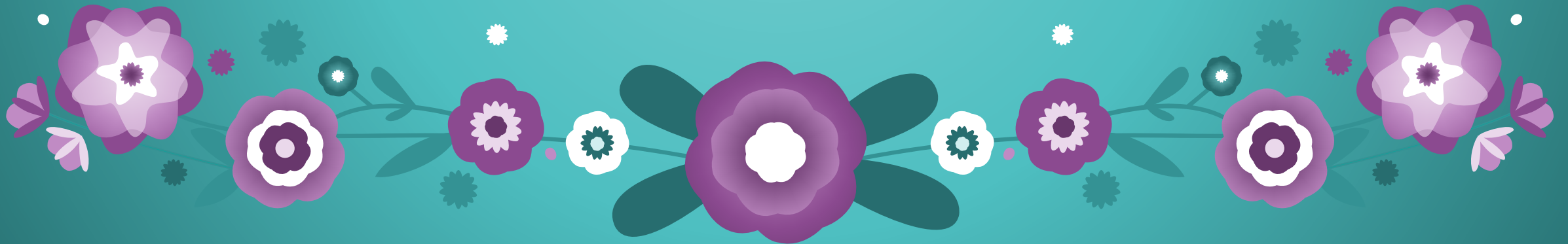


Building Relations with Industry

National Aboriginal Lands Managers Association
September 27, 2023



Truth & Reconciliation Commission

- The Truth and Reconciliation Commission (TRC) released their final report in June 2015
- TRC Call to Action 92

We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

TRC Call to Action 92

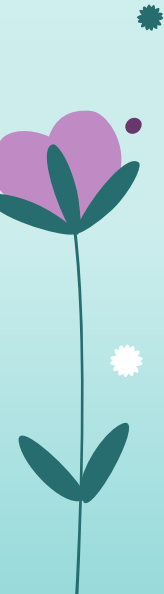
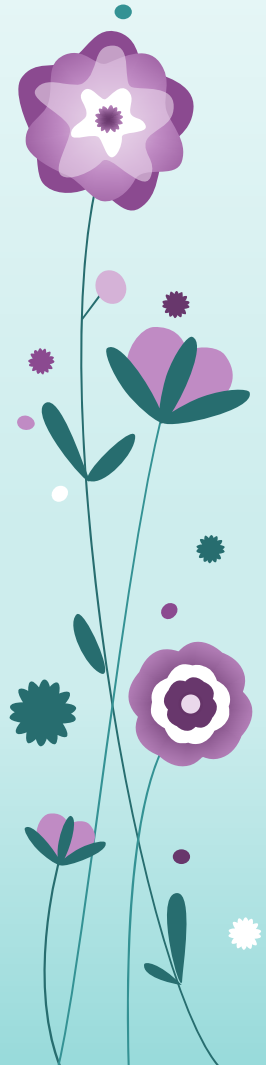
- Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects
- Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Find the opportunities

- Understand the economic opportunities locally, regionally, provincially and nationally
 - Agriculture, tourism, green energy, resource development (timber, mines etc)
- Identify and prepare for major projects
- Identify opportunities for partnership – what skills, assets or resources does your Nation bring to the table?
 - Example: Culture, timber, people, land

Connecting with Industry

- Reach out directly
- Meet with representatives – invite them to your Nation, attend trade shows and conferences
- Through the regulatory processes and duty to consult

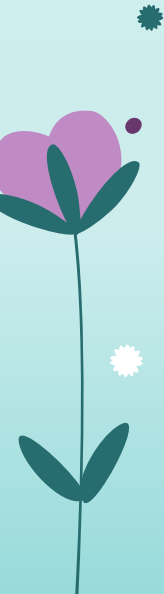
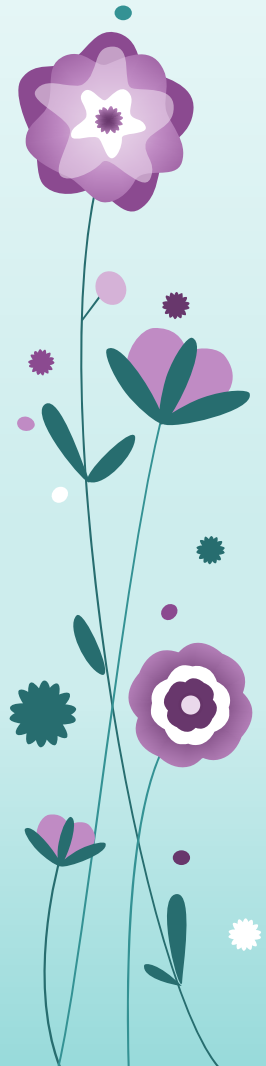


Duty to Consult

- The Government of Canada has a duty to consult, and where appropriate, accommodate Indigenous groups when it considers conduct that might adversely impact potential or established Aboriginal or treaty rights.

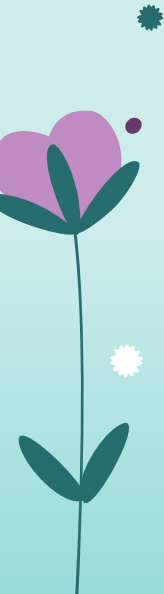
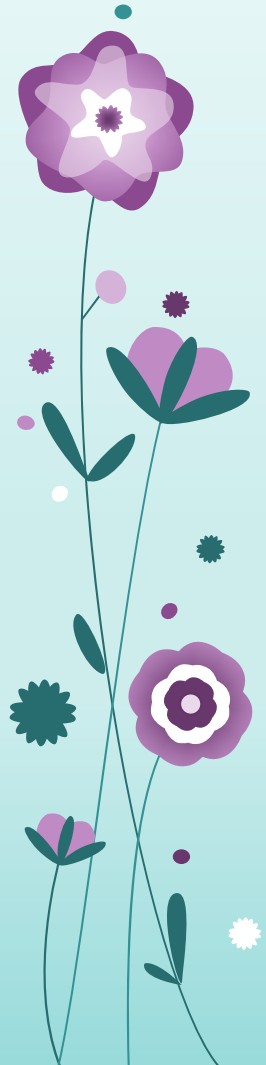
- Government of Canada, Crown Indigenous Relations

- [Government of Canada and the duty to consult \(rcaanc-cirnac.gc.ca\)](http://rcaanc-cirnac.gc.ca)



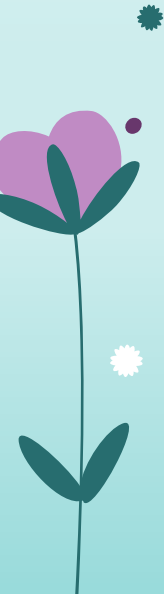
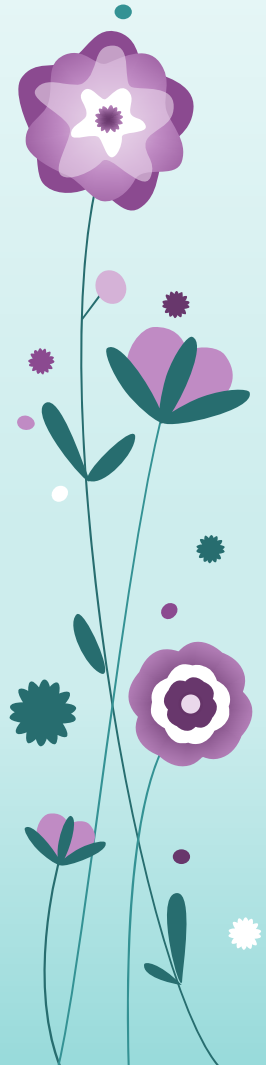
Duty to Consult – WHO?

- Government of Canada....
 - Canada Energy Regulator
 - Impact Assessment Agency
 - Environment & Climate Change Canada
 - Fisheries and Oceans
 - Canada Nuclear Safety Commission
 - Indigenous Services Canada



Duty to Consult – WHO?

- Provincial Government
 - Indigenous Consultation Office
 - Energy Regulator
 - Environment & Protected Areas
 - Energy & Minerals
 - Forestry & Parks
 - Agriculture & Irrigation
 - Culture and Historic Sites



Duty to Consult – WHO?

- Industry and resource developers....
 - Oil and gas producers – conventional and oil sands
 - Forestry
 - Sand & Gravel
 - Grazing leases
 - pipelines
 - Green energy – solar and wind
 - Hydro
 - Mining – minerals, uranium

Role of Industry

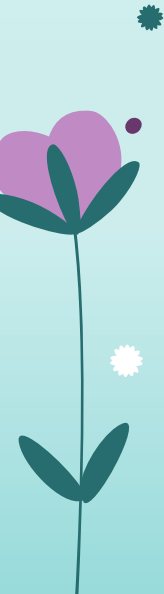
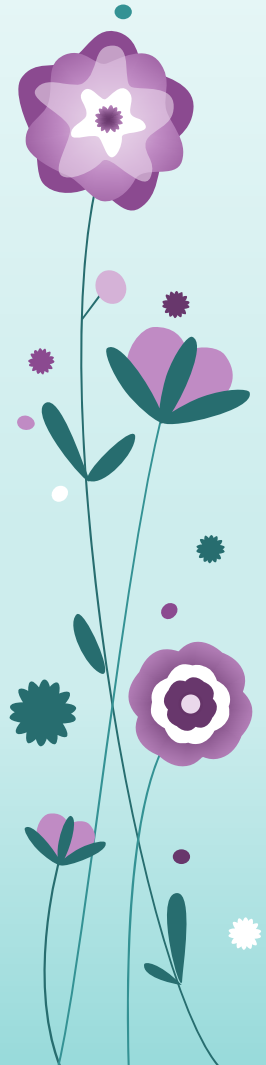
- To work directly with the affected Indigenous group to identify and understand the scope, scale and duration of impacts to rights and uses on the land
- Identify where impacts can be avoided
- Develop mitigation measures to reduce impacts
- Accommodate where impacts cannot be avoided or mitigated
 - Compensate for loss of use
 - Provide opportunity for economic participation

Traditional Use Sites & Resources

- TLU is a tool used to identify and measure impacts to rights related to major projects and resource development. TLU assesses:
 - Hunting, trapping, fishing and picking areas
 - Moose, deer, elk and fish
 - Medicinal and ceremonial plants
 - Water and soil
 - Ceremonial and historic sites
- Its critical to understand the extent of what is lost and how to monetize the loss

Accommodations

- Negotiated with proponent (industry)
- Avoidance
- Mitigation
- Compensation
- Economic Participation
- Monitoring and compliance



Economic Inclusion

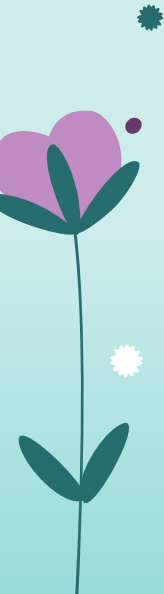
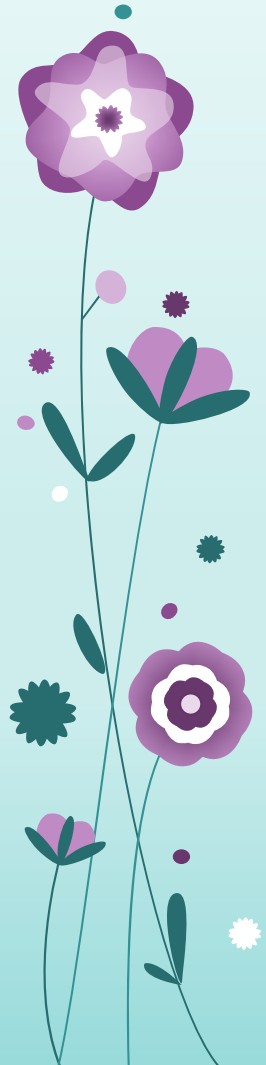
- Use your leverage – impacts to rights, reconciliations, UN Declaration
 - How much is lost due to proposed development
 - Land back
 - Revenue sharing
- Motivate regulators to condition projects with Indigenous Inclusion
- Identify what you have to offer – people, skills, equipment, land/resources
- Find trustworthy and committed partners that have positive reputations and experience in the sector

Partnering with the private sector

- If it sounds too good to be true it usually is!
 - Quick money is often not a reality
- Vet partners thoroughly
- What experience do they have with Indigenous Peoples, our issues and cultures? Are they open to cultural awareness training from you/your Nation
- What is their track record?
- Are they sincere in their words? Do their actions match?
- Understand what is required of you and your Nation

Types of partnerships

- General Partnership – most common and simple
- Limited Partnership – consists of one or more general partners who have unlimited liability, and one or more limited partners who have limited liability (depends on contribution to the partnership?)
- Limited Liability Partnership – all partners have limited liability
- Tip – use legal counsel to formalize Limited & Limited Liability Partnerships.
- Tip - Start with general partnerships



Start simple

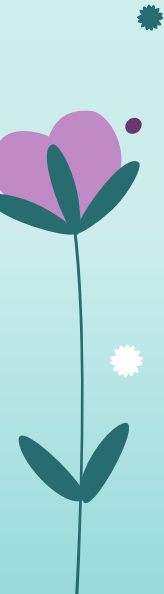
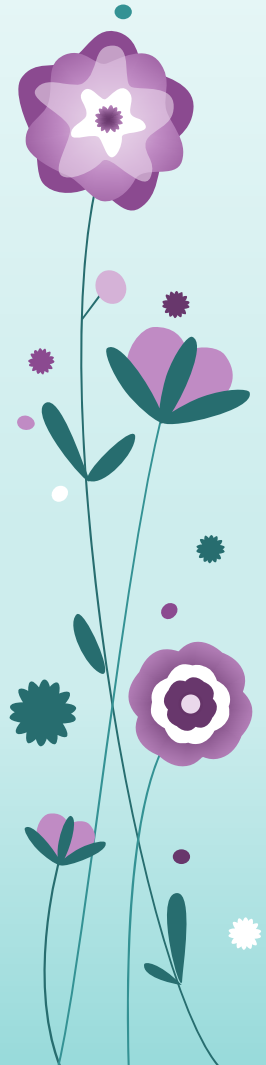
- Get to know the business line and the company
 - Privately owned or publicly traded?
 - What are their core values?
 - How long has this company operated within your territory?
 - Who are their shareholders?
- General partnerships allow time to get to know one another
 - Provide revenue share to assist with capacity
 - Offer training for your citizens
 - Offer employment for your citizens
 - You offer your name and logo

Limited partnerships

- Formed between two companies
 - Example: First Nation Group of Companies & Resource Company X
- The partnering company usually has experience in the area and established contracts/clientele
- Both parties provide capacity – people, time, money
- Greater share in revenue and profits
- long term

Limited Liability Partnership

- 51% - 49% share – at least 51% Indigenous owned
- Greater opportunity for long term benefit
- Greater opportunity to increase visibility
- Greater opportunity to benefit your citizens



Joint Ventures

- A joint venture (JV) is a business arrangement in which two or more parties agree to pool their resources for the purpose of accomplishing a specific task. This task can be a new project or any other business activity.
- Each of the participants in a JV is responsible for profits, losses, and costs associated with it. However, the venture is its own entity, separate from the participants' other business interests.
- JVs require experience, capacity and other well established resources from the Nation

Other considerations to be successful

- Define the vision and mission for your Nation
- Separate politics from business
- Be patient – mutually beneficial partnerships take time to establish
- Stand firm to your Nation's values, goals, priorities and aspirations
- Understand the demands on people, time and money – we are on their clock!
- Learn their jargon, acronyms and technical terminology
- Recruit trusted professionals to support you – environmental, business advisors, legal counsel



Open discussion - Questions

Hai hai – Kinanaskomtin - Marsi – Meegwitch – Thank you

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