

# Beyond a Duty to Consult

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BEST PRACTICES AND CASE STUDIES  
FROM THE FRONT LINE OF CANADIAN  
INDIGENOUS PARTNERSHIPS

**CHRA Congress 2019  
Research Papers and Briefs**

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## Executive Summary

At the Canadian Housing and Renewal Association's 51<sup>st</sup> National Congress on Housing and Homelessness, representatives from Songhees Nation, M'Akola Housing Society and Development Services, and Fortis BC presented on "Partnerships that work: Indigenous Communities, Industry, and Affordable Housing Providers". This research summary further explores what it takes for a partnership between Indigenous communities, governments, industry and non-profit organizations to be successful and mutually beneficial to all parties.

Three questions are identified as necessary to be asked before embarking on, and throughout, a project or partnership:

- How do we properly acknowledge your territory? – There needs to be an impetus for change and stronger commitment to undoing harmful colonial structures<sup>8</sup>
- How do we honour your nation?
- How can we include you in this project?

*"How do we contact you?"*

- *Try the front door.*" – Christina Clarke

Partnerships need to go beyond legal or social expectations to consult with Indigenous communities – such as Duty to Consult or Corporate Social Responsibility agreements which come with their own set of criticisms of being ineffective and even tokenistic<sup>1</sup>. They require, open communication to understand the priorities of the community; time, to operate with patience and mindfulness towards partners; and making mistakes, and being comfortable with being corrected – within the context of colonial structures there is ample amount of healing and atonement that needs to be made alongside partnership models, and these forms of healing will not happen immediately. Partnerships need to embody strong social capital to challenge existing models and engage concretely with the needs and interests of a community.

Working within these partnerships often means changing structures internally and operating on a level of understanding driven by a true willingness to change and work together. Successful long-term commitments and projects with Indigenous communities and organizations suggest just that; Indigenous partnerships need to become corporate or organizational priorities and not simply an additional step within a single project.

**Beyond a Duty to Consult: best practices and case studies from the front line of Canadian  
Indigenous partnerships**

This is a research summary of the workshop session “Partnerships that work: Indigenous communities, Industry, and Affordable Housing Providers” which took place during the Canadian Housing and Renewal Association’s 51st National Congress on Housing and Homelessness in Victoria, BC on April 3, 2019.

Partnerships can be successful. The session presented examples from housing projects to community events, and demonstrated how partnerships between Indigenous communities, governments, industry, and non-profit organizations can be successful and mutually beneficial to all parties. Guidance and ideas were offered for others wanting to start similar partnerships and to bridge gaps in their communities.

As research indicates, with increased social consciousness surrounding the concerns and needs of Indigenous communities there is increased social responsibility towards these populations. In the last twenty years growing attention has been allocated to Indigenous-corporate partnerships. As within the framework of Corporate Social Responsibility agreements<sup>1</sup>, as discussed below, corporations have an obligation to partner with the Indigenous communities affected directly or indirectly by the business; an obligation that generally takes form in legal and regulatory parameters<sup>2</sup>. Beyond a more invested social consciousness concerning Indigenous populations in Canada, the obligation goes further. Reflecting on the 2015 Canadian Truth and Reconciliation Commission's (TRC) recommendations, an important element of reconciliation considers that industries actively partner with communities<sup>3</sup>. Engaging with the complexities of reconciliation within a settler state, it is evident that the status quo is not adequate when communities demand better social and economic opportunities.

Existing examples of Indigenous partnerships often offer case studies that limit themselves to one sector of collaboration. Canadian academic studies underline the value of partnerships in a public health context<sup>4</sup>, singularly corporate settings<sup>2</sup> and research collaborations<sup>5</sup>. The merit of these case studies is self-evident, however presented in silos they fail to bridge some of the commonalities between partnership models that ultimately define

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<sup>1</sup> Indigenous Corporate Training Inc. "Beyond Corporate Social Responsibility." *Indigenous Corporate Training Inc.* (blog), June 9, 2015. Accessed July 15, 2019. <https://www.ictinc.ca/blog/beyond-corporate-social-responsibility>.

<sup>2</sup> Anderson, Robert B. "Corporate/indigenous partnerships in economic development: The first nations in Canada." *World development* 25, no. 9 (1997): 1483-1503.

<sup>3</sup> Truth and Reconciliation Commission of Canada (TRC). *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*. Truth and Reconciliation Commission of Canada, 2015: 303.

<sup>4</sup> Chino, Michelle, and Lemyra DeBruyn. "Building true capacity: Indigenous models for indigenous communities." *American journal of public health* 96, no. 4 (2006): 596-599.

<sup>5</sup> Ball, Jessica, and Pauline Janyst. "Enacting research ethics in partnerships with indigenous communities in Canada: "Do it in a good way"." *Journal of Empirical Research on Human Research Ethics* 3, no. 2 (2008): 33-51.

best practice. The exercise of drawing together lessons and successes amongst different case studies helps to suggest that a model that fosters respect between partners is effective across sectors.

Using projects implemented by M'akola Housing Society and Development Services, Fortis BC and the Songhees Nation, concrete case studies are held against one another, drawing on the successes and lessons established from groundbreaking Indigenous partnership models. These models come in the form of development agreements, community spaces, and mixed-use projects designed for the community, among others, and offer both practical advice and real examples showcasing their value.

Creating partnerships goes far beyond meeting the needs of one another; it is reaching a stage where we are cognizant of being all of the same community. In creating exceptional links with partners, three questions that need to be asked before embarking on a project or partnership:

- How do we properly acknowledge your territory?
- How do we honour your nation?
- How can we include you in this project?

These questions become central not only as a means to beginning a partnership but are key elements to circle back to throughout the course of the partnership. In this spirit it is important to understand that effective partnerships are genuine, iterative and refining processes and communication throughout.

### **Beyond Duty to Consult**

Increasingly within social impact assessment there is a focus on active partnership models with Indigenous communities<sup>3</sup>. To create a partnership that works, motivated parties need to go beyond legal or social expectations to consult with Indigenous communities. Reflecting on

Canada's Duty to Consult: the legal obligation of the crown to consult with Indigenous populations in the event that a decision carries impact on the community<sup>6</sup>, similar responsibilities have come forward overtime for corporate entities. One such example is Corporate Social Responsibility agreements or clauses within a partnership. The notion of Corporate Social Responsibility introduces a form of engagement with Indigenous communities that creates expectations (such as environmental and social) in tandem with financial commitments<sup>1</sup>. The sometimes idealistic conditions applied through base models of partnership as implied through Duty to Consult or Corporate Social Responsibility agreements come with their own set of criticisms: communities often feel that these forms of partnerships can be ineffective and even tokenistic<sup>1</sup>. As Chataway explains, partnerships need to bring forward a strong social capital through the process of developing and sustaining the relationship. Social capital can be understood in this context as the informal networks and models of interpersonal trust that are created through partnerships that work<sup>7</sup>. It is this social capital that defines the sustainability and value of the partnership. Going further, entities wishing to partner with these communities need to challenge the existing models and offer something that engages concretely with the needs and interests of a community. In short, the objective of engaging in partnerships is operating on the foundation of a project that is based on genuine social engagements with a willingness to work together beyond tokenistic gestures.

### **Partnering with Indigenous Communities**

In the spirit of social consciousness reflecting on reconciliation, recent years have been marked by the increasingly important presence of territorial recognitions. It goes without saying that the cognizance of unceded territories and the communities that mind the land in question can

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<sup>6</sup> Northern Affairs Canada. "Government of Canada and the Duty to Consult." Government of Canada; Indigenous and Northern Affairs Canada. April 16, 2019. Accessed July 16, 2019. <https://www.aadnc-aandc.gc.ca/eng/1331832510888/1331832636303>.

<sup>7</sup> Chataway, Cynthia. "Aboriginal development: The process is critical to success." (2004): 65.

foster healthy reciprocal partnerships that work. The practice of reminding settlers and immigrants of the legacy of settler colonialism, as it exists, is an important practice. That being said, as Algonquin Anishinaabe-kwe scholar Lynn Gehl articulates, doing so fervently as another social formality does not help to create meaningful practices of decolonization. With territorial recognition there needs to be an impetus for change and stronger commitment to undoing harmful colonial structures<sup>8</sup>. With that, it is even more important, as a first step, that territorial acknowledgements be done properly.

Before embarking on a partnership, it is crucial to do some research on the community. What is the traditional name of the community? How is it properly pronounced? What territories does it overlap with? In the same breath, does the community you are addressing work in partnership with the overlapping communities? Not all communities agree on territorial boundaries: be sure to operate with knowledge of current territorial politics and the upmost diplomacy. Ultimately the way to address a community as well as the relationships they have with other communities is entirely particular to their inner politics. In turn, the obligation of an outsider and a potential partner is to listen and respond to the parameters, history and formalities with respect.

### **How to begin**

*"How do we contact you?"*

*-Try the front door."* - Christina Clarke

Establishing partnerships may begin with an introduction that goes beyond simply recognizing the territory that the community is based on. It is an introduction that offers information on who you are and asks questions about who they are. While community outreach does often

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<sup>8</sup> Gehl, Lynn. "Is Acknowledging Indigenous Territory Enough?" *Policy Options* (blog), July 27, 2017. Accessed July 16, 2019. <https://policyoptions.irpp.org/magazines/july-2017/is-acknowledging-indigenous-territory-enough/>.

come in the form of legal or social responsibilities, these reflective introductions help create sustainable and meaningful relationships that bolster project success. That being said, the first steps towards working together can be daunting. In the spirit of transparency and accountability it is important to open communication by presenting yourself directly, in person, to a community. During any initial visit to the community, a clear reason for your presence should be expressed; it is important to be straightforward with future partners. Additionally, visiting and creating a link early on is important as it allows parties to develop an in-person relationship that is not simply based on the needs of one. In this spirit, it is helpful to initially approach communities without a formal request or want and allow the partnership to develop first. Reciprocally, this allows time to better understand the priorities of the nation, community or organization and help them by getting involved and being earnestly present for their needs and wants.

The initial visit should be accompanied by the gesture of a letter and a gift. Resounding this claim, the Community Futures British Columbia Aboriginal Engagement Toolkit (2008) explains that when first approaching a community a letter clearly articulating intentions and what you hope to accomplish through this partnership is important. The letter needs to be addressed to the leadership of the group (such as an elder or organizational director) and make clear that the letter comes in the form of request and not a demand<sup>9</sup>. This letter needs to remain mindful of language and be authentic; token gestures will not foster sustainable partnerships and can be deceitful. Accompanying the letter should be a simple gift that can be of use for the community (homemade baked goods being a good example); avoid overly branding your gift and once again, remain authentic in offering something meaningful.

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<sup>9</sup> *Community Futures British Columbia Aboriginal Engagement Toolkit*. Report. Community Futures British Columbia. Accessed May 03, 2019. <https://www.communityfutures.ca/sites/default/files/documents/CFDA%20Aboriginal%20EngagementToolkit%20revised%20January%202008.pdf>



## **Putting in the time**

As with any successful relationship a community partnership that works demands time and commitment from both parties. Embarking on developing a partnership that will demand time and resources from one party inherently suggests an important time commitment from the other party. In short: it is important to put in time and attention, in order to receive it. Nurturing an effective partnership can come in the form of elements like gestures, carefully selected representatives and patience.

An example of a gesture within an effective partnership comes from M'akola and Fortis BC: following a Beecher Bay community event featuring a youth drumming circle, M'akola noticed that although there were many children enthusiastically participating in the drumming circle there were very few drums and the children had to share. Further investigation indicated that there were not enough drums in the community. Approaching their partner Fortis BC, M'akola was able to work with the company to have them fund the drums for the children. The two partners then coordinated with another community to purchase kits for the children and facilitate a drum-making workshop, thus ensuring that everyone had access to their own drum. This example illuminates the value of gestures as it was not a business-specific move, but simply an act of kindness that operates in full respect and cognizance of a community's needs.

Committing to a quality partnership necessarily depends on having the right person to liaison with the community. Considering that hierarchy matters in this circumstance, the legitimacy of the partnership often relies on a well-articulate and meaningful representative to address an elder, chief, director, etc. Essentially, if you plan to address one of the most influential people in a community, it is important to send the equivalent as your liaison. Dedicating an important representative to this work indicates a level of investment towards the partnership.

Finally, putting in the time means operating with patience and mindfulness towards your partner. This is best exemplified in verbal communication: often non-Indigenous individuals struggle with prolonged silences. Their response is often to fill in the void or repeat themselves. On the part of Indigenous partners, a prolonged silence often indicates a moment of reflection; that in fact they have understood the comment or question, take it seriously, and are meditating the proposition for a carefully reflected response. Repeating the question in this instance may suggest that you question your partners ability to understand. Engaging the right level of mindfulness and patience allows the other party to respond fully and it leaves room for thoughtfulness. Be comfortable with silence and enjoy fully reflected responses from your partner.

### **Making Mistakes and How to Recover**

Developing partnerships with Indigenous communities requires an ample amount of humbleness. As Clarke, Huber and Driechel articulate in *Partnerships that Work*, while creating partnerships that work is worthwhile, it also involves recognizing pitfalls and learning to recover. Within the context of colonial structures there is ample amount of healing and atonement that needs to be made alongside partnership models and these forms of healing will not happen immediately. Speaking to this, it is impossible at times to plan for the mistakes that will inevitably come up along the way. Partnerships, above all, encourage humility and humor in these situations with some additionally practical reflections.

In a similar vein as the discomfort with silence, it is important to become comfortable with being corrected. When a partner takes the time to tell you what you did wrong it is because they want to continue the partnership. If the mistake was serious enough to warrant ending a partnership the other party will not invest additional time and emotional labour to correct you. When trying to create a partnership that works, communities are generally pleased to see an

effort sustained by the other party and are cognizant of the humility that it takes to admit fault; these elements lead to a mutual respect for one another.

**Case Study: Partnering to bring communities together: Songhees Wellness Centre**

The case of the Winter Wellness Event offers a glimpse of a successful partnership founded in the interest of community wellbeing. Following the application for an Indigenous wellness grant five years ago, M'akola Housing Society and M'akola Development Services, were allocated a sum from the First Nations Health Authority to sponsor a wellness event. When looking for a location for the event, the Songhees Wellness Centre was contacted and the project was expanded to incorporate the interests of the Songhees community. Rather than operating in silos or in competition with one another, M'akola joined forces with the Songhees Wellness Centre to create the Winter Wellness Event.

While typically outside of M'akola's immediate mandate scope, this partnership led to an incredibly successful wellness event. The event itself featured several culturally relevant activities, including knowledge sharing from an Elder, access to a healthy meal, and traditional song and dance. Now in its fifth year, the Winter Wellness Event is the most well-attended event at the Songhees Wellness Centre.

This case study underlines the value of projects with no ulterior motive other than simply being for the benefit of the community. This kind of work establishes a real relationship and leaves opportunity to build external business connections that otherwise can be more challenging. Needless to say, working together is easier when you already have an established legacy and friendly working relations; in this particular case it all began with a phone call and a willingness to share funds and a project idea.

**Case Study: Building Meaningful Relationships through equal partnerships: Langford, Beecher Bay and Metchosin**

*“No one wants to be brought into a partnership where they don’t feel like an equal.”*

-Charla Huber

An interesting example of an effective and groundbreaking partnership model can be found between the communities of Beecher Bay, Metchosin and Langford. This project began when Langford, BC wanted to create an industrial site on the line between Langford and the Indigenous community of Beecher Bay. The project in question posed important implications for a parcel of land within Beecher Bay because it would be needed as a buffer to the industrial zone. This particular piece of land was allocated to Beecher Bay in a treaty agreement and is situated on the line between Beecher Bay and Langford, neighbouring Metchosin. These communities have not always maintained close relations and the proposal of development posed potential conflict. For example, Metchosin is in general extremely opposed to development while Langford, on the other hand, is generally enthusiastic about development. Ultimately the three communities were able to come to an agreement about using the land.

The solution to what would have otherwise been a potentially loaded conflict was comprised of both political and social components. The political embodiment of this partnership was accomplished through renegotiating the municipal boundaries, a first in Canadian history. This additionally came with dividing the tax revenue generated from the industrial zone equally across the parties. The social implications of this agreement were perhaps more profound. When Beecher Bay Chief Russ Chipps was approached about the agreement and asked about the nature of its success, he explained that it happened because the two mayors approached him as an equal. As simple as it may seem, the partnership was accelerated when the key partner was approached and felt respected. The core point was ultimately engaging with the other partner and seeing them not by what they lack, but rather what they bring to the table and highlighting that contribution from the beginning.

### **Case study: 731 Station Avenue**

The M'akola Housing Society 731 Station avenue project is an example of embarking early to establish partnerships that work. When the corporation decided that they would be building a multi-phase 100 unit affordable housing project for Indigenous families and elders they recognized that they would quickly have to approach the 10 nations involved with their three questions: How do we properly acknowledge your territory? How do we honour your nation? How can we include you in this project?

The community responded by indicating that they wanted Indigenous youth art to be featured throughout the project. Before embarking on any development, M'akola first commissioned four up-and-coming artists to create murals; this first set a precedent of a commitment to Indigenous youth art. Specifically within the project, before breaking ground, they approached the project's interior designer and reflected on this requirement from the community. The designer suggested launching an art competition for young artists; the work submitted would eventually become part of the design of the project. The competition itself was created with maximum accessibility in mind: artists would be delivered a pack of a paper and pencils, sponsored through M'akola and delivered through their nation, and would subsequently submit a piece to compete with. Ultimately the pieces will be incorporated into a tapestry found within the building.

In addition to working on the community's need for Indigenous youth art, M'akola incorporated new office space for their development services in the building, as well as a new head office for Hulitan family & community service, an important Indigenous service provider within the greater Victoria area. Ultimately the project, which began construction in December 2018, aims to offer a dynamic and multi-faceted approach to addressing a given community's needs.

One core element to retain from this project is that consultations began before the development; deliverables reflecting the community's priorities were delivered to them at the beginning of the project, as well as throughout. Once again in this case, partnerships that work begin even before projects do.

### **Key Takeaways**

Partnerships with Indigenous communities go far beyond a legal or social responsibility and situate themselves far more concretely within the realm of common and best corporate practices. While extensive experience brings about a wide range of teachings, Clarke, Huber and Driechel's *Partnerships that Work* panel underline the core elements from their toolkit for developing partnerships that work with Indigenous communities: engaging for the right reasons, long-term commitments, honest intentions and partnerships that strengthen communities.

While it may seem self-evident, the best partnerships are the ones founded on the right reasons. Partnerships that work operate on a level of understanding and symbiosis that goes beyond legal and social parameters and are driven by true willingness to change and work together. Working within these partnerships often means changing structures internally and with a permanent vision for change. Long-term commitments and projects with Indigenous communities and organizations suggest just that; Indigenous partnerships become a corporate or organizational priority and not simply an additional step within a single project. This approach institutionalizes best practice with communities and as an added bonus, helps network and multiply community partnerships.

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