

INDIGENOUS POLICY CONFERENCE SUMMARY REPORT: BEYOND RECONCILIATION

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SUMMARY

The School of Public Policy (SPP) at the University of Calgary organized a conference to announce the establishment of its Indigenous Policy program and to share knowledge and stories about policy issues critical to Indigenous Peoples in Canada. The conference, titled “Beyond Reconciliation,” was held at the University of Calgary Downtown Campus on Nov. 21, 2016 and was attended by 73 participants. This included Indigenous elders, chiefs and leaders, and members of Indigenous organizations, including a women’s group. Also included were members of universities and academic institutions, including students; industry representatives from the oil and gas, pipeline, forestry, electricity, legal and financial sectors; as well as representatives from government and regulatory agencies.

The purpose of the conference was established with the following abstract, which was circulated to speakers and participants:

The School of Public Policy is establishing a new Indigenous Policy program in order to produce widely disseminated research and engage in outreach that covers an array of policy areas, such as health, education, self-government, and natural resource development. The program will directly engage Indigenous communities in the search for original, long-term, and evidence-based solutions, as part of an effort to improve our national capacity in problem-solving and policy development. The conference will provide a platform to launch the program, showcasing preliminary research and providing a venue for discussion of policy solutions.

The conference included three moderated panel sessions and a keynote speaker.¹ The first panel considered business and entrepreneurship in Indigenous communities; the second panel showcased case studies that are examining the experiences of Indigenous communities with natural resource development projects, and particularly their experiences with consultation and engagement. The final panel focused on ways of improving the consultation and engagement process with Indigenous communities. This report summarizes both the presentations and the major themes explored at the conference. The purpose is to capture the ideas and debates emerging from the conference, and provide an overview of the day for interested policy-makers and the public. The report begins with an outline of

¹ See conference program, attached as an appendix.

the agenda, before summarizing each of the panel sessions and the keynote speaker's presentation. The concluding section provides a discussion of the key themes emerging from the conference and next steps for policy-makers and researchers.

Three students enrolled in the SPP's Master of Public Policy program took detailed notes throughout the day. The authors thank them for their thoroughness. The student notes and the authors' notes were used to inform this report.²

OPENING REMARKS

Blaine Favel, a prominent Indigenous community and business leader in Canada and executive fellow at The School of Public Policy, acted as chair of the conference and welcomed participants to the traditional territories of the Treaty 7 peoples and Metis Nation, Region 3.

The conference was opened with a blessing from Elder Adrian Wolfleg, from the Siksika Nation. He stressed that, when looking at reconciliation, it is important to understand the stories of those who survived, what they survived, and what their survival looks like now. He stressed that this required looking beyond the statistics related to Indigenous populations, to the people behind the numbers. Elder Wolfleg finished with some remarks that set the tone for the conference. He encouraged participants to think of those that have helped you, those that have shaped you and those you want to impact, and to pray for that next step to leave a footprint.

Pierre-Gerlier Forest, director and Palmer Chair at The School of Public Policy, followed and thanked Elder Wolfleg for his advice and leadership. Dr. Forest shared why the new Indigenous Policy program is called "Beyond Reconciliation." He explained that true reconciliation will happen when we have passed the current state of legal and financial reparations and it will require issues of employment, health and social justice to be addressed. These issues cannot be addressed piecemeal; they require sustainable, high-level policy-based solutions.

PANEL 1: SUPPORTING BUSINESS AND ENTREPRENEURSHIP IN INDIGENOUS COMMUNITIES

The first panel focused on supporting business and entrepreneurship in Indigenous communities, and featured several prominent figures in the Indigenous business community in Canada. One member of the panel shared some brief thoughts on the history of economic development and Indigenous Peoples in Western Canada. He noted that when historical treaties were signed, the government's idea was to transition First Nations people from hunters to farmers and ranchers. But the European settlers opposed this competition and this impeded economic growth for the Indigenous Peoples in the area. Since then, welfare policy has provided a disincentive for economic development. Two panellists noted that First Nations' participation in resource development was originally limited to the back end of the process, collecting royalties and compensation, but that began to change in the 1990s and 2000s when there was a push for more direct involvement at the front end, during the planning phase of projects.

The panellists identified several challenges to increasing economic development and Indigenous communities' involvement in resource development. These include: access to capital and sustainable sources of energy, and increasing the technical capacity of First Nations communities. It was also noted that communities need to realize that they are entitled to be part of large-scale development, not just smaller, local projects. Finally, increasing capacity for partnerships — rather than being left with only two options, sole proprietorship or accepting a company from outside the

² A special thank you goes out to the student note-takers: Kirsten Boda, Nancy Moke and Braden Thorvaldson.

community — is critical. For industry, the dialogue with First Nations needs to shift to “how do we do business?” and “how do you want to be a leading partner in this project?”

One panellist reflected on how their grandfather showed and taught them about their land. They highlighted that Indigenous Peoples are not accustomed to square, legal-survey maps, but rather to traditional mapping that came from their elders. The panellist reiterated the sacred relationship Indigenous Peoples have with the land.

An audience member asked a question about the barriers to economic development and the changes the panellists had seen over time. One panellist noted that the Indian Act generates significant challenges for First Nations people. Specifically, Section 89, which creates barriers to on-reserve First Nations in using their land as collateral when seeking credit. The panellist said that there are many innovative First Nations people across the country, but they are forced to leave the reserve to seek educational and business opportunities. The panellists agreed that there is very little political will to change the Indian Act even though it is almost 150 years old. A panellist related that they are seeing leaders who have the courage to do things outside the Indian Act. In some cases, business is being done outside the reserves, but that forgoes the opportunity to bring that investment to the reserves.

Another audience member asked what Indigenous communities were doing to develop their own resources as opposed to looking to industry to build Indigenous skills and capacity. A panel member noted that significant knowledge transfer and information sharing goes on between communities.

A question was asked about what Canada can do to attract international investment. One panellist indicated that some First Nations have looked for investment in places like China, while others are issuing bonds. Another panellist added that there is an Indigenous representative at the United Nations and a number of connections with embassies in Europe and the U.S.

A member of the audience asked how Indigenous women and youth can benefit from economic development opportunities. The panellists noted that there are fewer business opportunities for Indigenous women and youth. One of the panellists attributed this to a difficulty in accessing smaller loans and investment, while another highlighted that, since many industries are just beginning to engage with communities, there is still a lack of capacity and experience that disproportionately affects women. The last panellist noted that within Indigenous communities, women are the home base and the worst thing would be for them to leave the reserve. So communities are often very careful in how they promote women in these fields. For youth, strong mentorship starting in high school is necessary.

An audience member suggested that education, and perhaps business, creates an opportunity for prosperity for Indigenous people, just like the buffalo did years ago. They asked how to drive entrepreneurship and economic development. One panellist identified the need to instil a sense of determination and community in Indigenous youth. The second panel member responded by relating their own story. They recounted the difficult decision they had to make when deciding to leave the reserve to attend school in Grade 9 and the sacrifice of seeing their family only three times a year. They noted that family support was critical as well as community support. Later in life, after this individual had gone into business, the community was open to including them in local meetings, rather than viewing them with distrust. Now he returns to his community to instil hope and share the message that education is important. The panellist concluded by saying that you always have to be mindful of where you come from.

The final audience question was about the use of urban reserves to promote economic development. A panel member noted the importance of urban reserves in connecting First Nations people who had left their home reserves to traditional culture and practices. Another panel member noted that some urban reserves have been a great success, but others have not managed the money and development well. The panellist suggested more support in this area was required given the limited number of these types of reserve.

A final thought came from an elder, who indicated that the power of language was important. Language that removes the perception of control from an outside actor should be used when dealing with Indigenous Peoples. The elder suggested that strong mentors right from high school are required to provide guidance and prepare young Indigenous people for future opportunities. A good example of this practice comes from the Tsuut'ina Nation, which is engaging youth through a series of mentorship models.

KEYNOTE ADDRESS: CHIEF JIM BOUCHER

Chief Jim Boucher of the Fort McKay First Nation delivered the keynote address. Chief Boucher told the story of Fort McKay nation and how it became the economic powerhouse it is today. Historically, the nation was not in support of the oil and gas industry. However, perspectives began to change in the late 1980s, largely due to changes in the local economy. The declining fur trade in Europe in the 1980s resulted in significant economic losses for the Fort McKay First Nation, and forced the community to consider alternative sources of revenue and employment. The community took a number of actions. It began encouraging young people to finish high school and to go out in the world and get jobs. It began creating businesses. At the same time, it was careful to protect its environment through 40 different environmental agreements with oil project proponents. Many other First Nations in Canada were similarly struggling to generate wealth for their communities, but Fort McKay made the conscious decision to become the managers of success and not poverty. According to the chief, one key to the success of Fort McKay is that it becomes the dominant shareholder in all ventures (with at least a 51-per-cent share). The economic success in Fort McKay has enabled the development of a variety of community programs, services and cultural centres including a wellness centre, an elder centre, a long-term-care facility, and a youth centre. The community has spent \$1.6 million on education in the area, and over 33 community members are currently attending university with financial support.

Fort McKay became the managers of success through a number of initiatives. The community encourages young people to complete high school and to enter the workforce. The community focused on identifying local capacity and building on it through the creation of oil sands service companies. One example of this is the Fort McKay trucking company, which demonstrates the spirit of entrepreneurship in the area. It employs individuals from the community who have a vast array of skills from operators to business managers.

When asked by a conference participant what leads communities to protest development, and in extreme cases blockade development, Chief Boucher largely attributed the responses to communication breakdown between project proponents and communities. He also stressed that industry needs to be prepared to make modifications to the project to address the concerns of affected communities. Chief Boucher emphasized that communities want to continue practicing their traditional ways of life, and want certainty that development will not infringe upon this.

Today in Fort McKay, politics and business administration are separated to avoid political interference. The chief and council members are not involved in day-to-day operations of the businesses. This approach creates an accountability mechanism and a feeling of optimism and hope for the community. The chief and council members and the board's ability to maintain this separation is grounded in good policy. The Fort McKay experience demonstrates that, if a community positions itself correctly, it can be a manager of success, not poverty. Industry, and the capital it brings, are attracted to areas where the investment climate is positive and a local workforce exists. Ultimately, that success creates more success.

PANEL 2: UNDERSTANDING CONSULTATION AND ENGAGEMENT IN INDIGENOUS COMMUNITIES

The second panel was comprised of four researchers who discussed the academic study of Indigenous involvement in resource development and their respective work in the area. One panel member stressed that the legal landscape around Indigenous people and the duty to consult is changing rapidly. Consultation and engagement activities have frequently been controversial because different people have different perspectives and ideas about what consultation and engagement are about, and what they are meant to achieve. More analysis and critical reflection on these different understandings could help defuse the tension surrounding consultation. The panellist indicated that there is some academic literature that examines the duty to consult, but it does not focus on how consultation is implemented in practice, on the ground. Documents produced by Indigenous groups and communities, industry and government shed some light on the differences in how these actors perceive consultation and how they believe it should be practiced.

One example the panellist gave is the way different actors defined consent. The United Nations Declaration of the Rights of Indigenous Peoples, which Canada fully endorsed in 2015, called for the free, prior and informed consent of Indigenous Peoples on development decisions. Industry and government are concerned that this would effectively give Indigenous communities a veto over resource development projects. However, Indigenous groups argued that consent was not a veto and suggested that the difference came from distinct cultural approaches to decision-making. Many Indigenous Peoples rely on a consensus-based model of decision-making. In other words, all parties must agree before action is taken. Thus, while Indigenous communities may not wish to stop a project on their own, the idea that it would proceed before they have given their approval demonstrates a lack of respect for their rights and culture.

The panellist also discussed the different actors' perception of reconciliation and noted that documents produced by Indigenous groups and communities focused on establishing nation-to-nation relationships, promoting self-governance and restoring political autonomy, while industry and government viewed reconciliation primarily in economic terms.

A panellist also shared stories about the Mi'kmaq people, who have worked on addressing the historic imbalance between themselves and mainstream Canadians. In 2004, the Assembly of Nova Scotia Mi'kmaq Chiefs created the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) in order to concentrate negotiation and research efforts in one body. Kwilmu'kw Maw-klusuaqn is Mi'kmaq for "we are seeking consensus." One of the practices of the KMKNO is to provide a guide to the nation-to-nation approach and decision-making. This practice promotes early engagement, openness, transparency and ongoing dialogue. Engagement activities and outcomes are tracked for the community to see. The panellist noted that reconciliation and nation-to-nation relationships are important drivers of the KMKNO agreement between the Mi'kmaq people and the governments of Nova Scotia and Canada. Thirteen chiefs signed the agreement and opted to become a single party to work with government and industry. There is now single-window access for all Mi'kmaq consultation and engagement activities in Nova Scotia. The purpose of the agreement is to address historic imbalances between the Mi'kmaq and the rest of Canada. The agreement addresses key issues related to consultation by emphasizing things like early engagement, transparency and openness. Bands have the option to remove themselves from a negotiation process that occurs under the agreement, but can re-enter at any point. The panellist noted that the agreement is not perceived as giving up rights, but rather "making things right." The agreement has provided stability that has allowed the assembly to negotiate and co-ordinate a large number of projects at all levels of government.

A member of the panel discussed the term "engagement" and noted that it is still not clear what it means. But it seems clear that there is movement from simple engagement towards actual consent on the part of Indigenous communities. Companies are still pushing to get agreements signed

quickly, which raises an important question: Who actually has the power to give consent? Is it only the community that can consent to a project, or can an Indigenous organization do so on their behalf? And what happens if there is disagreement between leadership and the community? The researcher noted that in the two communities in which they worked, both signed impact-benefit agreements (IBAs). One local Indigenous government signed the agreement after consulting the community. The other signed its agreement without wider consultation and the project faced more opposition. The panellist highlighted that sometimes IBAs are signed before impact assessments are done, which makes it even more difficult for a community to make informed decisions about how it wants to proceed. The panellist suggested that it is not so much having resources that leads to economic development, it is local communities having control over the process. For example, in the case study where there was less dissent, the IBA was linked with a broader land-claim negotiation; if there was no IBA, there was still a project. The other key factor in economic development is transparency, so everyone in a community has good information about what giving or withholding support from a project would actually mean. This is difficult with IBAs because they are being signed with private companies rather than a public body.

Another panellist discussed their work on the duty to consult, which they noted can range from superficial processes, which essentially pay lip service to consultation, to more robust engagement. They noted that Indigenous groups are on the defensive because they surround areas where development is occurring and it directly impacts their livelihoods. Even though the Crown is ultimately responsible for fulfilling the duty to consult, parts of the process are downloaded to industry, further complicating relationships. This sends the signal that consultation is not a priority. The panellist's research showed that Alberta is relatively proactive in its work on consultation. The provincial policies and guidelines are thorough and go beyond basic requirements to specify roles and describe how processes can be co-ordinated across different jurisdictions. The guidelines require proponents to maintain a detailed account of Crown and delegated consultations. These policies and guidelines continue to be expanded on an ongoing basis by the government. This work has helped mitigate some of the defensiveness from Indigenous people in the province around resource development. In a province like New Brunswick, which has less experience with oil and gas development, there is less upfront work done to guide consultation, and there has been more controversy around fracking projects. Community consultation by resource development proponents is necessary regardless of Indigenous experience and familiarity with resource development. Communities need to feel they have been consulted and companies are in the best position to do this because they are the ones doing the work on the ground, even though the Crown has the formal legal obligation. The main question is: where are the areas of mutual understanding between these two parties?

A question was asked to the panel about whether there were any areas of mutual understanding among the actors involved in resource development at all. One panel member suggested that there are differences in what treaty rights mean and where they exist. In general, government and industry want to work with Indigenous communities but do not know how to engage them. Another panellist said that even modern land-claim settlements are understood differently so misunderstandings may persist. If we want to move towards reconciliation, Indigenous Peoples need to have more control and push their own definition of what consent means to them. Usually this is about having more control, and this means they would retain the right to say no to a project, regardless of how much consultation takes place. Another member of the panel added that having "boots on the ground" in these communities is crucial to gaining mutual understanding, and the mining industry has done a better job of that than oil and gas industry has. The last panellist noted that there are differences in decision-making processes between companies and Indigenous communities. That means incorporating Indigenous practices into decision-making, such as giving everyone equal time to speak their minds and not rushing people. A mutual understanding around how decisions should be made is just as important as the outcome of the decision.

An audience member asked whether there is a risk of consultation policies and guidelines becoming too detailed because they would create a situation where government and industry would seek to “check boxes” rather than build relationships. A panel member responded that it is important to remember that there is no one-size-fits-all approach. If this occurs it is usually government that gets blamed because the social contract is with the Crown, not industry. The other panel members reiterated this point, with one suggesting that small or junior companies followed the check-box approach more than larger players did. Another panellist added that talking about best practices can create unrealistic expectations about what can be achieved and being more humble about what is working can help with this.

The next audience question focused on where key friction points and points of agreement existed in consultation and engagement. A panel member responded that there are many friction points. They suggested that when the process is too formalized, it is not effective. For example, in Inuit communities, members are unlikely to challenge information or testimony, or ask questions, and because of this some may feel they were not consulted. You have to understand how a community wants to be engaged before you can consult it. Another panellist added that consultation is most effective when the community generates its own processes and frameworks to ensure its needs are met. The existing language around consultation, usually coming from the courts, is paternalistic and the implications can be offensive to communities.

A final comment from the audience was that the multitude of perspectives of Indigenous communities on consultation and engagement might not be written down or publicly available. The panellists concurred that this was a problem and one noted that many people were afraid that what they said would be taken negatively or misconstrued. The panels closed with comments from the panel that consultation often has a negative connotation and engagement was beginning to as well. To get real engagement, communities have to have the option of saying no to a project. If the power imbalance in the process is not corrected, consultation will always feel like checking boxes or paying lip service to engagement.

PANEL 3: ENABLING EFFECTIVE CONSULTATION AND ENGAGEMENT WITH INDIGENOUS COMMUNITIES

The final panel discussed how to enable effective consultation and engagement with Indigenous communities. The panel included individuals who had experience with the law, sustainable development, regional planning and governance. A number of wise practices emerged from the panel discussion:

- ✓ General themes among effective guidelines for engagement and consultation include: the need to have early engagement, to be transparent, and to keep track of every engagement, even when it failed. Essential elements of consultation include: openness and transparency, plenty of time to review project plans, and opportunities for community input.
- ✓ In another example discussed at the conference, youth at the Wahnapiatae First Nation are going back out on the land through the community’s “sustainability superheroes” program, which is supported by the entire community. This is part of the nation’s strategy to get people actively engaged in their own communities. The community of Wahnapiatae tries to include its model of sustainable development at the centre of any development projects it considers, which includes environmental stewardship, land-use planning, legal and political leadership and other components.
- ✓ A good practice is to talk to communities and ask them what consultation means to them. How long do they need? What are their preferred designs? What information do they require? Communities have their own perspectives on how they would like to be engaged and should be involved in developing consultation protocols.

- ✓ Effective consultation is about building relationships of mutual respect and understanding, not just checking off things on a list. Checklists do not work because, in each case, effective consultation will have to be unique. You want to get it right the first time because it costs a lot to repeat the process.
- ✓ Multiple forums for communication should take place at every level: community, local government, and elder involvement. One panellist shared a story about the grandmothers in the community being consulted to determine with whom a project proponent actually needed to talk with. Respect their voices, respect the territory, and know what the practices are in an area before consultation starts.
- ✓ While “on-the-ground” and informal communication is a preferred way of engaging communities, social media may be used effectively to try and engage youth. Social media is also a good way to reach people who do not live in the community.
- ✓ In a very practical and easy-to-implement idea, it was suggested that people who want to understand Indigenous Peoples better need to meet with communities when they’re not just at work, such as when they have a pow-wow. This will allow them to better understand Indigenous Peoples’ connection with the land.

KEY THEMES

Throughout the day and across the sessions, several key themes emerged:

1. There were many discussions regarding the different terms used to characterize the relationships between Indigenous Peoples, industry and government. Consultation refers to the Crown’s obligation to consult with Indigenous Peoples in Canada prior to making a decision or taking a course of action that may affect their rights and privileges. Engagement is a broader concept and refers to a range of actions taken by companies and government departments as they interact with Indigenous Peoples for the purpose of finding common ground when a project, proposed by a company, is being assessed by the competent authorities. Many conference members noted that the trend is to think more about partnerships, joint projects and co-management rather than simply consulting. Some conference members even discussed the concept of Indigenous licence, similar to social licence, a broad term which is difficult to define, but highlights the movement towards increasing empowerment of Indigenous Peoples in resource development decisions.
2. As explained by the elder, and reaffirmed by the discussion throughout the day, Indigenous Peoples’ relationship with the land is sacred and transcends individual decisions about a resource development project. It is essential for them to consider future generations who will be affected by decisions made today. With that in mind, it is also important to pass on lessons from the past to today’s youth.
3. Resource development cannot be separated from other policy areas. If resource development is to contribute to reconciliation, it must be connected to issues of employment, health, housing, social justice and the environment. Resource development policy needs to be plugged into high-level policy solutions to comprehensively address the aspirations and challenges of Indigenous communities. Piecemeal fixes will not work. Broad partnerships between Indigenous communities, government, industry and the public, not just one-off project partnerships, are essential to achieving this.
4. Indigenous communities must be involved at the front end of a business proposal, long before the project becomes a reality. In the past, Indigenous communities have typically been included only at the end of the decision-making process, through compensation. Industry needs to begin dialogue with communities early on and have an open discussion about long-term strategy and

vision, which include community values and business objectives. Communities' concerns must be heard and respected to create good faith and trust and establish successful partnerships.

5. There are many frameworks, guidelines and checklists of best practices, which span different types of resource development industries, as well as regions of the country. There are many practical lessons that emerge from agreements like the one between the Mi'kmaq people, the government of Nova Scotia and the government of Canada. Perhaps what is missing is not more information on how to effectively engage and consult with Indigenous Peoples, but rather the knowledge and wisdom about how to apply these practices with respect and consistency while acknowledging the uniqueness of each Indigenous nation and community in Canada.

APPENDIX
INDIGENOUS POLICY CONFERENCE: BEYOND RECONCILIATION
AGENDA

University of Calgary, Downtown Campus
234, Second Floor, 906 - 8 Avenue S.W., Calgary, Alberta
Monday, November 21, 2016

- 8:45 a.m. **Registration, Coffee & Refreshments**
- 9:15 – 9:25 a.m. **Elder Blessing**
Elder: **Adrian Wolfleg**, Siksika Nation
- 9:25 – 9:45 a.m. **Opening Remarks**
Welcome: **Pierre-Gerlier Forest**, Director and James S. and Barbara A. Palmer Chair,
The School of Public Policy, University of Calgary
Conference Chair: **Blaine Favel**, Executive Fellow, The School of Public Policy, University of Calgary
- 9:45 – 11:15 a.m. **Supporting Business and Entrepreneurship in Indigenous Communities**
This panel will explore the opportunities for business development and entrepreneurship in Indigenous communities in Canada. Panel members will share their experiences and perspectives on a variety of economic development opportunities and strategies ranging from growing local businesses to developing relationships with national and international industries. The panel will address the broader contribution that business development and entrepreneurship can make to strengthening communities. Particular focus will be given to groups that are less likely to benefit from economic development in Indigenous communities, including women and youth.
Moderator: **Strater Crowfoot**, Executive Director and CEO, Indian Oil and Gas Canada
Panellists: **Terry Metatawbin**, Executive Director, Economic Development Portfolio, Tsuut'ina Nation
Leah Nelson-Guay, CEO, First Nations Power Authority
Rob Rollingson, General Manager, Indian Business Corporation
- 11:15 – 11:30 a.m. **Networking Break**
- 11:30 a.m. – 12:15 p.m. **Keynote Address**
Speaker: **Chief Jim Boucher**, Chief, Fort McKay First Nation
Presenting on the success of the Fort McKay First Nation and the nation-owned Fort McKay Group of Companies.
- 12:15 – 1:00 p.m. **Lunch**
- 1:00 – 2:30 p.m. **Understanding Consultation and Engagement in Indigenous Communities**
The research on Indigenous communities and resource development that is complete or underway at The School of Public Policy will be showcased in this panel. This includes case studies on unconventional oil and gas extraction, mining and wind energy in Indigenous communities across Canada, as well as research comparing how Indigenous groups, industry and governments perceive key terms and understand concepts related to consultation and engagement. The panel members are experts from across Canada, who are conducting leading research on Indigenous involvement in resources development, and will share the findings and implications emerging from their work.

Moderator: **Jennifer Winter**, Scientific Director, Energy and Environmental Policy, School of Public Policy and Assistant Professor, Department of Economics, University of Calgary

Speakers: **Brendan Boyd**, Postdoctoral Scholar, The School of Public Policy, University of Calgary
Divergent Discourse: Indigenous, Industry and Government Perspectives on the Duty to Consult

L. Jane McMillan, Canada Research Chair of Indigenous Peoples and Sustainable Communities, St. Francis Xavier University
Indigenous Consultation and Engagement with the Mi'kmaq nations in Nova Scotia

Thierry Rodon, Directeur du Centre interuniversitaire d'études et de recherches autochtones et de la revue Études Inuit Studies
Professeur et titulaire de la chaire de recherche sur le développement durable du Nord
Moving from engagement to consent : The Mary River mine in Nunavut, and the Voisey's Bay mine in Nunatsiavut, Labrador

Gabrielle Slowey, Director, Robarts Centre for Canadian Studies and Associate Professor, Department of Political Science, York University
Hydraulic fracturing and unconventional oil and gas extraction in Northwest Territories (Sahtu Territory), New Brunswick (Elsipogtog) and Northern Alberta (Fort McKay)

2:30 - 2:45 p.m.

Networking Break

2:45 - 4:15 p.m.

Enabling Effective Consultation and Engagement with Indigenous Communities

What needs to occur before effective consultation and engagement with Indigenous communities becomes the norm in Canada rather than the exception? Panellists from a variety of backgrounds and perspectives have been assembled to spark a discussion about how relationships between Indigenous communities, government and industry can be structured to achieve engagement that not only fulfills the government's legal duty to consult, but provides certainty for industry, and contributes to reconciliation between Indigenous groups, the Canadian state and non-Indigenous society in Canada.

Moderator: **David K. Laidlaw**, Research Fellow, Canadian Institute of Resources Law, University of Calgary

Panellists: **Garth Wallbridge**, Principal, Wallbridge Law Office

Cheryl Recollet, Director of Sustainable Development, Wahnapiatae First Nation

Paul Dixon, Executive Director, Sahtu Land and Water Board

4:15 - 4:30 p.m.

Concluding Remarks

Speaker: **Gaétan Caron**, Executive Fellow, The School of Public Policy, University of Calgary

About the Authors

Sophie Lorefice is formerly Research Coordinator in the Energy and Environmental Policy Division and the International Policy and Trade Division at the University of Calgary's School of Public Policy. Past research has examined accessible community transit initiatives in rural communities. Other research has examined Canada's political system and its institutions, evaluating the participatory, inclusive and responsive nature of our parliamentary system. Her current research is focused on building the Indigenous policy program at The School of Public Policy and investigating the political context surrounding hydraulic fracturing in Canada.

Sophie holds a Masters of Public Policy and Public Administration from Concordia University and a Bachelor of Arts (First Class Honours) in Political Science and Philosophy from St. Francis Xavier University. Prior to joining The School of Public Policy, Sophie worked in Research Administration at the University of Calgary in the Legal and Intellectual Property division and as a Research Consultant for the Antigonish Community Transit Committee. Sophie is currently studying law at the University of Calgary.

Brendan Boyd is a Research Associate at The School of Public Policy at the University of Calgary. He received his PhD from the University of Victoria in 2015. Brendan's research, funded by a Social Sciences and Humanities Research Council Doctoral Fellowship, focuses on collaboration and learning among provinces on climate change policy. His work has been published in *Publius: The Journal of Federalism*, *Canadian Public Administration* and *The Manitoba Law Journal*. Prior to pursuing a PhD, Brendan worked as a policy analyst for the Province of Manitoba on climate change issues. He has also conducted research on Indigenous involvement in resource development in Canada. Other areas of interest include: Canadian public administration, provincial politics and comparative public policy.

Gaétan Caron provides independent consulting services on energy and regulatory matters. From 2014 to 2017, he was an Executive Fellow at The School of Public Policy at the University of Calgary, where he wrote and lectured on energy policy and regulation, contributed to international partnerships, notably with Mexico, and spoke publicly and responded to media queries on a range of policy matters. This followed his seven-year tenure (2007 to 2014) as Chair and CEO of the National Energy Board (NEB) of Canada. Prior to his role as Chair and CEO, he served as Vice-Chair (2005 to 2007), Board Member (2003 to 2005) and member of the executive in various staff functions throughout the NEB. Gaétan has a Bachelor of Applied Sciences (Rural Engineering) from Laval University and an MBA from the University of Ottawa. He is a member of the Quebec Order of Engineers. He is Honorary Lifetime Member of the Canadian Association of Members of Public Utility Tribunals (CAMPUT) and Commissioner Emeritus with the National Association of Regulatory Utility Commissioners (NARUC).

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The School of Public Policy has become the flagship school of its kind in Canada by providing a practical, global and focused perspective on public policy analysis and practice in areas of energy and environmental policy, international policy and economic and social policy that is unique in Canada.

The mission of The School of Public Policy is to strengthen Canada's public service, institutions and economic performance for the betterment of our families, communities and country. We do this by:

- *Building capacity in Government* through the formal training of public servants in degree and non-degree programs, giving the people charged with making public policy work for Canada the hands-on expertise to represent our vital interests both here and abroad;
- *Improving Public Policy Discourse outside Government* through executive and strategic assessment programs, building a stronger understanding of what makes public policy work for those outside of the public sector and helps everyday Canadians make informed decisions on the politics that will shape their futures;
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ISSN

ISSN 2560-8312 The School of Public Policy Publications (Print)
ISSN 2560-8320 The School of Public Policy Publications (Online)

DATE OF ISSUE

October 2017

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