

ABORIGINAL AWARENESS

TITLE:

# The Nuts and Bolts of Working Together

**IF YOU THOUGHT THIS WAS GOING TO BE EASY, THINK AGAIN. THE FACTORS AT PLAY IN ANY RELATIONSHIP WITH ABORIGINAL COMMUNITIES ARE COMPLEX AND CHALLENGING**

*Editor's Note: The following is the seventh in our series of Aboriginal awareness columns, which stem from an APEGGA Business Plan goal to increase Aboriginal awareness in the engineering, geological and geophysical professions. Check The PEGG Online for earlier stories in the series.*

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As I noted last month, working with Aboriginal people and their communities has become a critical component of corporate operational planning, and this has been the case for a number of decades now.

Aboriginal awareness training is only the beginning of what should become a long-term, committed relationship. You and your companies need to identify the business case and develop Aboriginal relations programs to ensure certainty, consent, Aboriginal participation, and access to land and resources.

Sometimes, this process is not successful. And it's never simple, either – if you think there's a quick-fix, one-size-fits-all solution, you're at the very least misguided.

Strategies, objectives, an action plan and resources require clarity and support from all sides. Learning how to be good neighbours and business partners with Aboriginal peoples is essential if we wish to operate effectively and efficiently in a constantly changing regulatory environment.

**Time Travel**

Think about this. Aboriginals are the first people in the history of mankind who have been obliged to travel from the Stone Age to the Space Age in one generation.

Most Aboriginal communities lack the appropriate institutions, resources and expertise to deal effectively with a public consultation process, and therefore to participate they require industry and government support.

There's an over-arching objective, here. It is to find approaches that strengthen the capacity of Aboriginal communities and organizations to design and deliver programs and services to meet the needs of their people – while meeting external demands from governments, the public and industry.

Aboriginal community leadership can't take money from education or housing budgets, for example, to pay people to consult with you. Keep in mind that the vast majority of these Aboriginal communities are very poor – destitute, really – and are constantly underfunded. Their capacity to cope with everything that's coming at them is extremely limited.

### **Community Finances**

The system these communities operate under isn't helping matters much. In fact, it's part of the problem.

Recently, the auditor general of Canada noted that each of the Canada's 640 Aboriginal governments must complete 166 reports to the federal government annually.

Are Aboriginal leaders learning self-government by generating all these reports? Are they doing the work of the federal bureaucrats at comparable pay scales?

Apparently, of those 640 Aboriginal governments preparing reports, only five per cent are under third-party management for overspending by eight per cent or more.

There's been a funding cap on these overspent budgets for at least 12 years. The growth rate among the Aboriginal population since the last audit in 2001 has been nothing short of spectacular, and yet there is no growth in these budget allocations.

Are these people being punished for some reason?

The overspending is interesting in itself. A mystery, really.

How does a community overspend a tightly controlled, Indian Affairs-audited, fixed budget, when credit is not available, borrowing is not an option, collateral is not accessible and can't be used, resource revenues are held in trust, and land claim settlement monies are only available for specifically approved programs or projects?

Where does the money come from that these Aboriginal governments are overspending? If these dollars are not from the government, why does the government even care? If this money being overspent is supplied by the federal government, why do they send in extremely expensive experts to get the money back?

This is just one factor that industry might encounter on any first meeting with Aboriginal representatives.

### **Overburdened and Underfunded**

Many Aboriginal communities, already dealing with such concerns as land claims, health issues, self-government negotiations, treaties issues, poverty and housing, feel they are over-extended and seriously underfunded. Their few key resource people are in constant demand for consultation meetings and travel, and that doesn't include local governance responsibilities.

As Aboriginal communities, their leadership, their management and their staff become overwhelmed, the process either stops or slows to a crawl, shortly after industry comes knocking.

If you understand this, it will go a long way in starting the whole process on the right foot.

### **What Aboriginals Leaders Want to Know**

Aboriginal leaders are prioritizing who they meet. Many have appointed small committees to review requests for consultation. These groups have the responsibility to determine which requests are the most viable and interesting.

They'll ask for more information such as

- a copy of your Aboriginal relations program
- two letters of reference from other Aboriginal communities or Aboriginal businesses your company has worked with in the past
- the number of Aboriginal people employed with your company
- biographies of the people you would like them to meet with
- details of what the benefits of your proposed project would bring to their community.

These community committees typically qualify their call for information with this statement or something like it: “Upon our review of the information provided, we will then determine if and when we should begin the consultation process with your organization.”

## **Respect and Knowledge**

Community relationship-building is a team effort and an integrated part of participating industry stakeholders. Part of this is industry’s capacity to understand, appreciate and have respect for “traditional ecological knowledge.”

Acknowledging the value of traditional knowledge will demonstrate your commitment to principles of sustainable development. Remember, Aboriginal community characteristics are different from those of the communities most of you are familiar with. If you deal with Aboriginal people only on a business basis, then your consultation processes will not begin well and may even be doomed.

Each Aboriginal community you deal with could have a different culture, too. There are different languages, different existing land uses and different levels of awareness of industry.

Each partner must be educated in each other’s values, beliefs and realities. At issue is a lack of awareness – on both sides – of rights and responsibilities.

Partnerships should be developed to assist Aboriginal people as they make the transition from a traditional lifestyle to one of full-blown industrialization in a modern society. The effort put forward to preserve a traditional lifestyle within a modern society is really quite extraordinary, and in most cases there is no forfeiting of one for the other.

Preservation of what Aboriginals have and survival – of individuals, individual communities and individual cultures – are the motivating factors and they must be understood and they must be respected.

## **New World Order**

What does this all have to do with us doing our business, you ask? How did we come to this?

Welcome to the new world order.

Where we are now was called the New World 500 years ago, even though it had been around for 10,000 years. When this place was “discovered,” there were more people here than in Europe.

We are now in a rapidly changing New World, and to survive here we have to find new ways to work together.

Learning how to demonstrate respect is critical, as this leads to trust and credibility. Both are essential for any successful working relationship, whether personal or professional.

Aboriginal communities will disapprove of organizations that approach them with preconceived notions, plans or self-serving proposals, including recruitment of Aboriginal employees. Their needs are much more complex than that and they have every reason to be skeptical of your good intentions.

“Successful partnerships require dedication, commitment, hard work, understanding, trust and mutual respect. They also involve recognizing each other’s values and aspirations, and identifying and communicating common goals,” says Plutonic Power Corporation

So what is meant by “accommodation” in Supreme Court rulings on Aboriginal consultation? Here are some interpretations.

- “A compromise or an attempt to harmonize conflicting interests and move FURTHER down the path of reconciliation and balancing Aboriginal concerns with OTHER societal interests.” (Haida/Taku)
- “To adapt, harmonize, reconcile, an adjustment or adaptation to suit a special or different purpose. A convenient arrangement, a settlement or compromise.” (Haida Nation)

Industry must be prepared, along with the Crown, to defend its consultation process and the adequacy of the accommodation measured proposed. The court cases of Platinex Inc. v. Kitchenuhmaykoosib, and Frontenac Ventures Corp. and the Algonquin First Nation, make for an interesting study and are excellent examples of where we may be headed. Check them out – as guiding lights on what not to do.

However, for many years now processes have been working. There are literally hundreds of examples of industry best practices available, and good work and much success have been achieved.

### **Anti-Industry? No Way**

Aboriginal groups really are searching for viable economic development opportunities. Education support leading to employment and training is considered an economic as well as social priority.

Statistics from the Northeastern Alberta Aboriginal Business Association in Fort McMurray show that about \$500 million worth of business with Aboriginals is currently carried out in the Regional Municipality of Wood Buffalo each year. That number could rise to \$1.5 billion by 2015.

The Fort McKay First Nation does about \$20 million per year with Albian Sands alone.

“We are not against development, but our ways must be respected,” said Elder Joe Crowshoe, Piikani First Nation, in 1986. “Aboriginal awareness training for industry: go and learn as much about us as you can, for the same reasons we learned all about you. We know your language, studied your religions, learned your laws, are experiencing your justice systems and know your cultures, I wish you could say the same.”

Aboriginal governments, community leaders, groups of elders, organizations and businesses all agree that the key to effective, positive, durable relationships is mutual respect leading to trust. Listening and learning brings knowledge, comfort and understanding.

Consultation is a must; sincerity and long-term commitments must be clearly demonstrated. Learning how is the challenge.

Corporate Aboriginal community initiatives are an investment, not just an expense – and once committed will go on for a long time.

There are many more such success stories in which challenges have been overcome for mutual benefit. It all comes down to us all getting along, and to do that we must dispel the myths, check out what we base our opinions on, learn everything we can about each, and demonstrate care and respect for each other.

### **And There's More**

Where are traditional lands and who has jurisdictional authority? Are there maps available so industry can determine whether or not they are on traditional territory? Who do they begin discussions with, and where and what are the expected protocols required to proceed?

Do the various tribes and the Métis that claim the same traditional lands – which they may use for different purposes – have agreements in place among themselves? And if these agreements are in place, can industry get copies so it can learn what's required?

That's a whole other dynamic in consultation, which I'll address in a future column.

