
	Are there other formats or approaches that may also be used?		

		Yes	No
Including communities of interest	Is there a process in place to identify and address the capacity needs of participants?		
	Do potential communities of interest have an opportunity to meaningfully contribute and develop an informed position?		
	Have potential communities of interest been provided with the contact information of participants and community leadership?		
	Have participants been kept updated on the progress of the project?		
	Have participants been kept updated on the progress of consultation or engagement activities?		
Coordinating participation	Has information-sharing with other departments been coordinated before engaging with the community?		
	Have visits been coordinated among various government departments before engaging with the community?		
Promoting transparency	Does the community have access to the full details of the project?		
	Has balanced, accurate, and objective information been provided to all parties?		

Indigenous Engagement

The Checklist does not account for the unique relationship between the Crown and Indigenous groups in Canada. Initiatives should be consistent with reconciliation efforts, including upholding the legal duty to consult and, where appropriate, accommodate Indigenous groups whose potential or established Aboriginal or Treaty rights may be adversely impacted.