

**INDIGENOUS ENGAGEMENT PRIMER**





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# About the Canadian Nuclear Association and the Organization of Canadian Nuclear Industries

The Canadian Nuclear Association (CNA) has been the national voice of the Canadian nuclear industry since 1960. Working with our members and all communities of interest, the CNA promotes the industry nationally and internationally, works with governments on policies affecting the sector, and endeavours to increase awareness and understanding of the value nuclear technology brings to the environment, economy, and daily lives of Canadians and Indigenous peoples.



The Organization of Canadian Nuclear Industries (OCNI) is an association of more than 250 leading suppliers of the nuclear industry in Canada and the international marketplace. OCNI member companies employ more than 15,000 highly skilled and specialized people in Canada, who manufacture major equipment, medical and safe applications of nuclear technology, and provide engineering support services with CANDU and SMR technology for nuclear power plants domestically and internationally. OCNI is the leading voice of the Canadian nuclear supply chain and actively promotes the production of safe, clean, and reliable nuclear base load electricity as a central part of Canada's balanced electricity generation portfolio.



## Acknowledgement

The CNA and OCNI would like to extend our gratitude to Mokwateh for leading the researching and writing of this primer. In addition, we'd like to thank the First Nations and Métis leaders who are involved in the nuclear sector from across the country that met with Mokwateh to help inform the key messages and practices of this document, including the CNA's Indigenous Relations Council.

CNA's head office is situated on the traditional unceded, unsurrendered Territory of the Anishinaabe Algonquin Nation whose presence here reaches back to time immemorial. CNA recognizes the Algonquins as the customary keepers and defenders of the Ottawa River Watershed and its tributaries. We are grateful to have the opportunity to be present in this territory.

OCNI's head office is situated on the traditional territory of the Mississauga Nation and the Treaty territory of Scugog Island, Curve Lake, Alderville, Hiawatha, Rama, Beausoleil, and Georgina Island First Nations. It was these seven First Nations that Canada recognized when Williams Treaty was negotiated in 1923.

# Sponsors

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# ABOUT THE ARTIST



## ARTIST INFORMATION

Karly Cywink (she/they) is an Ojibwe Multidisciplinary artist, originally from Manitoulin Island, who is now based on Treaty 13 in downtown Toronto. Cywink's work ranges from filmmaking, communications and design to traditional painting and digital illustration. She is a 2021 graduate of Toronto Metropolitan University's RTA program, where she focused her skills into directing two documentaries about Indigenous self-determination and self-identity. Cywink is currently a Masters of Art candidate at TMU.

Cywink's career includes work for and in collaboration with TMU Pow Wow, Aecon, Metrolinx, The Moccasin Identifier Project, and the City of Mississauga. As an artist, Cywink's goal is simple: to make people feel something, whether it's a sense of belonging, relatability, feeling heard, or even just feeling inspired. Cywink is still on her own journey to find their own community and help others do the same. She hopes to continue to create strong foundations as an emerging artist and creative leader while shaping the media landscape by sharing experiences and elevating the voices of others.

## ARTIST STATEMENT

With these pieces, I wanted to work more outside my comfort zone in terms of leaning into colours and styles that I don't normally work with, while merging these new ideas with ones that you may see in many of my works.

A large part of the work that CNA and OCNI are doing with this resource is moving towards an effort to make spaces for Indigenous people, while both recognizing the historical and current impacts of Indigenous relationships. I wanted to focus on this story of the land, natural resources, and landscape while keeping in mind traditional Indigenous ways and views of life.

I've been brought up with the teachings about oral histories, storytelling, and the constant and ever-evolving journey of life and how valuable these things are to the circle of life. I wanted to showcase this through the fluid use of the beading flower motifs. For me, these flowers represent the natural flow of life while keeping in mind the social, artistic, and storytelling aspects that Indigenous art and communal activities serve.

# CONTEXT SETTING

## INTRODUCTION

Energy projects in Canada are on the rise, particularly as the world looks to simultaneously decarbonize and ramp up energy output. Increasingly, Indigenous Peoples in Canada are initiating their direct involvement in such projects since many of them occur on or immediately adjacent to Indigenous communities and lands. Respectful non-Indigenous proponents have a responsibility to become informed and, accordingly, conduct business in a good way. As advocates and supporters of the nuclear sector, the Canadian Nuclear Association (CNA) and the Organization of Canadian Nuclear Industries (OCNI) have partnered to create this primer to support relationship building and development opportunities to those in the nuclear industry.

This primer was developed to provide a foundation for professional learning among individuals and organizations to equip them with the knowledge to establish and navigate respectful relationships. The aim is to enable effective engagement with Indigenous communities, providing information on culture and beliefs, engagement protocols, Indigenous talent acquisition, and partnerships with Indigenous-owned organizations. By offering an overview of essential topics and resources, the primer can help organizations bridge gaps and foster meaningful relationships that support Truth and Reconciliation actions with Indigenous Peoples.

## TRUTH AND RECONCILIATION

The Truth and Reconciliation Commission of Canada was established in response to the Indian Residential Schools Settlement Agreement. This agreement, the largest class-action settlement in Canadian history, was initiated by Indigenous survivors of residential schools who brought a legal case against Canada<sup>1</sup> In 2015, the TRC presented an executive summary of the findings contained in its multi-volume final report, including 94 'calls to action' (or recommendations) to further reconciliation between Canadians and Indigenous peoples.

*To the Commission, reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour.*

– Truth and Reconciliation Commission of Canada, 2015

### Reconciliation includes, for example:

- Establishing and maintaining respectful relationships.
- Recognizing historical injustices and their ongoing impacts on Indigenous peoples.
- Providing individual and collective reparations.
- Revitalizing Indigenous laws and legal traditions.
- Implementing concrete actions that produce real societal change.<sup>1</sup>

Working to support Truth and Reconciliation with Indigenous peoples in Canada requires ongoing learning coupled with action.

<sup>1</sup>In 2015, the TRC presented an executive summary of the findings contained in its multi-volume final report, including 94 'calls to action' (or recommendations) to further reconciliation between Canadians and Indigenous Peoples. Truth and Reconciliation Commission of Canada, Honouring the Truth, Reconciling the Future (2015), [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive\\_Summary\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf)

## HOW TO USE THE PRIMER

This primer is designed to enable the development of meaningful relationships between Indigenous peoples and nuclear organizations through knowledge building and self-reflection.

### KNOWLEDGE BUILDING

One important pillar of meaningful engagement is building an understanding of the person/people with whom you are seeking to build a connection. This primer aims to inspire self-directed learning about Indigenous ways of knowing, culture, governance, and diversity, as well as Indigenous peoples, cultures and experiences. We've included details about the history of Indigenous peoples and the present landscape to enhance the reader's understanding of the challenges and barriers Indigenous peoples have faced and continue to face.

### SELF-REFLECTION

Indigenous educators stress the importance of critical self-reflection when working in cross-cultural contexts. Critical self-reflection helps build capacity to value and engage with knowledge and perspectives different from your own by increasing self-awareness in relation to Indigenous content. Whereas self-awareness is described as the act or willingness to reflect on one's own beliefs and attitudes, critical reflection is the willingness to carefully reflect on experiences that have informed one's own concepts of race and racism, privilege, and oppression.

#### What could this look like?

- **Individuals:** thinking about how well you understand the history, culture, and perspectives of the Indigenous communities you live and work nearby.
- **Organizations:** considering whether your organizational values and practices align with principles of respect, inclusivity, and cultural sensitivity towards Indigenous peoples.
- **Leaders:** thinking about whether Indigenous perspectives and traditional knowledge are informing your decision-making processes and operations in a meaningful way.

All reflective opportunities must be followed up with action to support reconciliation.

This primer does not replace laws or regulations or substitute as advice from professionals in the field.

### METHODS

To develop this primer, we engaged with First Nation and Métis communities of interest, the CNA's Indigenous Relations Council, and other Indigenous thought leaders, with a focus on people and regions that have direct experience with the nuclear industry. Cross-country round tables were facilitated with First Nations and Métis representatives that are currently engaged with the nuclear industry. These opportunities were used to scope and inform the content, focus and tone of this primer. These efforts were combined with online desk research, including a literature review and assessment of existing engagement guides developed by cognate sectors. This primer was also subjected to ongoing review by Indigenous and non-Indigenous subject matter experts and industry representatives. As interpretations of facts and experiences can change through time, this primer is intended to be a living document that will require periodic updating and reflection.

We'd like to thank and acknowledge the diversity of individuals that supported and contributed to the development of this primer.

#### *Reflection Questions*

- Who are you and where are you from?
- What is your current knowledge and perception of Indigenous people, and how were these perceptions formed?
- What biases and prejudices do you have about Indigenous peoples?
- What do you hope to learn or achieve from reading this primer?
- Why do you want to work with Indigenous peoples and how will all parties benefit from the relationship?



# WHO ARE FIRST NATION, MÉTIS AND INUIT PEOPLES

## DISTINCTION BETWEEN FIRST NATIONS, MÉTIS, AND INUIT

Indigenous peoples and communities across **Turtle Island** (North America) are diverse. Canada's Constitution recognizes these three groups as "distinct peoples with unique histories, languages, cultural practices and spiritual beliefs."<sup>2</sup> Many people also associate the term 'Indigenous' with activism rather than government policy, so it has become a preferred term.<sup>3</sup>

**First Nations** – Describes Indigenous peoples in Canada who are distinct from Métis and Inuit. The term emerged in the 1970s and '80s, replacing 'Indian.' It lacks a legal definition but refers to ethnicity, bands, reserve-based communities, or larger tribal groupings. The term 'First Nations' can be applied to individuals, although technically refers only to those who have Indian status under Canadian law as part of a recognized community.<sup>4</sup>

**Métis** – Métis is a distinct Indigenous group in Canada with a unique social history. They were not recognized as 'Indians' under Canadian law until recently and are distinct from First Nations. According to the Royal Commission on Aboriginal Peoples, Métis are Aboriginal peoples of mixed heritage, associating with a distinct Métis culture.<sup>5</sup>

**Inuit** – A distinct Indigenous group, historically in the Arctic, legally and culturally separate from First Nations and Métis. The singular of 'Inuit' is 'Inuk.' 'Inuit' replaced the derogatory term 'Eskimo.'

### TURTLE ISLAND

holds significant cultural and spiritual importance among many Indigenous peoples. While variations exist in the narratives from Eastern Canada through the prairies, Turtle Island shares common elements as a creation story where the turtle symbolizes life and the earth. The concept of Turtle Island is that the earth was created on the back of a giant turtle, with its shell forming the foundation of the continent of North America. This symbolism represents principles of harmony, interconnectedness, and respect for nature, which are central to Indigenous teachings and the preservation of Turtle Island.

<sup>2</sup>"Indigenous peoples and communities," Government of Canada, last modified January 16, 2024, <https://www.rcaanc-cirnac.gc.ca/eng/1100100013785/1529102490303>

<sup>3</sup>"Terminology Guide," Queen's University Office of Indigenous Initiatives, accessed December 29, 2023, <https://www.queensu.ca/indigenous/ways-knowing/terminology-guide>

<sup>4</sup>"Indigenous Foundations," University of British Columbia, last modified in 2009, <https://indigenousfoundations.arts.ubc.ca/home/>

<sup>5</sup>Government of Canada, *Report on the Royal Commission on Aboriginal Peoples*, (Ottawa:1996).

## DEFINING OTHER IDENTITY TERMS

**Aboriginal** – In 1996, the Royal Commission on Aboriginal Peoples (RCAP) used ‘Aboriginal people’ for Indigenous inhabitants in present-day Canada, encompassing Inuit, First Nations, and Métis without recognizing their distinct origins.<sup>6</sup> The term gained prominence after 1982 with the constitutional definition in section 35 of the Act. ‘Indigenous’ now generally replaces ‘Aboriginal.’

**Indian** – Defined by the Indian Act, ‘Indian’ legally refers to First Nations persons eligible for registration. Many Indigenous people reject this term due to its colonial and racist connotations. ‘Indian’ should be strictly used within the legal context for a First Nations person with status under the Indian Act.

### STATUS V. NON-STATUS

Indian status refers to the legal recognition of an individual registered under the Indian Act, representing a specific legal identity for Indigenous people in Canada.

**Status Indians** are registered on the Indian Register maintained by Indigenous and Northern Affairs Canada (INAC) and receive a corresponding status card. In contrast, **Non-Status Indians** self-identify as Indigenous but lack registration under the Indian Act, though some may be part of a First Nation band. The Indian Act’s limitations have far-reaching consequences for those ineligible for status, which is discussed further below. The Indian Act applies only to Status Indians and has not historically recognized Métis and Inuit. As a result, the Métis and Inuit have not had Indian status and the rights conferred by this status.<sup>7</sup>

For more information on Indian Status and Non-Status, [click here](#).

<sup>6</sup>Government of Canada, *Report on the Royal Commission on Aboriginal Peoples*, (Ottawa:1996).

<sup>7</sup>“Indigenous Foundations,” University of British Columbia, last modified in 2009, <https://indigenousfoundations.arts.ubc.ca/home/>



## DEFINING LAND-BASED TERMS

An **Indian Reserve** is a tract of land set aside under the Indian Act and treaty agreements for the exclusive use of an 'Indian band,' as defined by the Indian Act.

Band members have the right to live on reserve lands, and band administrative, political structures, schools and health facilities are frequently located on-reserve. Reserve lands are held in trust for bands by the Crown (i.e., they are not owned by bands).<sup>8</sup> Much of the activity on reserves falls under the authority and influence of two federal government departments: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC), which replaced Indigenous and Northern Affairs Canada (INAC) in 2017.<sup>9</sup>

**Traditional Territory** is the geographic area of land that is identified by an Indigenous Nation as the land they and/or their ancestors traditionally occupy/occupied and use/used.

**The phrase 'We are all treaty people' indicates that all people living in Canada have their own sets of rights and responsibilities to live up to and act upon.**

**Treaties** are agreements between the Government of Canada, Indigenous groups, and often provinces/territories, defining ongoing rights and obligations. These agreements outline enduring treaty rights and benefits, including recognized Indigenous rights under section 35 of the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Treaties encompass both historic ones with First Nations (e.g., Maritime Peace and Friendship Treaties, Numbered Treaties, Williams Treaties) and modern ones, known as comprehensive land claim agreements (e.g., James Bay and Northern Quebec Agreement, Nisga'a Final Agreement).<sup>10</sup> While treaties were intended to establish agreements and frameworks for cooperation between different parties, there were harmful outcomes associated with them, particularly from historical perspectives:

- **Unfair terms:** In some cases, treaties were negotiated under duress or with significant power imbalances, leading to unfair terms that disadvantaged Indigenous peoples.
- **Land displacement:** Many historical treaties resulted in the forced displacement of Indigenous communities from their traditional lands, leading to the loss of cultural connections and resources.
- **Economic disadvantage:** Treaties, especially those signed during colonial periods, often favoured the economic interests of settler populations, contributing to economic disparities and poverty among Indigenous communities.
- **Cultural erosion:** The imposition of Western legal systems and frameworks through treaties led to the erosion of Indigenous cultures, languages, and traditional practices.
- **Resource exploitation:** Some treaties allowed for the exploitation of natural resources on Indigenous lands without fair compensation or consideration for environmental sustainability.
- **Social disintegration:** Displacement, cultural erosion, and economic disparities resulting from treaties can contribute to social disintegration within Indigenous communities.
- **Broken promises:** Treaties were not always honoured, and Indigenous communities have experienced broken promises, leading to a breakdown of trust between Indigenous peoples and governing authorities.

For more information on treaties and agreement, [click here](#).

### UNCEDED AND UNSURRENDERED LAND

Lands that are deemed 'unceded' and 'unsurrendered' by Indigenous peoples are lands originally belonging to and used by Indigenous people that were not given up by Indigenous peoples or acquired by the Crown. These terms often refer to lands that are not formally under a treaty; however, there are lands under treaty in Atlantic Canada that encompass lands that have not been surrendered.<sup>11</sup> As Indigenous peoples retain rights to their unceded lands, non-Indigenous settlements in such areas are on stolen land.<sup>12</sup>

<sup>8</sup>"Indigenous Foundations," University of British Columbia, last modified in 2009, <https://indigenousfoundations.arts.ubc.ca/home/>

<sup>9</sup>"Indigenous and Northern Affairs Canada," Government of Canada, last modified on June 17, 2021, <https://www.canada.ca/en/indigenous-northern-affairs.html>

<sup>10</sup>"Treaties and Agreements," Government of Canada, last modified on April 11, 2023, <https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231>

<sup>11</sup>Historic Canada Education Portal, Indigenous Perspectives Education Guide, <https://fb.historicacanada.ca/education/english/indigenous-perspectives/3/>

<sup>12</sup>Emma McIntosh, "What we mean when we say Indigenous land is unceded," Canada's National Observer, January 24, 2020, <https://www.nationalobserver.com/2020/01/24/analysis/what-we-mean-when-we-say-indigenous-land-unceded>

# HISTORY OF TREATIES

Treaties involving Indigenous and European nations (and later between Indigenous nations and Canada) were negotiated through a treaty-making process that had roots in the traditions of both societies, tracing back over 300 years. Treaties were a way for Europeans to reach political accommodation with Indigenous nations in order to live in peaceful coexistence and share the land and resources of what is now Canada.<sup>13</sup> Yet different interpretations, and often misunderstandings, of the treaties led to challenges that remain today.

Prior to the treaties, the need for military and economic alliances had led to early settler-Indigenous economic relationships (i.e., fur trade).<sup>14</sup> Market-based economies and assimilation policies later defined the nature of these relationships, and were formalized by the treaty-making process. The Royal Proclamation of 1763 provided a constitutional arrangement for the negotiation of treaties; sole responsibility was allocated to the Crown to negotiate land settlements. The Proclamation viewed Indigenous peoples as sovereign nations; however, King George III was seen as the owner of North America.

From the outset, there was no consensus on the meaning of the treaties.<sup>15,16</sup> There were also pre-confederation treaties, such as the Peace and Friendship Treaties (1700s), Robinson Treaties (1850), and various purchase agreements around southern Ontario. These treaties were a model for negotiating the 11 ‘numbered treaties’ established between 1871 and 1921. Treaty processes were upheld by the Constitution Act (1867) and institutionalized by the Indian Act (1876), which regulated the lives of registered Indigenous peoples. Likewise, the phrase ‘We are all treaty people’ indicates that all people living in Canada have their own sets of rights and responsibilities to live up to and act upon.

To learn more about treaties and understand your roles and responsibilities as a treaty person, [visit here](#) or [Explore treaty territories](#).

<sup>13</sup> Government of Canada, “Indigenous and Northern Affairs Canada,” last modified September 2, 2011, <https://www.rcaanc-cirnac.gc.ca/eng/1314977704533/1544620451420>

<sup>14</sup> Government of Canada, Report on the Royal Commission on Aboriginal Peoples, (Ottawa:1996).

<sup>15</sup> Brian Egan, “Sharing the Colonial Burden: Treaty-making and Reconciliation in Hul’qumi’num Territory, The Canadian Geographer, 56(4), 398–418. <https://doi.org/10.1111/j.1541-0064.2012.00414.x>

<sup>16</sup> Wilton Ermine, “The Ethical Space of Engagement,” Indigenous Law Journal 6, no. 1 (2007): 193–204.

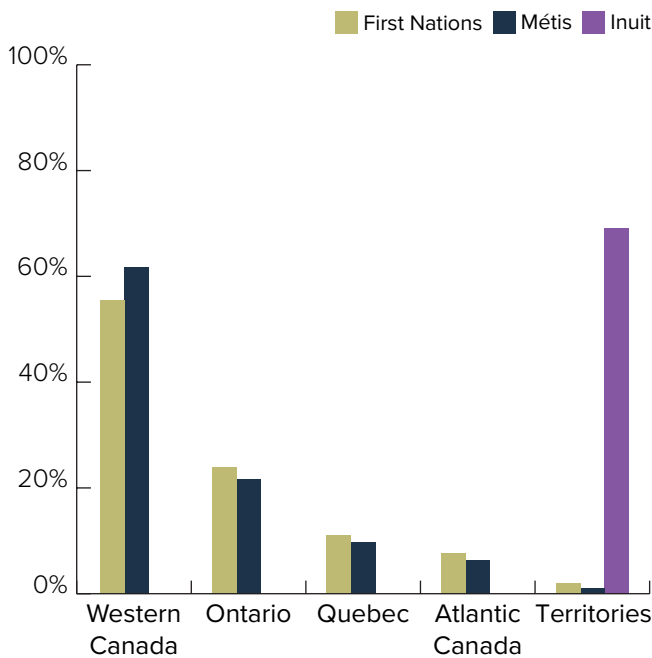
# DEMOGRAPHICS

Indigenous peoples are often incorrectly perceived as a monolithic group with uniform interests. However, there are substantial cultural variations, differences in governance, needs, goals, and affiliations with territories and other Indigenous peoples and nations. Significant diversity exists within and among Indigenous communities and peoples.

## POPULATION

Indigenous populations in Canada have grown significantly, increasing 18.9% between 2011 and 2016, and 9.4% between 2016 and 2021, surpassing the country's overall growth rate of 5.3%. As of the 2021 census, 1.8 million Indigenous people comprise 5% of the total population. From 2016 to 2021, First Nation, Métis, and Inuit populations grew by 9.7%, 6.3%, and 8.5%, respectively. Statistics Canada projects a potential total Indigenous population of 3.2 million over the next 20 years.

**In 2021, First Nations saw diverse residency**



Amidst Canada's increasing urbanization, 44.5% of Indigenous people in 2021 lived in large urban centres (>100,000 people).

## NUMBER OF COMMUNITIES

There are numerous unique Indigenous communities across Canada including 630 First Nation communities representing more than 50 nations, as well as 51 Inuit communities located across Inuit Nunangat. Distinct Métis communities span across Canada, although most are concentrated in the west, with Alberta as the sole province holding a legislated Métis land base.<sup>17</sup> Outside of these communities, Indigenous people are also increasingly moving to urban areas for a variety of reasons, such as access to services, programs and opportunities not offered in-community due to disparity, as well as disaster evacuations that relocate people into urban centres.

## NUMBER OF BUSINESSES

Indigenous business and economic development information is limited. Long-standing systemic barriers have created socio-economic disparities between Indigenous and non-Indigenous communities. Approximately 1.6 to 3.5% of Canadian businesses are Indigenous-owned, totaling over 50,000.<sup>18</sup> Indigenous GDP is concentrated in western Canada, particularly in Manitoba, Saskatchewan, Alberta, and British Columbia, which together account for 55.7% (compared to 33% Canadian GDP). In sectors like public services, healthcare, education, and construction, Indigenous representation is notable, while others, like manufacturing and resource extraction, contribute less compared to the national GDP.

## NUMBER OF LANGUAGES

At least 60 Indigenous languages, grouped into 12 language families, exist in Canada. Three languages (Cree, Inuktitut, and Ojibwa) account for about two-thirds of the nearly 229,000 people claiming an Indigenous language. Nine language families, representing 6% of the Indigenous population, include Salish, Tsimshian, Wakashan, Kutenai, and Haida, primarily found in British Columbia. Almost 90% of those with an Indigenous mother tongue identify with just 10 languages. When it comes to First Nations languages, specifically, 50 languages are spoken by communities with fewer than 3,000 members; however, some Indigenous languages, like Atikamekw, Montagnais (Innu), Oji-Cree, Dene, Inuktitut, and Blackfoot, show vitality with high home usage rates among speakers.<sup>19</sup>

<sup>17</sup>Rene R. Gadacz, "History of Métis Settlements in Canada," The Canadian Encyclopedia, last edited April 21, 2022, <https://www.thecanadianencyclopedia.ca/en/article/metis-settlements>.

<sup>18</sup>Alex Chernoff and Calista Cheung, "An Overview of the Indigenous Economy in Canada," Bank of Canada, October 2023, <https://www.bankofcanada.ca/2023/10/staff-discussion-paper-2023-25/>

<sup>19</sup>Wade Davis, "Why Indigenous Languages Matter," Canadian Geographic, 2019, <https://canadiangeographic.ca/articles/why-indigenous-languages-matter/>.

# FIRST NATION, INUIT, AND MÉTIS GOVERNANCE

Western governance values, concepts, and processes imposed by colonial and Canadian governments eroded Indigenous traditions of self-governance that had thrived for thousands of years. This imposition disregarded Indigenous needs and values, replacing traditional political systems with band councils and elections through the Indian Act. Many Indigenous nations, forced into foreign governance arrangements, lost their traditional skills, capacities, and authority. This shift poses key challenges that impact the effectiveness of traditional governance structures.<sup>20</sup>

## ELECTED CHIEFS AND COUNCIL VS. HEREDITARY CHIEFS

First Nations elected chiefs and councils imposed by the Indian Act have authority regarding reserve lands and related infrastructure.<sup>21</sup> However, Hereditary or Traditional Chiefs oversee traditional territories and hold ceremonial and historical importance to many First Nations. Introduction of the electoral system was an assimilative action meant to undermine and destroy the hereditary system and install one that resembled western governance institutions.

## ELDERS

Elders are identified by their communities based on their spiritual and cultural knowledge. The term Elder does not indicate a specific age, rather it acknowledges a level of cultural and traditional knowledge possessed by the individual.<sup>22</sup> Elders provide continuity and complete the 'circle of life' so that individuals, family, extended family, and community view themselves as a confident and complete whole, and behave as such.<sup>23</sup>

## KNOWLEDGE KEEPERS OR TRADITIONAL KNOWLEDGE KEEPERS

First Nations, Inuit and Métis Traditional Knowledge Keepers are the foundation from which traditions, customs, laws, and spirituality are taught. They are the keepers of Indigenous knowledge that has been passed down from generation to generation since time immemorial. A Traditional Knowledge Keeper's duty is to preserve this knowledge for their communities and their nation. These individuals work towards achieving balance and harmony within their communities through the practice and preservation of Indigenous knowledge and culture. Traditional Knowledge Keepers teach the young people in their community about the inherent spiritual ways.<sup>24</sup>

## TREATY ORGANIZATIONS

These are political organizations that represent nations that are signatories to treaties. Leadership of the member nations form the governing council for the treaty organization.

## TRIBAL COUNCIL

A Tribal Council is "a grouping of bands, (bands as defined by the Indian Act), with common interests who... provide advisory and/or program services to member bands. Tribal Councils are mandated by band councils to deliver advisory services for which funding is provided" by the Canadian government.<sup>25</sup> Tribal Councils support band government, financial management, community planning, technical services, and economic development.

<sup>20</sup> Senate Canada, "First Nations Elections: The Choice is Inherently Theirs," May 2010, <https://sencanada.ca/content/sen/Committee/403/abor/rep/rep03may10-e.pdf>

<sup>21</sup> First Nations Drum, "The Complicated History of Hereditary Chiefs and Elected Councils," February 4, 2019, <http://www.firstnationsdrum.com/2019/02/the-complicated-history-of-hereditary-chiefs-and-elected-councils/>

<sup>22</sup> "Terminology Guide," Queen's University Office of Indigenous Initiatives, accessed December 29, 2023, <https://www.queensu.ca/indigenous/ways-knowing/terminology-guide>

<sup>23</sup> "Indigenous Resources," Lakehead University Northern Ontario School of Medicine, <https://www.nosm.ca/our-community/indigenous-medical-education/resources-and-reports/indigenous-elders-and-knowledge-keepers/>

<sup>24</sup> Wicihitowin Conference Committee, "Authentic Engagement of First Nations and Métis Traditional Knowledge Keepers," 2017, [https://uakn.org/wp-content/uploads/2018/12/Wicihitowin\\_AuthenticEngagementBooklet\\_V8.pdf](https://uakn.org/wp-content/uploads/2018/12/Wicihitowin_AuthenticEngagementBooklet_V8.pdf)

<sup>25</sup> "Definitions," Government of Canada, last modified on December 7, 2021, <https://fnppn.aadnc-aandc.gc.ca/fnp/Main/Definitions.aspx?lang=eng>

# CURRENT STATISTICS ON INEQUALITIES

Significant inequities exist between Indigenous and non-Indigenous people in Canada, leading to disparities in development and wellness. Despite the right to self-determination, Indigenous communities encounter substantial barriers hindering their growth and prosperity. In comparison to non-Indigenous Canadians, Indigenous peoples face lower socioeconomic outcomes, evident in income, wealth, housing values, education rates, labour force participation, and employment rates.<sup>26</sup>

## EDUCATION

In 2021, 78% of Indigenous individuals aged 25 to 64 attained a high school diploma, compared to 91% for non-Indigenous counterparts. The Métis had the highest percentage (85%), followed by off-reserve Status First Nations (77%), on-reserve Status First Nations (60%), and Inuit (56%). Progress was comparable for Status First Nations and Métis between 2006 and 2021, but the Inuit high school attainment rate plateaued between 2016 and 2021 after a decade of substantial growth.<sup>27</sup> In certain communities, particularly remote ones, lack of local access to high schools requires that youth as young as 14 years old must leave home to continue their education in distant locations. Relocated students often experience lower support, supervision, and culture shock, and can become exposed to negative influences like substance abuse and crime.<sup>28</sup>

**Table 1.** Life expectancy at age one.

Group	Males	Females
First Nations	72.5	77.7
Métis	76.9	82.3
Inuit	70	76.1
Non-Indigenous	81.4	87.3

## HEALTH

Indigenous and non-Indigenous people living in Canada have significantly different health realities. For example, First Nations, Inuit and Métis people have lower life expectancies than non-Indigenous people (see Table 1). Indigenous people also have a significantly lower probability of living to age 75 than non-Indigenous people (see Table 2).<sup>29</sup>

There are also significant differences in health care access. Between 2017 and 2020, higher proportions of off-reserve First Nations (20.3%), Métis (17.9%), and Inuit (56.5%) reported lacking a regular health care provider, compared to non-Indigenous counterparts (14.5%).<sup>30</sup> Off-reserve First Nations (20.4%) and Métis (19.7%) had higher anxiety rates than non-Indigenous individuals (10.1%). Similarly, off-reserve First Nations (19.0%) and Métis (19.6%) reported higher mood disorder rates than non-Indigenous people (9.6%). A recent study by Statistics Canada revealed infant mortality rates for First Nations, Inuit, and Métis were more than twice as high as the non-Indigenous population.<sup>31</sup>

**Table 2.** Probability of living to age 75.

Group	Males	Females
First Nations	53.2	65.9
Métis	64.0	73.8
Inuit	50.8	63.1
Non-Indigenous	75.7	83.8

<sup>26</sup> House of Commons, "Barriers to Economic Development in Indigenous Communities," April 2022, <https://www.ourcommons.ca/Content/Committee/441/INAN/Reports/RP11714230/inanrp02/inanrp02-e.pdf>

<sup>27</sup> Alex Chernoff and Calista Cheung, "An Overview of the Indigenous Economy in Canada," Bank of Canada, October 2023, <https://www.bankofcanada.ca/2023/10/staff-discussion-paper-2023-25/>

<sup>28</sup> Liam Casey, "Far From Home, Indigenous Students Faces Challenges Getting Education but There is Hope." Global News, December 19, 2023, <https://globalnews.ca/news/10179077/indigenous-students-face-challenges-getting-education/>

<sup>29</sup> Data for Table 1 and Table 2 derive from statistics reported at: <https://www150.statcan.gc.ca/n1/pub/82-003-x/2019012/article/00001/tbl/tbl01-eng.htm>

<sup>30</sup> Kelsang Yangzom, Huda Masoud, and Tara Hahmann, "Primary health care access among First Nations people living off reserve, Métis and Inuit, 2017 to 2020," Statistics Canada, October 6, 2023, <https://www150.statcan.gc.ca/n1/pub/41-20-0002/412000022023005-eng.htm>

<sup>31</sup> Amanda J. Sheppard, Gabriel D. Shapiro, Tracey Bushnik, Russell Wilkins, Serenity Perry, Jay S. Kaufman, Michael S. Kramer and Seungmi Yang, "Birth Outcomes Among First Nations, Inuit and Metis Populations," Statistics Canada, November 15, 2017, . Available: <https://www150.statcan.gc.ca/n1/pub/82-003-x/2017011/article/54886-eng.htm>



## EMPLOYMENT

In 2021, Métis had the highest employment rate among Indigenous groups (69%), followed by off-reserve Status First Nations (58%), Inuit (55%), and on-reserve Status First Nations (47%).<sup>32</sup> Non-Indigenous people, in comparison, had a notably higher employment rate at 74%. Some of the barriers that contribute to these disparities include discrimination in the workforce, limited access to educational and training opportunities, geographic isolation and childcare.

## INFRASTRUCTURE

Many Indigenous communities lack adequate infrastructure for basic needs, let alone to promote and support household livelihoods and economic development. This is especially true for those living in northern and/or remote areas, or on reserve. For example, Indigenous people were almost twice as likely to live in crowded housing in 2021, compared with the non-Indigenous population (17.1% versus 9.4%). Indigenous people were also almost three times more likely to live in a dwelling in need of major repairs (16.4%) in 2021 than the non-Indigenous population (5.7%).<sup>33</sup> One contributing factor is that those living on reserve historically were not permitted to obtain a mortgage, leading to a forced reliance on government funding for building and maintaining housing. Additionally, there are challenges associated with transporting materials into remote communities, particularly those located in remote fly-in locations.

For more facts and details on regional disparities, [click here](#).

Relatedly, many Indigenous communities continue to lack access to a consistent source of clean water. For example, as of December 2023 there were 29 long-term (lasting more than one year) and 26 short-term (less than one year) drinking water advisories in place in First Nations communities south of 60° north latitude, excluding those in the British Columbia region. Reasons for advisories include water line breaks, equipment failure, poor filtration, disinfection issues, and a lack of trained personnel for water systems and quality testing.<sup>34</sup>

## JUSTICE

In Canada, Indigenous people face much higher incarceration rates than non-Indigenous people. In 2020/2021, the Indigenous incarceration rate was nine times higher than the non-Indigenous rate, with 42.6 Indigenous individuals per 10,000 compared to 4.0 non-Indigenous individuals. Additionally, Indigenous women had disproportionately higher representation than Indigenous men in provincial correctional facilities at (15.4 times higher than the non-Indigenous population compared to 8.4 times higher, respectively) over the same period.<sup>35</sup>

<sup>32</sup> Government of Canada, "An update on the socio-economic gaps between Indigenous Peoples and the non-Indigenous population in Canada: Highlight from the 2021 Census," 2023, <https://www.sac-isc.gc.ca/eng/1690909773300/1690909797208>

<sup>33</sup> House of Commons, "Barriers to Economic Development in Indigenous Communities," April 2022, <https://www.ourcommons.ca/Content/Committee/441/INAN/Reports/RP11714230/inanrp02/inanrp02-e.pdf>

<sup>34</sup> Government of Canada, "Water in First Nations Communities," last modified January 10, 2024, <https://www.sac-isc.gc.ca/eng/1100100034879/1521124927588>

<sup>35</sup> Paul Robinson, Taylor Small, Anna Chen, and Mark Irving, "Over-representation of Indigenous persons in adult provincial custody, 2019/2020 and 2020/2021," Statistics Canada, July 12, 2024, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00004-eng.htm>

# COLONIZATION OF INDIGENOUS PEOPLES

Colonization refers to the process by which one group or nation establishes control over another territory, often involving the settlement, exploitation, and imposition of cultural, economic, and political systems on the colonized population. It typically leads to profound changes in the colonized society, impacting its institutions, land use, and ways of life. Colonization has historically been associated with European expansion and imperialism, resulting in far-reaching consequences for Indigenous peoples, including the loss of land, cultural disruption, and social inequalities. The legacies of colonization continue to shape contemporary issues in many parts of the world.

In the context of Indigenous peoples in Canada, colonization refers to the historical and ongoing impact of European settlers on the lands, cultures, and societies of First Nations, Métis, and Inuit communities. The arrival of Europeans led to the imposition of foreign governance systems, economic structures, and cultural norms, disrupting traditional Indigenous ways of life. The colonization process involved forced land dispossession, cultural assimilation, genocide, and the imposition of policies like the Indian Act, contributing to systemic issues such as poverty, inequality, and the erosion of Indigenous languages and traditions. The consequences of colonization continue to shape the socio-economic and political landscape for Indigenous peoples in Canada.

## EXAMPLES OF COLONIAL IMPACTS

### *Doctrine of Discovery*

The Doctrine of Discovery comes from Papal Bulls (formal statements from the Pope) originating in the 1400s. Discovery was used as legal and moral justification to colonize and dispossess sovereign Indigenous Nations in what is now Canada. During the European 'Age of Discovery', Christian explorers 'claimed' lands for their monarchs who—following the Doctrine—felt they could exploit the land, regardless of the original inhabitants. This was invalidly based on the presumed racial superiority of European Christian peoples and was used to dehumanize and exploit Indigenous peoples and deprive them of their basic rights. The Doctrine of Discovery was the very foundation of genocide and both French and English colonial powers used it to claim Indigenous lands and force their cultural and religious beliefs on Indigenous peoples.<sup>36</sup> This ideology led to practices that still affect modern-day laws and policies.<sup>37</sup>

### *Smallpox*

In the early 1600s, European contact introduced smallpox to Canada through the fur trade. Innu and Algonquin communities were among the first affected, leading to the spread of the disease to the Maritime, James Bay, and Great Lakes regions. Jesuit priests, between 1634 and 1640, exacerbated the smallpox impact in Wendake (Huronie), contributing to a 60% population decline. In 1763, British forces used smallpox-exposed blankets as germ warfare during First Nations resistance, causing further devastation. The fur trade facilitated the westward spread of smallpox, with severe outbreaks in Manitoba, Saskatchewan, and Alberta from 1779 to 1783. Pacific Northwest and Métis communities, particularly in central Alberta, experienced devastating epidemics in the late 1800s. These population declines facilitated European settler advancement into Indigenous territories.<sup>38</sup>

<sup>36</sup> Travis Tomchuk, "Doctrine of Discovery," Canadian Museum for Human Rights, <https://humanrights.ca/story/doctrine-discovery>

<sup>37</sup> Assembly of First Nations, "Dismantling the Doctrine of Discovery," January 2018, <https://www.afn.ca/wp-content/uploads/2018/02/18-01-22-Dismantling-the-Doctrine-of-Discovery-EN.pdf>

<sup>38</sup> William B. Spaulding and Maia Foster-Sanchez, "Small Pox in Canada," The Canadian Encyclopedia, February 12, 2020, <https://www.thecanadianencyclopedia.ca/en/article/smallpox>

## THE INDIAN ACT OF 1876

**Status and Non-Status Inequity** – the Act established criteria for legal recognition as an ‘Indian’ in Canada, creating a paternalistic relationship in which ‘Status Indians’ are considered wards of the federal government. This legal framework has been criticized as a form of apartheid law, reflecting historical imperial concepts. Indigenous people without status under the Indian Act remain legally unrecognized as Indigenous peoples by the Canadian government. Non-Status Indians are ‘legislated out’ of their communities and are unable to participate in band politics.<sup>39</sup> They are also ineligible for the same rights and various types of government support offered to Status Indians.

Status and Non-Status Indians share some common concerns, such as displacement from their ancestral homelands and traditional ways of life, socio-economic challenges, a desire to practice their own cultures and traditions, and to determine their own identities and futures. Despite shared interests, many Non-Status Indians face challenges in finding forums in which these concerns can be addressed. As a result, many Indigenous organizations represent Status Indians alone. Non-Status Indians who identify themselves as Indigenous, with ties to their ancestral homelands, cultures and histories, can find themselves excluded from land claims, treaties, and other agreements. Organizations such as the United Native Nations of B.C. and the national level Congress of Aboriginal Peoples work to address this inequity by organizing and giving a voice to Non-Status Indians.<sup>40</sup>

**Reserves** – Initially, reserve creation was not centrally controlled, and practices varied regionally.<sup>39</sup> Prior to confederation and the creation of the Indian Act, colonial authorities and some Indigenous people viewed reserves as a possible solution to land disputes between Indigenous peoples and settlers. The Canadian government later allotted Crown land for the purposes of forming of a reserve or, in other cases, purchased private land for reserve creation.

In Ontario, 19th century treaties, such as the Robinson treaties, included reserve creation. Under treaty, Indigenous groups agreed to share lands and resources with settlers in exchange for guarantees that traditional activities such as hunting and fishing would continue undisturbed. Indigenous signatories of these treaties understood that the lands would be shared and their practices respected, not that they would be confined within a small allotment from then on. While reserves were initially created to further the colonial agenda of assimilation, in time this objective competed with others, such as facilitating European settlement. Reserves were thus typically created in isolated areas on marginal lands away from non-Indigenous settlements, perpetuating a segregation between Indigenous and non-Indigenous populations.

### Other significant impacts of the Indian Act include:

- **Two-year election cycles:** Imposition of a short two-year election cycle for Chiefs and Councils can cause instability and hinder long-term planning in First Nations communities.
- **Enfranchisement:** This was a process that stripped Indigenous individuals of their Indian status, eroding cultural identity. For example, discriminatory provisions led to women losing their status when marrying non-Indigenous men. People could also lose status by joining the Armed Forces, leaving their reserve for extended periods for employment, or completing a university education.<sup>39</sup>
- **Ban on cultural ceremonies:** Indigenous cultures were suppressed by prohibiting traditional ceremonies and practices.
- **Pass system:** Systematic control over Indigenous movement, requiring government permission to leave reserves.
- **Denied voting rights:** Denial of the right to vote in federal elections, effectively restricting political participation.
- **Property ownership prohibition:** Preventing Indigenous people from owning property on reserves.
- **No legal counsel hiring:** Prohibition from hiring legal counsel to address grievances or pursue rights.

While some aspects of the Act have been amended over the years, and certain provisions have been repealed or modified, it continues to be a significant piece of legislation affecting Indigenous peoples in Canada. The historical impact of the Indian Act has been profound, contributing to systemic issues and disparities faced by Indigenous communities.

For more information on reserves and their impacts [click here](#).

<sup>39</sup>“Indigenous Foundations,” University of British Columbia, last modified in 2009, <https://indigenousfoundations.arts.ubc.ca/home/>

<sup>40</sup>Congress of Aboriginal Peoples, “The national voice for off-reserve Indigenous Peoples since 1971,” <https://abo-peoples.org/>

### Indian Residential Schools and Indian Day Schools –

Residential and Day Schools are a major source of trauma for Indigenous people and the impact of these schools continues to live on as intergenerational trauma today.<sup>41</sup> The Residential School program was created to integrate Indigenous children into the settlers' culture and often involved forcibly removing children from their communities. The overall objective was to completely assimilate Indigenous peoples. One hundred-forty-four residential schools were attended by more than 150,000 First Nations, Inuit, and Métis children between the ages of four and 16.<sup>42</sup> Survivors reported mistreatment including psychological and spiritual abuse, and physical and sexual violence. Children were beaten for speaking in their native language; some had their tongues stuck with pins or were given electrical shocks. The schools were not adequately resourced to properly care for the children and staff were not adequately screened or trained.

Thousands of Indigenous children died in residential schools. Almost half of the recorded deaths of children were caused by tuberculosis in combination with poor care, malnourishment, and poor hygiene. Much of the abuse was intentional. For example, highly unethical nutritional experiments were performed on Indigenous children at six residential schools between 1942 and 1952.<sup>43</sup> The children's parents were not informed, nor were consents obtained. The experiments were performed by the Department of Indian Affairs of Canada. In these experiments, groups of malnourished children were denied adequate nutrition and/or given supplements that did not turn out to improve their health; rather the children's conditions worsened, causing illnesses like anemia, among others. In another example, previously available dental care was denied in some settings because researchers wanted to observe the state of tooth decay and gingivitis with malnutrition. The overall results of these and other experiments were impaired development and higher death rates of children in these schools. The last residential school closed in Rankin Inlet, Nunavut in 1997.<sup>44</sup>

**Unmarked Graves** – The total number of victims of the residential school system is unknown. Not all deaths were recorded, and buried bodies of children are still being discovered at former residential schools.<sup>45</sup> At least 4,100 children are recorded to have died at residential schools, although this number is known to be an undercount. It is important to note that these are records as recognized by western methods of evidence, and not reflective of Indigenous records or oral/alternative systems of information sharing.

In May 2021, the Tk'emlúps te Secwépemc First Nation conducted a survey of the grounds at the former Kamloops Indian Residential School in BC, uncovering the remains of 215 children. These missing children are Le Estcwiwéy, (pronounced "le-es-kwee-kway"), which translates to 'the missing' in the language of the Tk'emlúps people. Following that search, several other communities have conducted their own searches, finding hundreds more unmarked graves. An estimated 1,967 gravesites have been found using radar technology, but only 11 residential school sites have been searched. The Indian Residential School Survivors Society estimates there are more than 10,000 children in unmarked burial sites at residential schools and Indian hospitals (racially segregated institutions where some First Nations, Métis, and Inuit were sent for medical treatment) across the country.<sup>46</sup>



### KAMLOOPS, B.C., CANADA

**OCT. 27, 2021:** Photo of the front entrance of the Kamloops Residential Indian School. The remains of over 200 children are believed to be buried on site in unmarked graves.

<sup>41</sup>Priscilla Ki Sun Hwang, "Their newborns were taken at birth. Years later, these women still don't know why," CBC News, September 29, 2022, <https://www.cbc.ca/news/canada/ottawa/birth-alerts-indigenous-women-ottawa-stories-1.6591808>

<sup>42</sup>Chris Aylward, "It's Time to Properly Search All Former Residential School Sites for Graves," Public Service Alliance of Canada, October 5, 2023, <https://psacunion.ca/aylward-its-time-properly-search-all-former>

<sup>43</sup>Noni E. Macdonald, Richard Stanwick, and Andrew Lynk, "Canada's Shameful History of Nutrition Research on Residential School Children: The Need for Strong Medical Ethics in Aboriginal Health Research," *Paediatr Child Health* 19, no. 2 (2014): 64, doi: 10.1093/pch/19.2.64.

<sup>44</sup>Anishinabek Nation, "Overview of the School," 2023, <https://www.anishinabek.ca/an-overview-of-the-schools/>

<sup>45</sup>Quentin Durand-Moreau, Jesse Lafontaine, and Jennifer Ward, "Work and Health Challenges of Indigenous People in Canada," *The Lancet Global Health* 10(8): E1189-E1197, August 2022, [https://doi.org/10.1016/S2214-109X\(22\)00203-0](https://doi.org/10.1016/S2214-109X(22)00203-0)

<sup>46</sup>Anne-Marie Mawhiney and Jane Pitblado, *Boom Town Blues: Elliot Lake Collapse and Revival of a Single-Industry Community* (Dundurn Press, 1999).

## Ottawa, Canada

**June 30, 2021:** The many shoes and toys left on Parliament Hill in memory of the children whose remains were found near former Residential Schools. The Canadian flag flies at half-mast.



**Intergenerational Trauma and Effects** – The residential school system forcibly removed children from their families, communities, and culture, and attempted to educate them in European values, skills, culture, religion, and language. The explicit intent was to “kill the Indian in the child.”<sup>47</sup> As explained by the National Collaborating Centre for Indigenous Health, the multiple traumas experienced by many individuals during the residential school years—compounded by other historic and ongoing traumas experienced due to widespread oppression, injustices, and abuse—have accumulated over time and have been transmitted across generations.<sup>48</sup> This has left a legacy of intergenerational trauma.

Personal testimonies gathered by the TRC point to the emotional toll on families and communities. The breakdown of families and communities, loss of cultural identity, loss of family values and parenting skills, for example, can perpetuate feelings of low self-esteem, shame, loss, self-hatred, and hopelessness. Chronic exposure to trauma is seen in personal symptoms such as anxiety, depression, grief, addictions, and self-destructive behaviour. Repeated childhood experiences such as abuse, neglect, and witnessing substance abuse and violence can make Indigenous youth and adults more likely to experience poverty, unemployment, discrimination, witnessing trauma, assault, incarceration, suicide, and homicide. Specifically, the First Nations suicide rate is three times the national average, while the Métis suicide rate is twice the national average. For Inuit, the suicide rate is nine times the national rate.<sup>49,50</sup>

**The Sixties Scoop** – From 1951 to 1984, an estimated 20,000 or more First Nations, Métis and Inuit newborn infants and children were taken from their families by child welfare authorities and placed for adoption in mostly non-Indigenous households.<sup>51</sup> This mass removal of Indigenous children from their homes, supported by a series of government policies, became known as the ‘Sixties Scoop’. Agents of the child protection system who were not trained to work with Indigenous children removed them from their families, communities and cultures, without notice or consent. This removal was based on wrongful assumptions about the quality of care being provided and living conditions since Indigenous homes and communities did not match Euro-Canadian values and standards. By the 1970s, nearly one-third of children in care were Indigenous. Sixties Scoop children suffered and continue to suffer from emotional and psychological impacts of the loss of culture, family, and identity.<sup>52</sup>

**Forced or Coerced Sterilization** – occurs when surgical procedures to prevent conception are performed without the patient’s free, prior, and informed consent. Such sterilizations began in the 1920s as part of a genocidal policy against Indigenous peoples and other marginalized populations. For much of the 20th century, laws and government policies sought to reduce births in First Nations, Métis and Inuit communities, but also those with intersecting vulnerabilities relating to poverty, race, and disability. Contemptible practices and circumstances surrounded these sterilizations. Medical staff often sought consent for the procedure at inappropriate times such as immediately following a birth while a patient was medicated. Staff also often threatened patients, misinformed patients about the necessity, or the effects, of sterilization and, in some cases, did not request consent at all.<sup>53</sup>

<sup>47</sup> Government of Canada, The Constitution Acts 1867-1982. Part II, Rights of the Aboriginal Peoples of Canada.

<sup>48</sup> National Collaborating Centre for Indigenous Health, “Aboriginal Peoples and Historic Trauma: The Processes of Intergenerational Transmission,” April 2015, [https://www.nccih.ca/495/Aboriginal\\_Peoples\\_and\\_Historic\\_Trauma\\_The\\_process\\_of\\_intergenerational\\_transmission.nccih?id=142](https://www.nccih.ca/495/Aboriginal_Peoples_and_Historic_Trauma_The_process_of_intergenerational_transmission.nccih?id=142).

<sup>49</sup> Public Health Agency of Canada, “Suicide in Canada: Key statistics,” Statistics Canada, last modified January 9, 2023, <https://www.canada.ca/en/public-health/services/publications/healthy-living/suicide-canada-key-statistics-infographic.html>

<sup>50</sup> Laurence Haskell and Marlyn Randall, “Disrupted Attachments: A Social Context Complex Trauma Framework and the Lives of Aboriginal Peoples in Canada,” *Journal of Aboriginal Health* 5, no. 3 (2009): 48-99.

<sup>51</sup> Courtney Dickson and Bridgette Watson, “Remains of 215 children found buried at former B.C. residential school, First Nation says,” *CBC News*, May 28, 2021, <https://www.cbc.ca/news/canada/british-columbia/tk-emi%C3%BAps-te-secw%C3%A9pemc-215-children-former-kamloops-indian-residential-school-1.6043778>

<sup>52</sup> “Indigenous Foundations,” University of British Columbia, last modified in 2009, <https://indigenousfoundations.arts.ubc.ca/home/>

<sup>53</sup> Senate Standing Committee on Human Rights, “The Scars That We Carry. Forced and Coerced Sterilizations of Persons in Canada Part II,” Senate Canada, July 2022, [https://senCanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14\\_ForcedSterilization\\_E.pdf](https://senCanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf)

**Birth Alerts** were issued by child welfare workers without a mother's knowledge to flag expectant mothers whose newborn may be at risk for harm. This severe practice typically led to the traumatic apprehension of newborn babies immediately after birth. Health care providers are required to notify welfare authorities when a 'high risk' subject comes to seek medical care or deliver their baby.<sup>54</sup> Additional action was also often taken, such as medical testing on the parent or baby, or preventing the baby from leaving the hospital with the parent. Newborn babies could be taken away from their parents for days or years. Birth alerts were most often deployed against Indigenous parents, but also racialized and disabled parents. The birth alert scheme is another cause of disproportionate representation of Indigenous children found in the child welfare system.

**Forced Removal from Land** – Indigenous peoples' relationship with the land is central to Indigenous knowledge systems (ways of knowing, being, and doing), culture, and survival. Indigenous peoples view the land and its resources as inseparable from individual and collective identities; land provides the basis of social relationships, livelihoods, and wellbeing.

Yet Indigenous peoples have endured hundreds of years of land dispossession, which refers to the "taking or using of Indigenous land without consent."<sup>55</sup> Much of this dispossession has been directly caused by natural resource development in Canada, including energy, which has contributed to the loss of language and culture, interrupted the transmission of Indigenous knowledge, and contributed to intergenerational trauma. With the loss of territory, Indigenous peoples have lost their livelihoods, patterns of land use, related decision making (i.e., Indigenous governance), and culturally important stewardship responsibilities.

For many Indigenous peoples, mental health is closely connected with physical, spiritual, and emotional health, which is strongly tied to relationships with the environment. Because land plays such a central role in health, the displacement of communities and land dispossession have very negative effects on Indigenous peoples.

“**Indigenous peoples have endured hundreds of years of land dispossession... much of this dispossession has been directly caused by natural resource development in Canada...**”

### **Reflection Questions**

- What is your current understanding and perception of Indigenous peoples?
- What information sources (i.e., media, personal experience, friends or coworkers, stereotypes, etc.) most influence your perceptions of Indigenous peoples?
- Upon completing Chapter 2, what discoveries or revelations surprised you the most?
- Did anything challenge your preconceived notions of Indigenous people?
- How do you think the current realities of Indigenous people impact the ways they engage with the nuclear sector?

<sup>54</sup>Priscilla Ki Sun Hwang, "Their newborns were taken at birth. Years later, these women still don't know why," CBC News, September 29, 2022, <https://www.cbc.ca/news/canada/ottawa/birth-alerts-indigenous-women-ottawa-stories-1.6591808>

<sup>55</sup>Melody E. Morton Ninomiya, et al., "Indigenous communities and the mental health impacts of land dispossession related to industrial resource development: a systematic review," *The Lancet Planetary Health*. 7. (2023): E501-E517, doi: 10.1016/S2542-5196(23)00079-7.

# INDIGENOUS PEOPLES ARE RIGHTSHOLDERS IN THE NUCLEAR SECTOR

## INDIGENOUS PEOPLES AND THE NUCLEAR SECTOR

Canada's involvement in the nuclear sector, spanning from the 1940s to present, has had significant repercussions on Indigenous peoples and their lands. For example, during World War II much of the uranium was mined near Deline, Northwest Territories by Sahtu Dene people.<sup>56</sup> Despite assurances of benefits such as employment and training, the historical development of the nuclear sector disregarded Indigenous values, knowledge, and well-being. Instead, mining projects were aligned with colonization, militarization, and industrialization, contributing to the assimilation or eradication of Indigenous communities. The consequences include induced migration, land tenure violations, pollution, insufficient engagement, non-disclosure of environmental and health impacts, and unsafe working conditions. Case studies further illustrate these detrimental effects.

### **Case Study:** Uranium City

Between the mid-1940s and 1950s, the newly formed Uranium City in northern Saskatchewan attracted large numbers of Dene, Cree, and Métis seeking seasonal work. Opportunities for Indigenous people were precarious, leading to marginalization in fringe encampments with documented poor public health and sanitation conditions. Despite narratives celebrating modern extractive town development, resource extraction from Indigenous lands to supply minerals to the US military perpetuated Indigenous marginalization. Industrial growth disrupted traditional livelihoods, introducing economic uncertainties. Indigenous peoples were segregated by race and class, caught between government and industry priorities for northern resource development, without meaningful partnerships.<sup>57</sup>

<sup>56</sup> Lance Haymond, Tasha Carruthers, and Kerrie Blaise, "Decolonizing Energy and the Nuclear Narrative of Small Modular Reactors," Policy Options, February 7, 2022, <https://policyoptions.irpp.org/magazines/february-2022/decolonizing-energy-and-the-nuclear-narrative-of-small-modular-reactors/>

<sup>57</sup> Aarn Keeling, "Born in an Atomic Test Tube: Landscapes of Cyclonic Development at Uranium City, Saskatchewan," Canadian Geographer, May 18, 2010, DOI:10.1111/j.1541-0064.2009.00294.x



## Case Study: Elliot Lake

Before uranium mining and town construction began at Elliot Lake in northeastern Ontario during the 1950s, the site was an Ojibway seasonal village. After discovering a 100-square-mile corridor rich in uranium, a team of 80 people, including prospectors, lawyers, geologists, accountants, cooks, and administrative staff, was deployed to “quickly and quietly” survey and stake 1,500 claims held by non-Indigenous business interests.<sup>58</sup> The Serpent River watershed was polluted, which was the primary drinking water supply for the Serpent River First Nation, and the tailing ponds remain a concern to this day.

In her book, *Serpent River Resurgence*, Lianne Leddy documented the impacts of an acid plant located on their reserve in the vicinity of Elliot Lake. Members noted how fumes from the sulphuric acid plant severely impacted local living and working conditions. Workplace injuries were also daily occurrences for First Nations men working in the plant. While the company knew the risks to human health and the environment, Serpent River First Nation residents were not informed. The community was pressured by government and industry to surrender reserve land for new facilities. When the band insisted on their right to legal representation, industry declined to accommodate. When the plant finally closed due to a uranium market downturn, improper demolition of the industrial buildings left behind waste and unsafe conditions that neither industry nor government would properly clean.<sup>59,60</sup>



**The falls belong to the Serpent River watershed.**

<sup>58</sup> Alan Mawhiney and John Pitblado, *Boom Town Blues: Elliot Lake Collapse and Revival of a Single-Industry Community* (Dundurn Press, 1999).

<sup>59</sup> Anne-Marie Mawhiney and Jane Pitblado, *Boom Town Blues: Elliot Lake Collapse and Revival of a Single-Industry Community* (Dundurn Press, 1999).

<sup>60</sup> Lynn Leddy, *Serpent River Resurgence: Confronting Uranium Mining at Elliot Lake* (Toronto: University of Toronto Press, 2022).

## Energy Project Impacts

Historically, Indigenous communities have faced challenges from energy projects, including forced displacement from ancestral lands, the destruction of sacred sites and burial grounds, and disruption of traditional livelihoods. These projects also impacted fisheries, wildlife habitats, migration routes, and vegetation, altering traditional practices related to hunting, fishing, and gathering. These cumulative effects extend beyond the tangible, influencing cultural identity, eroding traditional practices, severing the connection to the land, and compromising the communities' ability to engage in traditional activities sustainably. This has broad implications for the overall well-being of Indigenous communities.

## Ongoing Concerns

Indigenous people in Canada continue to express significant concerns regarding nuclear facilities in their territories, the fate of nuclear waste, and ongoing issues with engagement and consultation. Some of these concerns include:

**Environmental impact:** Nuclear facilities, including mines and power plants, can have significant environmental impacts. Indigenous communities often rely on the land and water for their livelihoods, and any pollution or contamination can harm their resources. Building construction and urban development can also displace wildlife and disrupt ecosystems.

**Health concerns:** There are concerns about the potential health effects of exposure to radiation from nuclear activities. Indigenous communities may worry about the potential impact on their health and the well-being of future generations.

**Land rights and sovereignty:** Nuclear projects often encroach upon traditional Indigenous lands. There are concerns about the violation of land rights, infringement on sovereignty, and the lack of meaningful consultation with affected Indigenous communities.

**Cultural significance:** Land holds immense cultural significance for Indigenous peoples. Disruptions caused by nuclear activities can threaten cultural practices, sacred sites, and the overall connection to the land.

**Waste management:** The management, transportation, and disposal of nuclear waste pose long-term challenges. Indigenous communities are concerned about the safety and security of waste storage facilities and the potential for intergenerational impacts.

**Historical context:** Historical injustices and the negative experiences of Indigenous communities related to past industrial developments, including uranium mining and nuclear projects, contribute to a general mistrust of similar projects.

**Lack of consultation:** There are often concerns about inadequate or tokenistic consultation processes. Indigenous communities seek genuine engagement in decision-making processes that affect their lands and well-being.

# INDIGENOUS PEOPLES ARE RIGHTSHOLDERS NOT STAKEHOLDERS

## INHERENT, CONSTITUTIONAL TREATY RIGHTS

It is crucial to acknowledge and understand that Indigenous peoples are not stakeholders; they are Aboriginal rights holders whose rights are protected under the Constitution of Canada. Section 35 of Canada's Constitution Act of 1982 states that "existing Aboriginal and treaty rights are recognized and affirmed." Indigenous peoples thus have distinct rights, and they are "not just another stakeholder."<sup>61</sup> 'Stakeholder' is a problematically common corporate term for partners, which has negative connotations for many Indigenous peoples. During land acquisition, this term referred to the allotment of land to settlers who were given wooden stakes to claim their plot of land before any treaty or land negotiations with Indigenous peoples.<sup>62</sup> It is more appropriate to refer to Indigenous peoples as partners and to formally recognize them as rights holders.

## DUTY TO CONSULT AND ACCOMMODATE

Canada's **duty to consult** was established to promote fair dealing with Indigenous communities and reconciliation.<sup>63</sup> The duty to consult doctrine enables Indigenous communities to participate in decision-making through mandatory consultation processes. According to the Supreme Court of Canada "the Crown is under a duty to consult when its actions or decisions threaten to interfere with Aboriginal rights, lands, traditional land uses or interests."<sup>64</sup> The obligation is a fiduciary relationship between the Crown and Indigenous peoples, which is a significant moral obligation intended to promote positive relations.<sup>65</sup> The duty to consult is crucial to helping Indigenous people achieve prosperity and discover the full potential of their natural resources, including energy.<sup>66</sup> Chapter 4 provides additional details in the duty to consult and accommodate.

## UNDRIP + FPIC

The United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) is a landmark international non-binding agreement that recognizes Indigenous peoples' rights and contributes to ensuring their wellbeing. UNDRIP is an affirmation that significantly contributes to the global awareness of human rights by drawing attention to inherent collective rights, such as treaty rights, land and resource rights, and the right to self-determination.<sup>67</sup> As a result, this declaration has received significant support around the world. However, in 2007 Canada initially refused to ratify UNDRIP and raised objections to articles that address the principle of Free Prior and Informed Consent (FPIC) in International Labour Organization (ILO) Convention 169. Canada stated that UNDRIP was incompatible with Canadian law<sup>68</sup> and was the only UN member that refused Article 20 of the Indigenous World Conference outcome document, which called on states to implement FPIC. Despite Canada's initial decision, the government's Final Report of the Truth and Reconciliation Commission (TRC) in 2015 called for the full implementation of UNDRIP in Calls to Action 43 and 44:

- 43.** We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
- 44.** We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>69</sup>

In May 2016, Canada announced the removal of its permanent objector status to UNDRIP to a standing ovation at the United Nations Permanent Forum on Indigenous Issues, in response to both local and international concerns.<sup>70</sup>

<sup>61</sup> Government of Canada, The Constitution Acts 1867-1982. Part II, Rights of the Aboriginal Peoples of Canada.

<sup>62</sup> Government of British Columbia, "Writing Guide for Indigenous Content," last updated January 26, 2014, <https://www2.gov.bc.ca/gov/content/governments/services-for-government/service-experience-digital-delivery/web-content-development-guides/web-style-guide>

<sup>63</sup> Haida v. British Columbia (Minister of Forests). 2004 SCC 73 (CanLII), [2004] 3 SCR 511, retrieved on 2024-01-23, <https://canlii.ca/t/1j4tq>

<sup>64</sup> Monique Ross and Peggy Smith, "Meaningful consultation with indigenous peoples in forest management: a focus on Canada," In Communication présentée au XII World Forestry Congress, March 11, 2003, <https://www.fao.org/3/xii/1001-c1.htm>

<sup>65</sup> Austin Horn, "Autonomy, Paternalism, and the Moral Foundations of the Fiduciary Relationship" Electronic Thesis and Dissertation Repository, 2021, 7621. <https://ir.lib.uwo.ca/etd/7621>

<sup>66</sup> Dwight G. Newman, "The Rule and Role of Law: The Duty to Consult, Aboriginal Communities, and the Canadian Natural Resource Sector," Macdonald-Laurier Institute Papers Series, May 2014, <https://macdonaldlaurier.ca/files/pdf/DutyToConsult-Final.pdf>

<sup>67</sup> Jackie Hartly, Paul Joffe, and Jenniger Preston (Eds.), Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action, (Saskatoon: UBC Press, 2010).

<sup>68</sup> Terry Mitchell, Courtney Arseneau, Darren Thomas, and Peggy Smith, "Towards an Indigenous-Informed Relational Approach to Free, Prior, and Informed Consent (FPIC)," The International Indigenous Policy Journal. 10 (4), 1-28, <https://ojs.lib.uwo.ca/index.php/ijp/article/view/8372>

<sup>69</sup> National Centre for Truth and Reconciliation, "Reports," <https://nctr.ca/records/reports/#trc-reports>

<sup>70</sup> Senate Standing Committee on Human Rights, "The Scars That We Carry. Forced and Coerced Sterilizations of Persons in Canada Part II," Senate Canada, July 2022, [https://senCanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14\\_ForcedSterilization\\_E.pdf](https://senCanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf)

### **What does free, prior, informed consent look like?**

The meanings of free, prior, informed, and consent continue to be refined, yet there is agreement on how these rights can be applied and monitored. Oxfam (2015) defined FPIC as the “principle that Indigenous peoples and local communities must be adequately informed about projects that affect their lands in a timely manner, free of coercion and manipulation.”<sup>71</sup> They also state that Indigenous peoples “should be given the opportunity to approve or reject a project prior to the commencement of all activities” and that “project developers should facilitate community participation in decision making throughout the life of the project, and communities should have the opportunity to give or withhold their consent at each phase of project development where changes to project design entail potential impacts on communities.”

### **Implementing UNDRIP**

Concrete actions to implement UNDRIP into Canadian law were taken with the passing of Bill C-15 (2021) “An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples” and the Action Plan (Canada).<sup>72</sup> It requires the federal government to collaborate with Indigenous peoples to develop a National Action Plan to implement UNDRIP. This includes taking measures to address prejudice and eliminate all forms of violence and discrimination against Indigenous peoples. This new legislation requires that Canadian laws be reviewed and reformed to meet Canada’s international human rights obligations and explicitly rejects the racist doctrines of discovery and terra nullius.

Relatedly, in 2019 British Columbia was the first province to adopt legislation to implement UNDRIP. BC’s Declaration on the Rights of Indigenous Peoples Act (DRIPA)<sup>73</sup> and C-15 state that governments must take all measures required to align their laws with UNDRIP. Both acts also require action plans and annual progress reporting to ensure UNDRIP objectives are realized. A point of departure is that DRIPA includes provisions authorizing the provincial government to enter into agreements with Indigenous governing bodies for the purpose of establishing joint decision-making or consent with respect to the use of statutory powers, enabling a degree of power sharing not previously recognized.

**The Crown and the First Nations agreed, in treaty making, that their citizens would not only survive but prosper, the unique benefits of the coming together of two ways of life would be shared, and they would both benefit from the land and resources.**

— Federation of Sovereign Indigenous Nations, Vision and Value Statement, May 2023

<sup>71</sup>Scott Sellwood, Tim Hirschel-Burns, Chelsea Hodgkins, “Recharging Community Consent. Mining Companies, Battery Minerals, and the Battle to Break from the Past,” Oxfam, September 22, 2023, <https://www.oxfamamerica.org/explore/research-publications/recharging-community-consent/>

<sup>72</sup>United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14, <https://canlii.ca/t/554bd>

<sup>73</sup>United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14, <https://canlii.ca/t/554bd>

## RECENT COMMISSIONS AND CALLS TO ACTION FOR GOVERNMENT AND INDUSTRY

The **Royal Commission on Aboriginal Peoples**<sup>74</sup> (RCAP) was established in 1991 to investigate and propose solutions to the challenges affecting the relationship between Indigenous peoples, the Canadian government, and Canadian society at large. In the 1996 RCAP report, the landmark Commission tabled five volumes with 6,800 pages and 434 recommendations which were more far-reaching than any other Commission in Canadian history. RCAP proposed an ambitious course for reconciliation and the renewal of the relationship between Canada and Indigenous peoples.

Major recommendations for industry and government called for rebuilding human and social capital to make it possible for Indigenous peoples to secure the participatory capacity to become more meaningfully involved in commerce, including accelerated development of human resources and institution building that complements and works with national structures.<sup>75</sup> RCAP called for a redistribution of lands and resources to alleviate poverty and “capital for investment in business and industry and enhanced technical, management and professional skills to realize new opportunities.”<sup>76</sup>

In 2008, the Truth and Reconciliation Commission of Canada (TRC) was established as a component of the Indian Residential Schools Settlement Agreement. The Truth and Reconciliation Commission of Canada: Calls to Action is a guide to reconciliation for the Government of Canada and all Canadians (Truth and Reconciliation Commission of Canada, 2015). Several Calls to Action (#45, 46, 47) stress the need for all levels of government and religious groups to recognize Indigenous sovereignty by formally rejecting European concepts used to justify the control of Indigenous lands and peoples (i.e., Doctrine of Discovery and terra nullius).<sup>77</sup>

Truth and Reconciliation Calls to Action #92 within the Truth and Reconciliation Report, is directed to Canada’s private sector. It calls upon corporate Canada to adopt the United Nations Declaration of the Rights of Indigenous People and asks for—among other things—meaningful consultation, long-term opportunities and the education of both management and staff on the history of Indigenous people:

**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:

- I. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- II. 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.
- III. 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.

Between 2016 and, the **National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG)** held public hearings across Canada to listen to over 2,380 family members of victims, survivors of violence, experts, Elders, and Knowledge Keepers. The National Inquiry heard concerning evidence regarding ongoing and deliberate human and Indigenous rights violations and abuses committed against Indigenous women, girls and gender diverse people.

<sup>74</sup> Government of Canada, Report on the Royal Commission on Aboriginal Peoples, (Ottawa:1996)

<sup>75</sup> Government of Canada, Report on the Royal Commission on Aboriginal Peoples, (Ottawa:1996).

<sup>76</sup> “National Indigenous Economic Strategy for Canada,” 2022, [https://niestrategy.ca/wp-content/uploads/2022/12/NIES\\_English\\_FullStrategy\\_2.pdf](https://niestrategy.ca/wp-content/uploads/2022/12/NIES_English_FullStrategy_2.pdf)

<sup>77</sup> National Centre for Truth and Reconciliation, “Reports,” <https://nctr.ca/records/reports/#trc-reports>

The findings informed 231 Calls for Justice directed across the spectrum of Canadian government, business and media.<sup>78</sup> Five of the calls for justice (13.1 to 13.5) are directly relevant to energy sectors

**Designed to protect Indigenous women, girls and 2SLGBTQQIA (two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual) people, these calls include, for example:**

- Direct consideration for safety and benefits throughout all stages of projects.
- Completion of gender-based socio-economic impact assessments on all proposed projects.
- Inclusive negotiation of impact-benefit agreements related to projects that address negative impacts of projects on Indigenous women, girls, and 2SLGBTQQIA people.
- Funding for research to understand how projects are linked with violence against Indigenous women, girls, and 2SLGBTQQIA people.
- The early establishment and/or expansion of various social infrastructures and service capacities (i.e., policing, social and health services) needed to address the social impacts that are often created and/or heightened in home communities with the onset of projects.

***Reflection Questions***

- Were you previously aware of the history between the nuclear sector and Indigenous communities? What considerations or adjustments might be necessary for future actions and engagements?
- Why is it important to honour Indigenous people as rightsholders instead of stakeholders?
- What immediate and longer-term actions can your organization take to implement TRC Call to Action #92?

<sup>78</sup>National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report,” <https://www.mmiwg-ffada.ca/final-report/>

# STARTING YOUR JOURNEY TOWARDS MEANINGFUL INDIGENOUS ENGAGEMENT

## INDIGENOUS RELATIONSHIPS IS THE ASPIRATION

Indigenous engagement is much more than following the duty to consult and accommodate; it is about building meaningful relationships. This should be the lens you use when speaking or working with an Indigenous community—how can we create a mutually beneficial relationship?

Relationality is centre for many Indigenous worldviews, and this translates to developing business relationships as well. The relationships between Indigenous and non-Indigenous society in Canada have been strained, as illustrated in the examples in the previous chapter, which is why truth and reconciliation are so important in order to move forward. Since industry holds partial responsibility for the government's duty to consult and accommodate with Indigenous peoples, it is important that companies understand the significance of the work they are doing.

Engaging with Indigenous communities and building relationships is an ongoing process, not just a checklist item. It's important to be genuine in fostering these connections and take the time to understand both the individual and the community. Building and maintaining relationships is essential for successful project development.

Building relationships takes time and shouldn't be rushed or forced into a time frame. Communities, distinct from corporations, prioritize aspects such as community governance, education, housing, and healthcare. Limited resources can pose challenges in addressing numerous requests from various industries. It is important not to approach the community with a predetermined agenda and, instead, to respect their timeline. Authentic engagement and understanding are key to establishing meaningful connections within a community.

**Indigenous engagement is much more than following the duty to consult and accommodate; it is about building meaningful relationships.**

# INDIGENOUS CONSULTATION IS MANDATORY

Establishing strong relationships with Indigenous communities is essential as you move into your legal obligation to consult and accommodate Indigenous peoples. As rightsholders, Indigenous peoples have higher standards of consultation requirements than other key organizations in this space.

## ORIGINS OF THE DUTY TO CONSULT AND ACCOMMODATE

The origins of this duty are linked to several key legal developments in Canada. Section 35 of the Constitution Act, 1982 recognizes and affirms the existing Aboriginal and treaty rights of Indigenous peoples in Canada. It was a significant milestone in recognizing Indigenous rights and laid the foundation for the duty to consult. The Supreme Court has interpreted section 35 rights as a way of achieving reconciliation over the years.<sup>79</sup> The duty to consult was further defined through a series of court cases, particularly by the Supreme Court of Canada. Notable cases include *R. v. Sparrow* (1990), *Delgamuukw v. British Columbia* (1997), and *Haida Nation v. British Columbia* (2004). These cases established that the Crown *has a duty to consult* and, in some cases, accommodate Indigenous peoples (i.e., seek ways or measures to accommodate Indigenous peoples and their rights when their rights may be affected).<sup>80</sup>

### THE SEVENTH GENERATION PRINCIPLE

states that the decisions we make today should result in a sustainable world seven generations into the future. This philosophy is often referred to in regard to decisions being made about our energy, water, and natural resources. Relationships today between Indigenous peoples and non-Indigenous peoples should be established with the Seventh Generation Principle in mind.

## DIFFERENCE BETWEEN CONSULTATION AND ENGAGEMENT (THEY ARE NOT INTERCHANGEABLE)

Consultation must not be confused with engagement, though the two related terms are often used interchangeably in error. Engagement can be thought of as wise practices for a consultation process that is relationship-based and built on trust.<sup>81</sup> According to the BC Energy Regulator (2023), the main goal of engagement is to foster trust and develop substantial relationships.<sup>82</sup> Engagement aims to establish connections with Indigenous nations by sharing information, even when there are no legal consultation requirements in place. It is a process in which individuals, groups, and organizations, such as the public, interest groups, and rightsholders participate in activities that generate knowledge directly relevant to decision-making.<sup>83</sup> Put another way, engagement can be thought of as a way of involving citizens in governance processes.<sup>84</sup>

The term consultation means something different and distinct from engagement, as consultation indicates a legal obligation of the Canadian government which, as outlined above, involves exchanging information between the government and the affected Indigenous nations. Consultation pertains to the legal responsibilities of the government when decisions made by the government have the potential to negatively affect Indigenous peoples' interests, including rights and titles.<sup>85</sup> The government's duty to consult doctrine, UNDRIP, and supreme court decisions provide the legal foundation for this consultation process.

<sup>79</sup> Isabell Brideau, "The Duty to Consult Indigenous Peoples," Library of Parliament, June 12, 2019, [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201917E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201917E)

<sup>80</sup> Natai Shelsen, "What is the Crown's Duty to Consult and Accommodate Indigenous peoples?", Goldblatt Partners LLP, July 2019, <https://goldblattpartners.com/experience/publications/post/what-is-the-crowns-duty-to-consult-indigenous-peoples/>

<sup>81</sup> Hillary Elliott, "Local Government and Land Use Engagement With First Nations: Surfacing Positive Stories for Future Land Use Consultation Successes," Unpublished Master's Thesis, Royal Roads University, September 11, 2017, <https://www.viurrspace.ca/items/f177e7ed-cdca-4b4e-94f0-97d1d0e75e80>

<sup>82</sup> British Columbia Energy Regulator, "Consultation & Engagement," WWWh<sup>83</sup> <https://www.bc-er.ca/how-we-regulate/engage-with-indigenous-communities/consultation-engagement/>

<sup>83</sup> Graeme Reed, et al., "Toward Indigenous visions of nature-based solutions: an exploration into Canadian federal climate policy," *Climate Policy*, 22:4, 514-533, March 13, 2022, DOI: 10.1080/14693062.2022.2047585

<sup>84</sup> Jenny Stewart, *The Dilemmas of Engagement: The Role of Consultation in Governance*, (ANU Press: June 2009).

<sup>85</sup> Natai Shelsen, "What is the Crown's Duty to Consult and Accommodate Indigenous peoples?", Goldblatt Partners LLP, July 2019, <https://goldblattpartners.com/experience/publications/post/what-is-the-crowns-duty-to-consult-indigenous-peoples/>



## SUPREME COURT OF CANADA CASES

Among the hundreds of legal issues and rulings prior to and since the Constitutional inclusion of Indigenous peoples in Canada, several key Supreme Court decisions warrant attention.

1973

**The Calder Supreme Court decision:** stated that ‘Treaty and Aboriginal rights exist’.

1990

**The Sparrow decision:** addressed the fiduciary duty the Crown holds towards Aboriginal peoples, specifically relating to the issues of infringement of Aboriginal rights, expropriation and fair compensation, and consultation and conversation measures.

1997

**The Delgamuukw case:** described Indigenous title, confirmed the legal validity of Indigenous oral history in establishing title rights to consult and accommodate (in the context of the infringement of Indigenous rights).

**The Daniel’s Case:** addressed whether the Crown owes the same fiduciary duty to Métis and Non-Status Indians as it does to Treaty Indians. By unanimous decision, the Supreme Court of Canada confirmed that the federal government, rather than provincial governments, holds the legal responsibility to legislate on issues related to Métis and Non-Status Indians. The decision brought clarity to the “jurisdictional tug-of-war” that previously left such people fighting for accountability with different levels of government.<sup>86,87</sup>

**Tsilhqot’in (‘Sil-kwo-tin’) decision:** the Supreme Court of Canada upheld the British Columbia’s Supreme Court decision which recognized for the first time in history the existence of Indigenous title in a specified area of the province historically occupied by the Tsilhqot’in people. While this decision is specific to the British Columbia and the Tsilhqot’in people, the implications of having Indigenous title recognized over a specified area are being considered across Canada.

2016

Métis and Non-Status Indians are now under federal jurisdiction and may assert Aboriginal rights. The implications of this decision clarify rights and jurisdiction for a large group of Métis and non-status individuals across Canada. Prior to this, both federal and provincial governments had denied legislative authority over such persons, with some exceptions. Such individuals had to rely on the goodwill of each government to obtain any recognition of their status or rights, and any consultation over impacts to their traditional practices. Now, such persons benefiting from ‘Indian’ status may have access to federal programs, services and initiatives and may negotiate for recognition of their rights.<sup>88</sup>

2014

**Guidelines, protocols, and best practices you can use in the duty to consult and accommodate process.**

- [Protocols created by Indigenous communities on the Crown and Indigenous Relations and Northern Affairs Canada](#)
- [Duty to consult with Aboriginal peoples in Ontario](#)
- [Government of Saskatchewan’s First Nation and Métis Consultation Policy Framework Review and Revised Policy](#)
- [Government of New Brunswick’s Duty to Consult with First Nations](#)

<sup>86</sup> Métis Nation of Alberta, “Daniels v. Canada (2016),” <https://albertametis.com/metis-rights/daniels-v-canada-2016/>

<sup>87</sup> Heather Conn, “Daniels Case,” The Canadian Encyclopedia, <https://www.thecanadianencyclopedia.ca/en/article/daniels-case>

<sup>88</sup> Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12 (CanLII), [2016] 1 SCR 99, <https://canlii.ca/t/gpftt>

# WISE INDIGENOUS ENGAGEMENT PRACTICES FOR RELATIONSHIP BUILDING AND CONSULTATION

Building relationships with Indigenous communities is important for organizations involved in energy projects. Engaging with Indigenous communities ensures meaningful consultation, consent, and collaboration throughout the project lifecycle. This process enhances the organization's understanding of the cultural and environmental context, facilitating the incorporation of Indigenous perspectives for more sustainable and mutually beneficial energy initiatives. Strong relationships promote transparency, trust, and accountability, reducing the risk of project delays, disputes, or opposition. Prioritizing Indigenous engagement and relationship-building contributes to a more inclusive and responsible energy sector, fostering shared benefits and long-term positive impacts for both the organization and the Indigenous communities involved.

**Before initiating engagement, pause to reflect on these questions. Throughout the engagement process, revisit them:**

- What is our 'why'? Why do we want to engage and what outcomes would we like to achieve?
- How well do we understand the history, culture, and perspectives of the Indigenous communities in our region?
- Are our organizational values and practices aligned with principles of respect, inclusivity, and cultural sensitivity towards Indigenous peoples?
- What steps have we taken to build relationships and establish meaningful partnerships with Indigenous communities?
- Are we actively supporting Indigenous employment, training, and business opportunities within our organization and supply chain?

## Resources on relationship building:

- [Video: What matters: How to build meaningful relationships with Indigenous organizations](#)
- [Video: ReconciliACTION: Fostering trust-based relationships with Indigenous communities through action](#)

In this section you will find wise practices that you can implement when you begin to build relationships with an Indigenous community. “Wise practices” are different from “best practices” because they are contextual, not standardized, and change over time. Wise practices incorporate Indigenous culture, identity, and perceptions, and challenge the Western notion of one, true ‘best’ practice. The following wise practices are not necessarily sequential since many of them are ongoing and overlap with each other. We encourage you to create your own journey towards implementing these five wise practices.

## 1 EDUCATE YOURSELF

A crucial part to reconciliation and relationship building is educating yourself. This includes:

- Learning the correct pronunciation of the community’s name, as well as key contacts’ names.
- Learning about the history of the land and the nation where you live and work, and the impacts of colonization on the community.
- Understanding the community. Who is the current Chief? What are the current needs and priorities of the community? What projects are they currently working on? What services does the community offer to their members? What is available in the community – schools, sports programs, etc.? Do they belong to a tribal council, and has the tribal council passed any resolutions about the work you would like to do with the community?
- Understanding the broader Indigenous political landscape. If your proposed project will impact multiple communities, do they historically get along? Are there unsettled land claims or disputes? Have other regional or national Indigenous organizations commented on your project?
- Fostering cultural awareness and anti-racism, and dismantling unconscious biases.

We have much unlearning and re-learning to do. By educating yourself before you step into the first interactions with the Indigenous community, you are setting yourself up for success. Do not rely on your community liaison to educate you. This is unfair burden placed on them. Once you have formed a strong relationship with the individual, you can assess whether or not they are the right person to answer some of your remaining questions.

Ideally, your organization should implement regular Indigenous-related training for all staff and board of directors, based on specific needs and gaps in knowledge or skills. It is important to avoid making this a ‘checkbox exercise’ and meaningfully include the learnings into your day-to-day practices.

There are many ways to learn—through books, films, courses, events, and more. Try to prioritize Indigenous-led events, workshops, conferences, and publications as you continue to educate yourself.

Here are some recommendations:

### Land acknowledgments

- [Territory Acknowledgment Resource by Native Land Digital](#)

### Courses and webinars

- [Cultural Awareness Trainers provided by Indigenous-owned businesses](#)
- [NCTR Lunch and Learn Day 2: Unconscious bias and debunking stereotypes](#)

### Publications

- [Bombay A, Matheson K, Anisman H. The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma. \*Transcult Psychiatry\*. 2014 Jun;51\(3\):320-38. doi: 10.1177/1363461513503380. Epub 2013 Sep 24.](#)
- [Braiding Sweetgrass by Robin Wall Kimmerer](#)
- [21 Things You Didn’t Know About the Indian Act by Bob Joseph](#)

### Films

- [Indigenous Cinema from the National Film Board](#)

## Indigenous Worldviews

An important part of your education is learning about Indigenous worldviews and cultural protocols. Take the time to learn about the belief systems, laws, cultural practices, and protocols of the specific community or nation you're trying to build a relationship with. Indigenous worldviews are unique but also complementary to the Western worldview, which is important to consider when developing the relationship. A common element across Indigenous worldviews is that everything and everyone are related and connected,<sup>89</sup> which is why there is such an emphasis on relationships and the sacredness of land and the non-human world. This is an extremely important consideration in Indigenous decision-making in energy and resource projects.

### THE SEVEN SCARED TEACHINGS

(also commonly referred to as the Seven Grandfather Teachings) are a set of Anishinaabe guiding principles that focus on guiding individuals to 'live a good life'. They outline human conduct towards others, the earth, and all of nature. The teachings are typically represented by seven animals, each associated with a specific virtues.

**Wisdom** – Nibwaakaawin

**Love** - Zaagi'idiwin

**Respect** - Minaadendamowin

**Bravery** - Aakode'ewin

**Honesty** - Gwayakwaadiziwin

**Humility** - Dabaadendiziwin

**Truth** - Debwewin

<sup>89</sup> Indigenous Corporate Training, Inc, "Indigenous Worldviews Vs. Western Worldviews," January 2016, <https://www.ictinc.ca/blog/indigenous-worldviews-vs-western-worldviews>



## Cultural Protocols

Indigenous cultural protocols refer to the ways of interacting with Indigenous people that respect their customs, traditions, and ways of being.<sup>90</sup> While there are a variety of protocols across different nations, some common protocols include offering tobacco to someone in exchange for their knowledge, time and effort, smudging, having a feast, or offering a gift for example. It's important to ask what the person's or nation's specific protocols are around events, ceremonies, and meetings – don't assume.

## Sacred Medicines

There are four sacred medicines that the Creator gave to the Anishinaabe people: the first plant was tobacco, while the other three plants were sage, cedar, and sweetgrass. It is said that tobacco sits in the eastern door, sweet grass in the southern door, sage in the west, and cedar in the north. Elders say that the spirits like the aroma produced when the other sacred medicines are burned and, therefore, the four medicines are used in everyday list and in ceremonies.<sup>91</sup>

All of the medicines can be used for smudging which is a tradition in many Indigenous cultures that involves burning the medicines to cleanse the spirit of negative thoughts of a person or place. There are many ways to perform a smudge and different variations and protocols exist. Smudging is always voluntary. It is completely acceptable for a person to indicate that they do not want to smudge.

Traditionally, tobacco is used as an offering for everything and in every ceremony. It opens the door to allow communication to take place. When we make an offering of tobacco, we communicate our thoughts and feelings through the tobacco as we pray for ourselves, our family, relatives, and others. When you seek the help and advice of an Elder, Healer or Medicine Person, and give your offering of tobacco, they know that a request may be made as tobacco is so sacred.<sup>92</sup>



Below are some resources to familiarize yourself on the variety of cultural protocols:

- [Protocols for Engaging with Indigenous Peoples & Communities by the Gord Downie & Chanie Wenjack Fund.](#)
- [Indigenous Education | Cultural Protocols by the Calgary Board of Education.](#)
- [Guidebook to Indigenous Protocol by Indigenous Corporate Training Inc.](#)

<sup>90</sup> University of Windsor, "What are Indigenous Protocols?" <https://www.uwindsor.ca/ctl/550/indigenous-protocols>

<sup>91</sup> Isaiah Brokenleg and Elizabeth Tornes, "Walking Toward the Sacred: Our Great Lakes Tobacco Story", Great Lakes Inter-Tribal Epidemiology Center, 2013, <https://www.glitc.org/2020/wp-content/uploads/2020/05/tobacco-booklet-web-.pdf>

<sup>92</sup> Downie Wenjack Fund, "Anishinaabe Teachings of the Four Sacred Medicines" <https://downiewenjack.ca/four-sacred-medicines/>

## 2 BUILD TRUST

Mistrust has developed over the years between the energy sector and Indigenous communities. While your company may not be responsible for this history, it can have an understandably significant influence on relationship building today. Building trust with various community members is a time-intensive process that should not be underestimated, but is also critical. Trust is the foundation of any strong, sustainable relationship with Indigenous communities. Key ways to build trust are to:

- Acknowledge the history of Indigenous peoples and the impacts of colonization.
- Take the time to break bread, have tea, and meet with no agenda. Get to know individuals in the community on a personal and professional level.
- Visit the community, no matter how far or remote it is. This is greatly appreciated since Indigenous communities are typically expected to travel to major cities for meetings.
- Maintain regular, open communication with community members to address concerns, provide updates, and foster transparency.
- Actively participate or volunteer to support local cultural events and gatherings, demonstrating a genuine interest in the community.
- Be humble and honest in your presentations to the community about the proposed project. Share the pros, cons, risks, and opportunities of your project. Follow-up on any matters that arise during conversations.
- Honour your words and commitments.

**Building trust with various community members is a time-intensive process that should not be underestimated, but is also critical. Trust is the foundation of any strong, sustainable relationship with Indigenous communities.**

## 3 AVOID A PAN-INDIGENOUS APPROACH

A common theme throughout this primer is to understand and respect the diversity of each Indigenous nation and community. It is critically important to avoid using a pan-Indigenous approach when engaging with different Indigenous people, communities, and organizations. What works for one community might not work for the other. Indigenous peoples are not homogenous. Learn about the specific community you desire to build a relationship with and don't be afraid to ask questions—as long as you've done your homework first.

## 4 START EARLY AND ENGAGE OFTEN

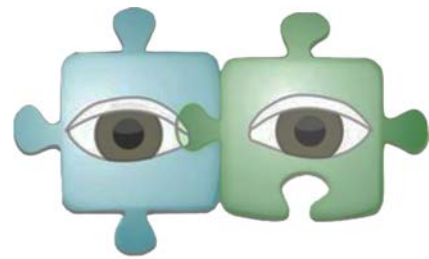
One of the most common wise practices shared by Indigenous people is to start building the relationship with the community **as early as possible**, preferably at the project conceptualization phase. When initiating engagement, approach the community with an open mind, free from preconceptions, and without imposing rigid timelines. Even if the project has not passed all the internal approval processes yet, you should introduce the idea to the community and get a sense if they are interested or not. One of the biggest mistakes you can make is treating Indigenous people as an afterthought. This will tarnish any potential opportunity you may have and demonstrate your lack of understanding of Indigenous rights and the duty to consult and accommodate. In addition, starting the engagement process early will give you more time to build trust and relationships with the community.

Engaging **often and intentionally** is another important element. The occasional email or phone call with your liaison is not enough.

- Search the community's website to identify who the right point of contact is for your engagements and consultation. Every community is different—some might have consultation teams, a dedicated manager or liaison, or Chief or Councillor responsible for industry relationships. If you cannot find the information online, call the community and ask.
- In order to get deep, community buy-in, you have to use different modes of engagement, including in-person and virtual meetings, surveys, open houses, newsletters, community mail-outs, phone calls, information sessions, visual aids such as photos, diagrams, presentations, and informal conversations over meals.
- It's important to engage with community members other than the political leadership, such as Elders, youth, and traditional land users.
- During these engagements, it's always important to practice active listening.
- Share project updates and information about your company's activities with the community, even in the absence of specific legal requirements.
- Integrate Indigenous perspectives, knowledge, and feedback into the development of the project.
- When seeking help from a community member, such as inviting them to join an advisory committee, or asking an Elder to open an event, it's important to recognize the value of their time and knowledge. Ensure they are provided fair compensation for their time and travel.

- Remember that a community is not a corporation and will operate differently than a corporation. Each community will have different priorities and timelines. It's important to be mindful of their ongoing activities and respectful of their internal processes. Engagement efforts may require additional time as communities often consult with their members before making decisions.
- Understand and acknowledge that Indigenous values may conflict with business venture values where success is measured solely based on economic objectives. Show respect for community decisions.

Engaging early and often with the entire community is extremely important in trust building. Be prepared to extend your timelines to enable deep, meaningful engagement and consultation.



### ETUAPTUMUK – TWO-EYED SEEING

It's a principle that involves learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing, then learning to use both eyes together, for the benefit of all. Learn more about Two-Eyed Seeing [here](#).

#### Additional resources

- [Blog post: How NOT to Engage an Indigenous Community](#)
- [Blog post: 5 Steps to Meaningful Indigenous Community Engagement](#)



## 5 DEVELOP PLANS, POLICIES, AND STRATEGIES

Eventually, your organization will be ready to create Indigenous-specific plans, policies, and strategies that will guide your organization towards better Indigenous relations. Creating these policies sets the standard and helps build institutional knowledge that won't be lost as employees leave the organization. Examples of some internal best practices include developing and implementing an Indigenous employment plan, procurement policy (see Chapter 5), communication strategy, and reconciliation action plan (see [OPG's Reconciliation Action Plan](#) as an example). It is important that these different plans and policies set out **clear goals, objectives, metrics,** and **guidelines** for the organization.

### Questions to consider:

- How are we addressing the barriers and challenges that Indigenous communities face in accessing our services or benefits?
- Are we transparent and accountable in our engagement with Indigenous communities, including sharing information and resources?
- How do we measure the effectiveness of our Indigenous engagement efforts and assess their impact on reconciliation and community well-being?
- What steps can we take to continuously improve and deepen our commitment to Indigenous engagement, reconciliation, and meaningful partnerships?

### Progressive Aboriginal Relations Program:

The Canadian Council for Aboriginal Business (CCAB) is a membership-based organization that connects and supports Indigenous entrepreneurs with Canadian business partners and resources. One of its cornerstone programs is the [Progressive Aboriginal Relations \(PAR\)](#) program, which not only certifies corporate excellence in Indigenous relations but also assists companies in building a framework for Indigenous engagement programs. Additionally, the CCAB's [Supply Change program](#) facilitates connections between Indigenous businesses and corporate Canada.

### Additional resources

- [Guide to Developing Indigenous Inclusion Policies by the Local Employment Planning Council](#)
- [7 Common Elements in Successful Indigenous Relations Strategies](#)

### Reflection Questions

- How can you embed these practices into your organization?
- What do you think are some of the barriers to these practices and how can you overcome them?
- How can you recognize distinct nation or community-specific histories, cultures, and customs in your learning and engagement?

# PROMINENT EXAMPLES OF WAYS PREVIOUS PARTNERSHIPS HAVE GENERATED BENEFITS TO INDIGENOUS PEOPLES

For any partnership to be successful, there must be returns and benefits to all parties involved. For energy projects and partnerships, the benefits to Indigenous communities include economic development and governance over project development on their lands. In Canada, the promotion of Indigenous issues and engagement in energy development is growing. However, it is widely acknowledged that more needs to be done to design and conduct proper engagement processes, build cross-cultural partnerships, and understand similarities and differences in views and values. Energy partnerships offer many potential social and economic benefits for communities, such as employment and infrastructure development, but local needs and perspectives must guide agreements for outcomes to be truly beneficial. Below are some prominent examples of fruitful partnerships and the associated benefits to Indigenous communities.

## ECONOMIC DEVELOPMENT

Economic development can take many forms. The three most common forms are own-source revenue, employment, and community investment.

### OWN-SOURCE REVENUE

Own-source revenue is important for the self-determination of Indigenous communities. It decreases their financial dependence on the government and enables the community to reinvest revenue however it sees fit. Typically, this takes the form of reinvestment into business growth, community programs, or local infrastructure and services.

Organizations can facilitate own-source revenue by creating joint ventures with community-owned businesses, negotiating revenue sharing opportunities, and prioritizing procurement from the Indigenous community or individual-owned businesses. Research shows that these types of opportunities are important since “overcoming barriers to economic development in Indigenous communities would help achieve economic reconciliation and better socioeconomic outcomes for Indigenous peoples.”<sup>93</sup>

<sup>93</sup>House of Commons, “Barriers to Economic Development in Indigenous Communities,” April 2022, <https://www.ourcommons.ca/Content/Committee/441/INAN/Reports/RP11714230/inanrp02/inanrp02-e.pdf>

## Procurement

Organizations should work with the community to identify ways to provide meaningful and sustainable procurement opportunities for the Indigenous community. The procurement of goods and services from Indigenous-owned organizations is on the rise within the nuclear sector. While the number of Indigenous-owned nuclear-qualified organizations is limited, there is a growing interest among Indigenous-owned companies across Canada to join the nuclear supply chain. This expansion of involvement holds promise for fostering economic growth and collaboration within Indigenous communities while also contributing to the diversity of suppliers in the nuclear industry.

Not all communities have businesses that offer the highly specialized products and services the nuclear sector would typically procure from. In these cases, organizations should work with Indigenous communities to identify ways to support local business development so Indigenous-owned businesses can enter their supply chains over time.

### Consider the following wise practices when working with Indigenous-owned businesses:

- **Capacity building support:** Recognize that some Indigenous-owned companies may have limited capacity due to their smaller size or fewer resources. Offer support through capacity-building initiatives, training programs, or mentorship to enhance their capabilities.
- **Flexible contract terms:** Understand that standard contract terms may need to be flexible to accommodate the unique circumstances of Indigenous-owned businesses. Consider adapting payment schedules or contractual obligations to better suit their capacity.
- **Access to networks and opportunities:** Indigenous-owned companies may have limited access to business networks. Facilitate introductions, provide networking opportunities, and share information on relevant procurement opportunities to enhance their visibility and access.
- **Education on procurement processes:** Recognize that some Indigenous-owned companies may be new to procurement processes like requests for proposals (RFPs) or bidding. Offer training sessions, workshops, or educational resources to help them navigate and participate effectively in such processes.

- **Documentation requirements:** Streamline and simplify documentation requirements where possible. Recognize that smaller companies may have limited administrative capacity, and reducing unnecessary paperwork can facilitate their involvement in procurement opportunities.
- **Transparent communication:** Maintain open and transparent communication throughout the collaboration. Clearly articulate expectations, timelines, and requirements to avoid misunderstandings and foster a trusting relationship.
- **Adaptable procurement policies:** Review and adapt procurement policies to ensure they are inclusive. This may involve incorporating flexibility in evaluation criteria or setting aside specific opportunities for Indigenous enterprises.
- **Long-term relationship building:** Prioritize long-term relationship building over short-term transactions. This approach fosters trust, loyalty, and a more sustainable business partnership.
- **Inclusion in decision-making:** Actively involve Indigenous-owned companies in decision-making processes related to projects or contracts. This inclusion ensures their perspectives are considered, contributing to a more collaborative and equitable relationship.

### Resources to find Indigenous-owned businesses

- [Canadian Council for Aboriginal Business](#)
- [Government of Canada](#)
- [Advanced Business Match](#)



**Success at Work:** Bruce Power's Indigenous Relations Supplier Network is a supplier-based network that brings together like-minded organizations looking to build sustainable relationships with Indigenous communities and organizations. The membership aligns with the Canadian Council for Aboriginal Business (CCAB) Progressive Aboriginal Relations (PAR) program. The network acts as a sharing circle that helps organizations put in place the necessary building blocks to set the organization up for success.

## Equity Partnerships

These types of partnerships with Indigenous communities offer a mutually beneficial avenue for sustainable development, fostering economic prosperity and promoting meaningful collaboration. By establishing equity in business ventures, Indigenous communities become active partners, contributing to decision-making processes and sharing in the financial benefits generated by the projects.

This approach not only respects Indigenous rights but also aligns with principles of self-determination. Equity partnerships empower Indigenous communities to manage and control their resources, providing avenues for economic diversification beyond traditional sectors. They also contribute to long-term, sustainable development, where the economic success of projects is intricately tied to the well-being of Indigenous communities, promoting a more equitable and inclusive future.



**Success at Work:** The North Shore Mi'kmaq Tribal Council (NSMTC) and seven of its First Nation member communities have signed equity agreements with Moltex Energy Canada Inc. (Moltex) and ARC Clean Technology Canada, Inc. (ARC). These first-of-a-kind agreements in the field of small modular reactor (SMR) technology will enable NSMTC and its member communities (Oinpegitjoig, Ugpi'Ganjig, Natoaganeg, L'nui Menikuk, Tjipogtotjg, Metepenagiag, Amlamgog) to share in Moltex's and ARC's success in deploying advanced nuclear technology in New Brunswick and around the world. NSMTC and its member communities are making financial investments in both Moltex and ARC via separate agreements that result in them receiving \$2 million in share value from Moltex and \$1 million in share value from ARC. While details are confidential, both deals have been structured in recognition of the key role First Nations play in New Brunswick's energy future. The number of shares received will depend on future company valuations at the close of later funding rounds. To learn more, [click here](#).

### Resources on own-source revenue opportunities

- [14 Indigenous Procurement Best Practices Suggestions by Indigenous Corporate Training Inc.](#)
- [Best Practices and Lessons Learned in Indigenous Procurement](#)
- [Best Practices Guide: Creating Resort Partnerships with First Nations by the British Columbia Resort Task Force](#)
- [Bridging the Gap – Strategies for Increasing Indigenous Procurement by Reeve Consulting](#)
- [Business Reconciliation in Canada Guidebook by CCAB](#)
- [CCAB Supply Change Program](#)
- [Indigenous Procurement Working Group publications](#)
- [Partnerships in Procurement: Supporting Indigenous Business Growth through Improving Federal Secondary Procurement from Corporate Canada by CCAB](#)
- [Reconciliation Toolkit for Business Leaders by the Congress of Aboriginal Peoples](#)



## EMPLOYMENT

This is another high priority for Indigenous communities, especially in the nuclear sector, which will play a role in Canada's growing net-zero economy. Organizations should work with communities to identify what their employment needs are and co-develop ways to set up the local workforce for success in the nuclear sector. This could include providing skills training opportunities, bursaries, job mentorship, and commitment to career growth of Indigenous employees. This is important to discuss early in your engagement and consultation process, so the community has enough time to prepare their workforce for when the project comes online.

### Barriers to Employment

As discussed in Chapter 2, there are many barriers to education and employment for Indigenous people. Addressing these barriers requires comprehensive strategies that encompass anti-discrimination measures, improved educational opportunities, cultural awareness training, infrastructure development in remote areas, increased representation, and support for reliable transportation and childcare services. By recognizing and actively working to overcome these challenges, organizations can foster a more inclusive and equitable work environment for Indigenous peoples. It is important to acknowledge this and work towards reducing those barriers to support meaningful work for Indigenous employees in the nuclear sector. Strategies:

- Target your recruitment by using online platforms for Indigenous professionals and Indigenous employment centres.
- Offer learning opportunities for students, such as high school, university co-op, and internships.
- Connect with Indigenous student services centres at universities and colleges.
- Create training and upskilling opportunities.
- Share job postings with your Indigenous network, [Indigenous Friendship Centres](#), and [Indigenous Skills, Employment and Training](#) organizations.

#### Success at Work: [OPG's Indigenous Opportunities Network](#) (ION) is dedicated to recruitment of

Indigenous people. The program strives to create an engaging and inclusive workforce that reflects the broad diversity of Indigenous communities and peoples across the company. The program establishes a network of employers in the energy industry and develops approaches to Indigenous recruitment to build career pathways to OPG and across the industry.

- Ensure that appropriate staff (for example, HR and managers) have undergone trauma-informed training, and that all staff have taken anti-racism and cultural awareness training.
- Offer career growth and mentorship opportunities tailored for Indigenous employees.
- Consider ways to make your organization a safe and welcoming space to work for an Indigenous person.
  - Are your recruitment and hiring practices inclusive? How inclusive is the workplace?
  - Do you provide time off for cultural practices and community bereavement?
  - Does your organization have a culture of valuing diversity of opinions and perspectives?
  - Do you have an awareness of potential cultural differences in the workplace?
- Create a specific Indigenous recruitment and retention plan with an Indigenous professional.
- Partner with Indigenous-led organizations that specialize in skills training and career development for Indigenous people.
- Approach Indigenous self-identification with sensitivity, recognizing concerns about tokenism or discrimination. Acknowledge that Indigenous status might not always be confirmed through a status card, and historical factors like residential schools can lead to uncertainty about ancestral communities.
- Create an open and inclusive recruitment process by taking into consideration experience-based hiring and involving community members in references.
- Acknowledge potential cultural differences impacting interviews. For example, in some Indigenous cultures, direct eye contact is seen as a sign of disrespect or aggression, and it is considered more respectful to avoid direct eye contact or to only make brief, intermittent eye contact. This practice is not a sign of lack of confidence or trustworthiness, but rather reflects different cultural values and beliefs.

#### Resources on Indigenous employment

- [Anti-Bias Hiring Practices for Indigenous Peoples and Recruitment Strategies by the Canadian Bar Association](#)
- [Indigenous Attraction, Recruitment, & Retention Strategy Tool by United Way East](#)
- [Indigenous Recruitment Guide by EcoCanada](#)
- [Indigenous Employment: Recruitment & Retention - Live-Guided Training](#)

## COMMUNITY INVESTMENT

Companies that invest in communities demonstrate their commitment to the community's growth and prosperity. Community investment could include donations and sponsorships for community sports teams, cultural events, building renovations, elder care, among other initiatives. It could also take the form of investing time rather than finances by participating in community events, volunteering in the community, and supporting local initiatives that align with the community's needs and values. This helps build a reciprocal relationship where you invest in the community, and the community, in turn, will invest back in your company. Organizations should collaborate with their community liaison to identify suitable opportunities for investment.

## THE IMPORTANCE OF ECONOMIC RECONCILIATION

Indigenous economic reconciliation is paramount for fostering inclusive and sustainable economic growth that respects and integrates the rights and aspirations of Indigenous communities. Economic reconciliation acknowledges the historical injustices and socio-economic disparities faced by Indigenous peoples, and aims to redress these imbalances by empowering Indigenous communities to actively participate in and benefit from economic opportunities.

By promoting economic self-determination, Indigenous economic reconciliation contributes to the preservation of cultural identity and traditional practices. It also enhances social well-being by addressing systemic barriers and promoting equitable access to education, employment, and business opportunities.

Moreover, Indigenous economic reconciliation fosters collaboration between Indigenous communities, governments, and the private sector, fostering a more inclusive and resilient economy. Through respectful partnerships, fair resource-sharing agreements, and culturally sensitive economic development initiatives, Indigenous economic reconciliation not only acknowledges past wrongs but also paves the way for a more just and equitable future where the economic interests of Indigenous peoples are fully recognized and respected.



**Success at Work:** In 2017, Cameco and Lac La Ronge Indian Band signed a collaboration agreement that enhances and sustains their existing relationship and commercial ventures. The agreement confirms Lac La Ronge Indian Band's support for Cameco's mining operations in northern Saskatchewan, the parties' commitment to protecting the environment and ensures Lac La Ronge Indian Band will continue to benefit from employment, business opportunities and community investment from the industry. Specifically, regarding provisions around community investment, the agreement states that annual production-based payments will be made to a community trust to be used for community projects and infrastructure. As part of the agreement, the Lac La Ronge Indian Band, Cameco and Kitsaki Management have also expanded the LLRIB Grade 12 Scholarship Program for band members. Cameco also publishes progress reports on the pillars and commitments of the collaborative agreement to maintain transparency and accountability. More information on the collaborative agreement can be found [here](#).

# GOVERNANCE OF LAND

## ENVIRONMENTAL STEWARDSHIP

Environmental stewardship is extremely important for any energy or natural resource project being developed on Indigenous lands. Such projects may disturb the land, ecosystems, and habitats, creating negative impacts on the land, air, and water, which could, in turn, affect the community's right to sustenance living. When engaging with communities on a potential project, the question of environmental impacts will be raised, including how it will impact the waters, the immediate land, and species at risk.

## LAND USE PLANNING AND PROTECTION

Mitigating potential negative environmental impacts involves ensuring Indigenous ownership and control in land use planning and protection. In the environmental assessment process, it's important to include the Indigenous community's own environmental assessment, which may come from an external consulting firm, as well as an assessment based on the land users and Elders' traditional knowledge of the land and waters. Combining western science and Indigenous science will create a robust assessment of environmental impacts to inform land-use planning and management.

## LAND GUARDIANS

Once the project is operating, Indigenous land guardians, who are trained experts, may manage protected areas, restore animals and plants, test water quality, and monitor development. Land guardians can include youth, adults, Elders, and Indigenous people from outside of the community. These are paid positions that help build local Indigenous people's capacity to engage with other land users, industry, and government representatives. There are over 160 First Nations Guardians programs operating in Canada. Land guardians can be your first line of defense if there are environmental impacts from a project. The community can also respond more quickly to an incident since their own people are responsible for monitoring the land. The Indigenous community has the right to govern and protect their lands, and a land guardians' program is a great way to affirm this right.

## PROJECT/ORGANIZATIONAL GOVERNANCE PARTICIPATION

Indigenous communities may also have some control over the governance of the entire business or project, such as by holding a seat on the board of directors or other types of governance structures such as advisory councils or working groups that report directly to the executive team. By having Indigenous decision-making at the highest level, this increases the lines of communication between the organization and the community, ensures better decisions impacting Indigenous lands and workforce, and mitigates political and social risks. Not even 1% of current board of director positions at Canadian corporations are held by Indigenous people, even though they make up 5% of the Canadian population. Reserving a seat at the table for an Indigenous person from the community is an act of reconciliation and smart business decision-making.

### Resources on governance:

- [A National Indigenous Guardians Network Backgrounder](#)
- [Government of Canada Funding for Indigenous Guardians](#)
- [Boreal Conservation Land Guardians](#)
- [Guidance: Indigenous Knowledge under the Impact Assessment Act](#)
- [Leading By Example: How Indigenous Perspectives on Boards Lead to Impactful Change by Sheridan College](#)
- [Board Diversity: Literature Review and the Indigenous Experience by Gauri Subramani and Kalie Wertz from the University of Pennsylvania](#)

### Reflection Questions

- Considering the history of colonization in Canada, why would economic development and governance be important to Indigenous peoples?
- Which of the examples shared in this chapter could your organization potentially support? Which would be the most challenging, and why?





# MOVING FORWARD

The evolving relationship between Indigenous communities and the nuclear sector is poised to grow more intricate and interconnected, particularly with the ongoing investments in clean energy by industry and governments. While this collaboration holds great potential, it is crucial to acknowledge the solidity of these relationships is not guaranteed. The success of such partnerships hinges on the genuine commitment of industry players to cultivate meaningful and sustainable relationships with Indigenous peoples in Canada. Rather than viewing engagement as a mere legal obligation, fostering relationships should be approached with enthusiasm and honesty, paving the way for mutually beneficial outcomes.

In this context, this primer stands as a valuable resource for nuclear professionals embarking on their journey of engagement and relationship building. The insights and wise practices provided within can serve as a compass, to help navigate the layers of Indigenous involvement in the nuclear sector.

In essence, the success of the relationship between Indigenous peoples and the nuclear sector relies not only on the current state of affairs but on the adaptability and willingness of industry players to navigate the shifting terrain of Indigenous politics, economics, and culture. By approaching engagement with a focus on fostering genuine relationships, the nuclear sector can contribute to positive outcomes for all parties involved and play a pivotal role in the sustainable development of reconciliation and clean energy in Canada.

## *Reflection Questions*

- What misconceptions, stereotypes, or unconscious biases were challenged as you read the document?
- How do these misconceptions, stereotypes, or unconscious biases about Indigenous people harm the nuclear sector?
- What are some reasons that you or your organization might feel hesitant about Indigenous engagement and relationship building?
- What are your personal or professional boundaries and are they culturally appropriate? How will you communicate or challenge these boundaries?
- What do you still need to learn?
- What are your personal next three steps after reading this document?



