

The Conference Board of Canada

Indigenous Ownership

Strengthening Economic Autonomy



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Key findings

- Canadian lawmakers and corporations have a history of undermining Indigenous self-determination and enabling major projects with destructive impacts. Indigenous ownership of major projects is an opportunity to learn from these mistakes and build better projects together.
- Revenues derived from major project ownership can complement fiscal and other instruments to advance Indigenous communities' and nations' immediate priorities and long-term development goals.
- Indigenous ownership of major projects generates unique capacity-building opportunities that can transfer to other sectors while advancing local infrastructure development and efforts toward self-determination.
- Major project ownership can complement Indigenous communities' and nations' pursuit of self-determination by allowing them greater control over resource development and tighter enforcement of related agreements.

Introduction

A boom in major project developments across Canada began in the early 20th century, at a time when Canadian lawmakers and corporations were at the peak of their efforts to break down Indigenous political, cultural, and economic autonomy. Massive, poorly planned developments imposed on Indigenous communities disrupted land-based economies and destroyed the natural environments that sustained them.

Now, Indigenous people are forging a new economic future that stands in stark contrast with major project failures of the past. Indigenous nations have fought and won constitutional recognition for their rights and are negotiating modern treaties and self-government agreements to assert jurisdiction over their lands and resources.

Many Indigenous communities have also forged new partnerships with industries to fuel the growth of their community-owned businesses. Through these businesses, Indigenous people are increasingly acquiring ownership stakes in major projects to regain control of economic development and generate lasting benefits for future generations.

This issue briefing will answer the question: What is the relationship between equity participation in major projects and Indigenous self-determination? It is the final piece in a series of three reports. The first piece (*Indigenous Ownership: Overcoming Obstacles and Forging Partnerships*) explored the factors enabling Indigenous ownership of major projects, and the second piece (*Indigenous Ownership: Best Practices for Major Project Success*) highlighted best practices across industry, lenders, and governments to support Indigenous communities in pursuing greater ownership.



Indigenous self-determination and major projects

Indigenous peoples' right to self-determination is inherent—it flows from their historic use and occupation of the lands that make up present-day Canada.¹ Indigenous people self-governed across these lands for thousands of years through their own unique cultures, languages, legal systems, diplomatic relations, and market economies.² For hundreds of years after the arrival of European settlers, Indigenous knowledge, networks, infrastructure, and innovations were all essential to launching Canada's economy.³

However, as the pace of European settlement accelerated across North America, the British and Canadian federal governments began aggressive efforts to seize Indigenous land. Government officials used falsehoods, threats, and military force during rushed negotiations to consolidate Indigenous lands under their control. Indigenous leaders called out these governments for their broken agreements and bad faith tactics.

In response, the Government of Canada took aim at Indigenous peoples' human rights—stifling dissent and blocking legal challenges related to its past wrongs and treaty promises. Under these oppressive conditions, Indigenous communities had no voice in matters affecting their lands and resources while major developments expanded across Canada. As a result, a majority of Indigenous communities in Canada are located near a contaminated site generated by a project approved without their consent.⁴ (See *Appendix A: Historical Context* for more on the history of Indigenous economic leadership, efforts to erode Indigenous self-determination, and the environmental impact of major projects.)

In the late 20th century, industry assumed responsibility for conducting pre-impact assessments of their own major projects, despite their vested interest in ensuring these projects proceeded. Their assessments often ignored Indigenous communities entirely, or relied on an assumption that major projects were inherently good for Indigenous communities and that the “benefits of such projects accrue more or less ‘automatically’ and far outweigh any localized social, cultural, political or economic burdens.”⁵

The Mackenzie Valley Pipeline Inquiry challenged assumptions that major projects “are good in and of themselves.”⁶ Led by Justice Thomas Berger and beginning in 1974, the Inquiry visited all 35 communities along the Mackenzie River and ultimately recommended placing a 10-year moratorium on pipeline development in the region. The Inquiry's findings highlighted how large-scale Canadian industrial developments had consistently “depreciated the Indigenous economic base,” resulting in a loss of control and choice for Indigenous people.

The impact these projects had on local employment was often short-lived, with no thought given to career prospects following a project's completion. Even by narrow standards of success, such as reducing unemployment rates, major projects were failing to generate sustainable results. At the same time, they were destroying land-based economies tied to Indigenous culture, economies, food systems, governance structures, and self-reliance.⁷

1 Daes, “An Overview of the History of Indigenous Peoples.”

2 Centre for First Nations Governance, *A Brief History of Our Right to Self-Governance Pre-Contact to Present*.

3 Ibid.; Le Dressay, “Renewing Indigenous Economies Through Creative Destruction.”

4 Chong and Basu, “Contaminated Sites and Indigenous Peoples in Canada and the United States”; Beaumont, “More Than Half of First Nations Communities in Canada Are Affected by Industrial Pollution.”

5 DesBrisay, *The Impact of Major Resource Development Projects on Aboriginal Communities*.

6 Berger, *Northern Frontier Northern Homeland*.

7 Ibid.



Regaining autonomy: Modern treaties and self-government

The Mackenzie Valley Pipeline Inquiry, which was the first time the Government of Canada investigated the impacts of a major project *before* it started, unfolded during a period of rising Indigenous advocacy for self-determination. This advocacy was strengthened by the 1973 Supreme Court of Canada decision in *Calder et al. v. Attorney-General of British Columbia*—the first to recognize the existence of Indigenous title to land. The case was driven by Nisga'a chief Frank Calder, who argued that the Nisga'a still held title to their traditional territory because they had never surrendered these lands through a treaty.⁸

The *Calder* decision led the federal government to enact its 1973 Comprehensive Land Claims Policy and begin negotiating modern treaties with Indigenous governments to establish certainty over their rights to lands and resources.⁹ Since then, the federal government has negotiated a total of 26 modern treaties involving 97 communities. Through these agreements, Indigenous governments have secured ownership over 600,000 km² of land and \$3.2 billion in capital transfers.¹⁰

These transfers are often paid into settlement trusts, through which funds are invested to provide legacy benefits for future generations.¹¹ Indigenous communities have also used funds flowing from modern treaties to build infrastructure, invest in businesses across a range of sectors, and attract private investment to spur economic development on their own terms.¹²

Since 1982, modern treaties have been protected by section 35 of Canada's constitution, which states that “[t]he existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed” and clarifies that “treaty rights includes rights that now exist by way of land claims agreements or may be so acquired.”¹³

The federal government has lost over 300 court cases arguing against Indigenous rights. As of 2019, the federal government's contingent liabilities related to historical and modern treaties totalled \$6.6 billion in litigation and \$15.8 billion in settlements. And the government has acknowledged criticism of a “litigate or negotiate” policy, through which it has refused to negotiate settlements with Indigenous nations and communities pursuing recognition of their rights through the court system.¹⁴

8 *Calder et al. v. Attorney-General of British Columbia*.

9 Crown-Indigenous Relations and Northern Affairs, “Renewing the Comprehensive Land Claims Policy.”

10 Crown-Indigenous Relations and Northern Affairs Canada, “Treaties and Agreements.”

11 Cooper, *The Essentials of First Nation Settlement Trusts*.

12 Government of British Columbia, “FACTSHEET: Benefits of Treaties”

13 *Schedule B to the Canada Act 1982 (UK), 1982, c 11*.

14 Gallagher, *Breaking 300 Legal Wins*; Crown-Indigenous Relations and Northern Affairs Canada, *2019 Crown-Indigenous Relations Ministerial Transition Binder*.

Modern treaties can also include provisions related to self-government. In practice, self-government involves Indigenous governments re-acquiring jurisdiction over local public services and economic development.¹⁵ Of the 26 modern treaties currently in place, 18 include provisions related to self-government.¹⁶ Indigenous groups can also negotiate self-government agreements separately from a modern treaty, and there are roughly 50 self-government negotiations currently underway.¹⁷

Self-government agreements can result in Indigenous groups regaining jurisdiction over many policy areas or as few as one.¹⁸ In 2023, the Métis Nation of Ontario, Métis Nation—Saskatchewan, and Métis Nation of Alberta each became Indigenous governments through self-government implementation agreements signed with the federal government.¹⁹ These agreements were the result of a transition underway since 2017 that also involved drafting constitutions, laws, and financial and intergovernmental relations agreements with the federal government.²⁰

The federal government negotiates self-government agreements under the guidance of its 1995 Inherent Right to Self-Government Policy.²¹ The policy lists subjects that are likely within the scope of negotiations, such as education, healthcare, housing, infrastructure, and management of land and natural resources. Indigenous groups can also negotiate some measure of jurisdiction in areas such as labour/training and environmental protection, assessment, and pollution prevention—but the policy states that

any authority in these areas is subordinate to that of the federal government. Other subjects are off the table completely, such as law-making powers related to national defence, fiscal and monetary policy, telecommunications, and intellectual property.²²

First Nations have criticized the Inherent Right to Self-Government Policy for encouraging Indigenous groups to surrender some rights before others can be recognized through a self-government agreement.²³ Many Indigenous groups negotiating agreements have also had to rely on loans from the federal government to finance these efforts. Across 200 Indigenous communities, this debt reached a total of \$1.4 billion by 2019, with many communities under pressure to reach an agreement so they can use the resulting settlement funds to repay their debt. The federal government announced forgiveness of these loans in 2019 and reformed the Negotiation Support Funding program so that it now offers contributions that don't need to be repaid.²⁴ The Nation Rebuilding Program was also launched in 2018 and provides funding to Indigenous governments developing plans, skills, structures, and processes that strengthen their pursuit of self-determination and self-governance.²⁵

Some First Nations are also re-acquiring jurisdiction over land management responsibilities through participation in the *First Nations Land Management Act* (FNLMA)—which some have called “a rare example of legislation that advances Indigenous self-determination.”²⁶ Participating in this First Nations-led institution allows nations to opt-out of some *Indian Act* provisions and replace them with laws approved

15 Aboriginal Affairs and Northern Development, *Renewing the Comprehensive Land Claims Policy*.

16 Crown-Indigenous Relations and Northern Affairs Canada, “Treaties and Agreements.”

17 Crown-Indigenous Relations and Northern Affairs Canada, “Self-Government.”

18 Crown-Indigenous Relations and Northern Affairs Canada, “Treaties and Agreements.”

19 Métis Nation of Alberta and Crown-Indigenous Relations and Northern Affairs Canada, “Canada and Métis Nation of Alberta Sign Updated Métis Self-Government Agreement”; Métis Nation of Ontario, “Canada and Métis Nation of Ontario Sign Updated Métis Self-Government Agreement”; Crown-Indigenous Relations and Northern Affairs Canada, “Self-Government Agreement Between the Métis Nation—Saskatchewan and the Government of Canada.”

20 Métis Nation of Ontario, *Fact Sheet: The Importance of the Self-Government Agreement*.

21 Assembly of First Nations, *Sector Update—Rights: Inherent Right to Self-Government Policy*.

22 Crown-Indigenous Relations and Northern Affairs Canada, “The Government of Canada’s Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government.”

23 Assembly of First Nations, *Sector Update—Rights: Inherent Right to Self-Government Policy*.

24 Bellrichard, “Federal Budget to Forgive or Reimburse \$1.4B in Loans to Indigenous Groups for Treaty Negotiations”; Crown-Indigenous Relations and Northern Affairs Canada, “Grants to Reimburse Treaty Negotiation Loans to Indigenous Groups Who Have Settled a Comprehensive Land Claim.”

25 Crown-Indigenous Relations and Northern Affairs Canada, “Nation Rebuilding Program.”

26 Terrill and Boutilier, “Indigenous Land Tenure Reform, Self-Determination, And Economic Development: Comparing Canada and Australia.”

by the community. Similarly, First Nations can acquire taxation powers through the First Nations Tax Commission (FNTC) and access bond markets and low-interest loans through the First Nations Finance Authority (FNFA), a service long available to other levels of government to finance their public service responsibilities.²⁷

These First Nations–led institutions are breaking down barriers to major project ownership; however, as we highlighted in part one of this research series (*Indigenous Ownership: Overcoming Obstacles and Forging Partnerships*), the *Indian Act* continues to restrict, erode, and block access to capital for hundreds of First Nations across Canada.



UNDRIP and co-developing a path forward

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) describes Indigenous peoples' self-determination as a right to "freely determine their political status and freely pursue their economic, social and cultural development."²⁸ The Government of Canada ratified UNDRIP in 2021 through the *United Nations Declaration on the Rights of Indigenous Peoples Act*, creating an obligation and a framework for the government to work toward its objectives. The Act does not create new Indigenous rights but elaborates on those already affirmed in section 35 of Canada's constitution.²⁹

The Assembly of First Nations (AFN) expects UNDRIP's ratification to advance Indigenous self-determination in natural resource developments by embedding the right of "free, prior and informed consent" into environmental assessments and project negotiations between Indigenous communities and industry.³⁰ The Métis National Council has emphasized the value of UNDRIP legislation as an instrument to uphold human rights for Métis people and guarantee federal laws are consistent with the UN's declaration. Success will require an implementation plan co-developed with Indigenous people that addresses injustices, promotes respect, eliminates discrimination, and holds the federal government to account.³¹ Inuit Tapiriit Kanatami (ITK) is also in full support of co-developing a plan to implement UNDRIP, but has voiced concern over the lack of an independent oversight and enforcement mechanism. ITK has called on the federal government to create an Indigenous human rights commission to fill this role.³²

27 OECD, "Overview of Indigenous Governance in Canada."

28 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*.

29 Assembly of First Nations, *Introduction to the United Nations Declaration on the Rights of Indigenous Peoples*.

30 Assembly of First Nations, "Implementing the United Nations Declaration on the Rights of Indigenous Peoples."

31 Métis National Council, "UNDRIP."

32 Inuit Tapiriit Kanatami, Resolution B21-03-11.



In March 2023, the federal government released a draft UNDRIP implementation plan, which contains a promise to develop “practical recommendations for successful free, prior and informed consent implementation,” as well as a promise “to ensure Indigenous peoples and their communities equitably and consistently benefit from natural resource development that occurs on Indigenous lands.”³³ The final plan, released in June 2023, also commits Natural Resources Canada, the Impact Assessment Agency of Canada, and the Canada Energy Regulator to work towards empowering Indigenous people with greater regulatory authority over natural resource projects.³⁴ *Canada’s Collaborative Modern Treaty Implementation Policy*, released in 2023, also recognizes UNDRIP as an interpretative source that can inform how modern treaties are implemented by setting out rights and principles that represent minimum standards. The policy was co-developed with First Nations, Metis, and Inuit, and will guide the federal government in shifting its institutional culture to uphold the spirit and intent of modern treaties.³⁵

Negotiating agreements and growing Indigenous economies

As we highlighted in *Indigenous Ownership: Best Practices for Major Project Success*, Indigenous community-owned businesses are succeeding at increasingly large scales—a trend that is also fuelling progress toward self-determination. As these community-owned businesses grow in sophistication they are empowering Indigenous people to retake control of local development and align it with broader objectives—including support for language, culture, youth, local businesses, the environment, and sacred sites.³⁶ The Canadian Council for Aboriginal Business (CCAB) sees the potential for these community-owned businesses to create “a sustainable economic base for self-reliance,”³⁷ aligning with findings from the Organisation for Economic Co-operation and Development (OECD) that “vibrant Indigenous economies are fundamental to self-determination.”³⁸

33 Government of Canada, Department of Justice, “Chapter 1: Shared Priorities.”

34 Department of Justice Canada, *The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*.

35 Crown-Indigenous Relations and Northern Affairs Canada, “Canada’s Collaborative Modern Treaty Implementation Policy.”

36 Selle and Wilson, “Economy, Territory, and Identity”; Opiikapawiiin Services, *Training Handbook*.

37 Canadian Council for Aboriginal Business, *Business Reconciliation in Canada Guidebook*.

38 OECD, *Linking Indigenous Communities With Regional Development in Canada*.

Indigenous communities have also negotiated a range of unique agreements with industry to harness the socio-economic potential of major projects. Best practices for doing this have evolved over time to include a focus on Indigenous education, training, and advancement strategies.³⁹ These strategies are put into action through policies that promote opportunities to community members, encourage the hiring of Indigenous candidates, and support their advancement into management roles.

Policies can also provide job candidates with paths into training programs to meet educational requirements for employment while assisting with other barriers, including access to childcare, transportation, counselling, and alcohol/drug treatment. Policies that support Indigenous employee retention include cultural, bereavement, and voting leaves; cultural awareness training; zero-tolerance discrimination policies; and other integration supports.⁴⁰

Major project procurement can also support businesses owned by Indigenous communities and individuals, as well as subcontractors with policies that prioritize Indigenous employment, retention, and development. The policy tools that provide this support include preferential treatment during the bidding process or bypassing this process altogether, instead awarding contracts directly through transparent negotiations.⁴¹ Negotiated agreements can also include a range of contracting conditions and ownership rights, as well as fiscal instruments such as resource revenue sharing with governments, to generate own-source revenues for Indigenous communities.⁴²

These negotiated agreements are a way to push back against factors that undermine Indigenous self-determination, such as relying on intergovernmental transfers to deliver services and not recognizing local expertise, which leads to a reliance on fly-in, fly-out interjurisdictional workers.⁴³ (For more details on the impact of interjurisdictional workers, see our issue briefing *Benefit, Burden, or Both? The Economic Impact of Interjurisdictional Workers in Canada's North*.)

Project ownership can help finance self-determination

Independent revenue streams are essential to Indigenous self-determination. As one interview participant stated, “If you don’t have a source of revenue, you’re beholden to somebody else. You have to have some kind of economic self-reliance—it’s absolutely critical.”⁴⁴ The necessity of these revenues is highlighted in UNDRIP, which states that Indigenous people “have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”⁴⁵

Owning equity in major projects can provide Indigenous communities with own-source revenues that can be spent on community-determined priorities and timelines—reducing reliance on other levels of government.⁴⁶ These revenues can also flow for a long time. For example, Moose Cree First Nation is expected to generate revenues from the Lower Mattagami River Project for over 100 years.⁴⁷ Members of the First Nations Major Project Coalition have connected major project ownership to aspirations including stable long-term growth, diversified revenues, funding for social and economic development, increased savings for future generations, and ending political interference.⁴⁸

39 Richter, “Training, Employment and Contract Opportunities in Collaboration Agreements.”

40 Gunton and others, *Impact Benefit Agreement Guidebook*.

41 Richter, “Training, Employment and Contract Opportunities in Collaboration Agreements.”

42 Gunton and others, *Impact Benefit Agreement Guidebook*.

43 Selle and Wilson, “Economy, Territory, and Identity.”

44 Participant interview—First Nations legal professional

45 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*.

46 Exner-Pirot, *Pathways to Indigenous Economic Self-Determination*.

47 Ontario Power Generation, “Lower Mattagami Hydroelectric Project Completed Ahead of Schedule and on Budget.”

48 Podlasly, “Indigenous Sovereign Wealth Funds.”

Participants interviewed for this project agreed that there is a link between self-determination and the financial independence Indigenous communities are seeking through owning major projects. As one participant stated:

You cannot have self-determination without economic freedom, and so Indigenous equity participation 100 per cent supports self-determination because it allows us the freedom to run our community how we see it needs to be run. It allows us to provide the programs and services that we need to provide to a high quality of life for the members living in the community [and] build the infrastructure that the community needs, and we're not dependent on other levels of government to do that.⁴⁹

Revenues derived from major project equity may hold advantages over other types of negotiated fiscal instruments. Fixed payments are the most common way Indigenous communities derive revenues from major projects, with lump sums typically delivered at project milestones. Fixed payments are predictable and easy to administer but make obtaining a fair share of project revenues difficult because they don't respond to changes in commodity prices or production costs. Profit-based royalty revenues adjust with these market changes but carry more risk and are complicated to administer. Revenues flowing from equity ownership share these qualities and can also be more difficult to acquire due to the upfront investment required. However, with equity, communities can appoint board members that have full access to a project's commercial and financial data. Generating revenue through equity can also be advantageous as it avoids distorting investment decisions and high-grading resources—situations that can prevent projects from being built.⁵⁰

The Gordon Foundations' *IBA Community Toolkit* provides a list of information communities commonly request from proponents and what questions it is used to answer.⁵¹ Access to financial data is also important because some proponents engage in misleading financial practices to avoid paying communities their fair share of revenues.⁵² Transfer pricing is one of these practices. It involves selling resources to a related company at below-market prices, buying goods and services from related companies at inflated prices, or receiving financing from a related company at above-market interest rates. These practices can reduce a project's declared revenue and lower royalties payable to a community.



49 Interview participant—Vice-president of a First Nations development corporation.

50 Gunton and others, *Impact Benefit Agreement Guidebook*.

51 Gibson and O'Faircheallaigh, "IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements."

52 Gunton and others, *Impact Benefit Agreement Guidebook*.



Looking ahead, Indigenous communities will have greater access to data they can use to evaluate the fairness of offers from proponents of major projects. Since 2018, the *Extractive Sector Transparency Measures Act* (ESTMA) has required publicly traded companies in Canada to disclose payments they make to Indigenous governments. Some Indigenous communities are now using ESTMA reports to compare proposed major project agreements against those struck with other communities in similar circumstances. Proponents are also using ESTMA reports to justify the reasonableness of their offers to both communities and shareholders.⁵³

ESTMA disclosures are also revealing how differing regulatory pressures across provinces and territories affect proponents' willingness to share the profits from major projects. Inuit associations in Nunavut and other Indigenous groups across Northern Canada have negotiated the highest implied royalty rates (payments as a percentage of the value of resource shipments).⁵⁴ This may be influenced by legal factors including the Nunavut Land Claims Agreement, which requires proponents to finalize an Inuit Impact and Benefit Agreement prior to commencing a major project.⁵⁵

Other modern treaties implemented in Northern Canada, such as the Tłı̨chǫ Land Claims and Self-Government Agreement, require proponents to negotiate but not necessarily complete an IBA prior to commencing a major project.⁵⁶

Ultimately, equity is one of many fiscal instruments available to Indigenous communities seeking to generate revenues from a major project. Communities will likely use a combination of these instruments to meet their financial goals. Revenues negotiated from major project agreements can supplement other own-source revenues, such as investment returns from settlement trusts, property and sales taxes, and profits from community-owned business ventures.⁵⁷

Indigenous communities in remote areas face high costs and unique challenges in creating these revenue streams, which restricts their paths to financial independence.⁵⁸ They're also at greater risk if projects fail to generate the anticipated revenues and no mitigation measures are in place—a problem experienced with the 2006 Wuskwatim hydro project, whose Indigenous co-owners fell into debt with Hydro Manitoba after the project underperformed.⁵⁹ The *National Indigenous Economic Development Strategy for Canada*, published in 2022 by a coalition of national Indigenous organizations, provides a number of recommendations to encourage greater own-source

53 Hoekstra, *Quantitative Analysis in Negotiating Indigenous Benefit Agreements*; Hoekstra, "Finding a Role for Government in Indigenous Benefit Agreement Negotiations for Mining Projects."

54 Dolan, "Comparing IBA Payment Amounts Across Canada."

55 Nunavut Tunngavik Incorporated, "Article 26: Inuit Impact and Benefit Agreements"; Dolan, "Why Does One of Canada's Largest Miners Pay So Little to Indigenous Communities?"

56 Gibson and O'Faircheallaigh, *IBA Community Toolkit*.

57 Indigenous Services Canada, "Own-Source Revenue in Indigenous Communities Initiative."

58 Crown-Indigenous Relations and Northern Affairs Canada, "Own-Source Revenue for Self-Governing Groups"; Standing Committee on Indigenous and Northern Affairs, *Barriers to Economic Development in Indigenous Communities*.

59 Wilt, "How Green Energy Has Hurt First Nations in the North"; CBC News, "Dam Blamed for First Nation's Financial Woes"; Yat, "Canada's Hydro Partnerships No Panacea for First Nations."

revenue generation. These include recommendations discussed in *Indigenous Ownership: Overcoming Obstacles and Forging Partnerships*, such as reducing legislated barriers to accessing capital and returning funds owed to Indigenous communities that are currently being managed by the federal government.⁶⁰

Major project ownership enhances decision-making powers

For Indigenous communities, equity ownership of major projects can create large-scale opportunities to strengthen their economies and better position themselves to pursue self-determination. With equity ownership, communities can exert more control over whether and how these projects are developed, and can use their influence to maximize socio-economic benefits for Indigenous people and businesses.⁶¹

By facilitating greater decision-making authority over traditional lands and resources, equity ownership directly supports the principles of UNDRIP Article 32, which states that “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.”⁶²

Without acquiring equity, Indigenous communities have still used negotiated agreements to assume a degree of control over major project decisions related to employment, procurement, culture, and the environment. Implementation committees with Indigenous representation set action plans for a proponent, monitor their compliance, and resolve disputes related to the agreement. Equity ownership could enhance Indigenous communities’ decision-making powers by enabling them to appoint board members directly connected to the operating mind of the project.⁶³ Some communities are using their seat at the board table to direct immediate action on issues as they arise, rather than waiting on annual reporting from a proponent to learn about progress on goals and press for changes.

Negotiated agreements are only effective if their terms are enforced, and having a representative at the highest level of decision-making can help achieve this. As one interview participant stated, enforcing negotiated commitments should be a critical consideration for both the communities and industry: “Even if a First Nation does purchase equity in a project, that doesn’t mean that they’re providing their consent to the project forever Every section of the [agreement] needs to be fulfilled and implemented for that ongoing consent to keep happening.”⁶⁴



Negotiating a better future for major projects

Cheslatta Carrier Nation was displaced 70 years ago when the Kenny Dam reversed the flow of the Nechako River and flooded nearly 100,000 acres of the First Nation’s territory. Now, Cheslatta Carrier Nation has negotiated an agreement with Rio Tinto to become co-owners of the NeToo Hydropower Project and assume a leading role in environmental decisions impacting the Nechako watershed.

Sources: Leibel, “Cheslatta Carrier Nation and Rio Tinto Sign a Historic Agreement”; Hosgood, “70 Years After the Flood”; First Nations Major Projects Coalition, “NeToo Hydropower Project at Kenney Dam.”

60 National Indigenous Economic Development Board and others, *National Indigenous Economic Strategy for Canada*.

61 Exner-Pirot, *Pathways to Indigenous Economic Self-Determination*.

62 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*.

63 Participant interview – Financial advisor to Indigenous groups; Fasken, “Beyond the Headlines Part 1.”

64 Participant interview – Vice-president of a First Nations development corporation.

Major project ownership develops transferable capacity

UNDRIP also speaks to the role that capacity development plays in self-determination, including Indigenous peoples' rights "to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining."⁶⁵ As one interview participant stated, "Self-determination ... comes back to leadership. It comes back to the capacity within those communities. It's important that you have people, hopefully that belong to your band, that know and have the best interests of the membership as a whole at heart—otherwise it's a mess."⁶⁶

A study of First Nations that have implemented modern treaties found they had significant capacity development needs in many areas, both before and after signing treaties. These areas include business and government administration, finance, regulations, and taxation and trust management, along with needs in a range of skilled trades.⁶⁷ Major projects offer unique opportunities to develop transferable capacity that can help meet this demand for Indigenous professionals. In turn, Indigenous nations and communities that develop capacity to self-govern can better position themselves to respond to economic opportunities.⁶⁸

Some of this transferable capacity could result from overlapping skills Indigenous communities develop as they handle negotiations with both industry and the federal government. As ITK states:

Our cautious interest in larger scale development, reshaped by land claims, has now opened a new chapter of northern development. Not only have land claim agreements provided a legal and administrative framework vital to our orderly economic development, but the negotiating process has also served as a training ground for the rapid growth of Inuit expertise.⁶⁹

An interview participant noted that learning opportunities emerged from major project negotiations that "peeled back [the] curtain between what is presented and what actually happens behind the scenes with the board of directors and all of the major stakeholders in the company."⁷⁰

As more Indigenous people join the boards of major projects, they are developing leadership skills, professional networks,⁷¹ and experience working with a range of external experts. The Council of Yukon First Nations flagged the importance of managing experts effectively 50 years ago. In their report *Together Today for Our Children Tomorrow*, they argued for greater autonomy over local economic development: "Many successful companies are controlled by people who are not experts. They hire experts. Even the government sometimes hires experts to advise them. The people in control have to separate good advice from bad advice, then make the right decisions. This we can do."⁷²

As communities that lead major projects transition from relying on outside experts to developing in-house capacity in key skills such as finance, they are also regaining economic independence and raising community standards around accountability and transparency.⁷³

65 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*.

66 Interview participant—Former First Nations Chief.

67 Deloitte, *Socio-Economic Benefits of Modern Treaties in BC*.

68 First Nations Public Service Secretariat, "Concrete Steps to Build the First Nation Public Service & Implement DRIPA."

69 Inuit Tapiriit Kanatami, "5000 Years of Inuit History and Heritage."

70 Interview participant—First Nations councillor.

71 Hoicka, Savic, and Campney, "Reconciliation Through Renewable Energy?"

72 Council for Yukon Indians, *The, Together Today for Our Children Tomorrow*.

73 Jansen, "How Indigenous Communities Are Regaining Economic Independence"; participant interview—Director at an Indigenous-led financial organization.

As self-determined Indigenous communities reclaim jurisdiction over their lands and economies, they are increasingly developing and overseeing the regulatory regimes that apply to major projects. Communities also need to navigate these regimes—which include land use planning, consultation, and environmental monitoring. Growing Indigenous experience in these areas is producing capacity among Indigenous lawyers, technical specialists, and knowledge holders that can inform decision-making in both the public and private sectors.⁷⁴

Major projects also generate transferable capacity development opportunities across skilled trades. Construction of major projects often takes years to complete, followed by operations that can last for decades. The longevity of these opportunities offers apprentices the steady source of on-the-job experience they need to achieve journeyman certification. Indigenous skilled trades professionals can in turn help develop and maintain local infrastructure⁷⁵—the lack of which undermines capacity development by forcing community members to instead focus on challenges like a lack of safe and affordable housing.⁷⁶

Indigenous ownership of renewable energy infrastructure also builds energy security and resilience that supports economic development and self-determination.⁷⁷ A review of projects involving Indigenous equity found that over the past five years renewable energy generation was the most common type of project involving Indigenous ownership.⁷⁸ This trend is set to increase with the creation of Wah-ila-toos, a funding initiative for Indigenous, rural, and remote communities to access federal clean energy funding, alongside an Indigenous-led Council formed in 2023 that will advise the federal government on transitioning remote communities from diesel to clean energy.⁷⁹

(See Appendix A of *Indigenous Ownership: Overcoming Obstacles and Forging Partnerships* for a listing of Indigenous co-owned renewable energy projects involving technologies including wind, solar, geothermal, hydrogen, and more.)



Self-determination and renewable energy

The \$1-billion Henvey Inlet Wind project is the largest First Nation co-owned wind energy project in the country. Henvey Inlet First Nation Chief M. Wayne McQuabbie has highlighted the benefits of co-designing the project, which required building technical capacity and creating a legal system through the First Nations Land Management Act to ensure cultural sites and the environment are protected. As Chief McQuabbie states, “The process of conceiving, developing, and operating a renewable energy project has given our nation the building blocks to achieve autonomy and self-determination.”

Sources: Leibel, “Cheslatta Carrier Nation and Rio Tinto Sign a Historic Agreement”; Hosgood, “70 Years After the Flood”; First Nations Major Projects Coalition, “NeToo Hydropower Project at Kenney Dam.”

⁷⁴ Gibson, Hoogeveen, and MacDonald, *Impact Assessment in the Arctic*.

⁷⁵ Ontario Power Generation, “Lower Mattagami Hydroelectric Project Completed Ahead of Schedule and on Budget.”

⁷⁶ Reading and Wien, *Health Inequalities and Social Determinants of Aboriginal Peoples’ Health*.

⁷⁷ Baird and Podlasly, “The Opportunity for Indigenous Infrastructure”; Hoicka, Savic, and Campney, “Reconciliation Through Renewable Energy?”

⁷⁸ Carruthers, Barrington, and McKlusky, “Four Trends in Indigenous Equity Participation in Canada.”

⁷⁹ Government of Canada, Environment and Natural Resources, “The Clean Energy in Indigenous, Remote and Rural Communities Hub Gifted an Indigenous Name.”



Companies managing major projects and governments managing public sector infrastructure both need access to a wide range of professionals involved in capital planning, community engagement, project management, engineering, architecture, and skilled trades.⁸⁰ Developing leaders that bring this expertise to major projects can also prepare them for leadership roles in Indigenous public sector management.⁸¹

Supercom Industries offers an example of how small Indigenous communities can work together to build transferable capacity across the life cycle of a major project. Supercom Industries is a partnership between the Indigenous co-owners of the East-West Tie Transmission Line (EWT): Fort William First Nation, Red Rock Indian Band, Pays Plat First Nation, Biigtigong Nishnaabeg, Pic Mobert First Nation, and Michipicoten First Nation. In 2022, Supercom Industries was recognized with a Northern Ontario Business Award for its efforts to maximize Indigenous involvement in the EWT project. The organization blew past recruitment and employment expectations with an ambitious door-to-door community engagement process and a focus on building transferrable skills to prepare individuals for careers beyond the project.⁸²

Conclusion

Indigenous people have faced centuries of oppressive efforts to limit their self-determination and have long been restricted from participating in the Canadian economy they helped build. Over this time, major projects imposed on Indigenous communities have been detrimental to their land, health, economies, and cultures.

Now, Indigenous community-owned businesses are rising to new heights and taking ownership of major projects. They are asserting Indigenous nations' economic autonomy and reclaiming a central role driving commerce, resource development, and relationship-building across the continent. In the process, these businesses and communities are building capacity, infrastructure, financial independence, and taking greater control over major project decisions to deliver better economic and environmental results—all of which have potential to support broader efforts toward Indigenous self-determination.

80 Baird and Podlasly, "The Opportunity for Indigenous Infrastructure."

81 Exner-Pirot, *Pathways to Indigenous Economic Self-Determination*.

82 Stranges, "NOBA 2022"; participant interview—First Nations councillor.

Appendix A

Historical context

Early Indigenous economic leadership and self-determination

Long before settlers arrived in North America, trade networks moved goods around the continent. Archeological evidence reveals that trade in Ramah Bay chert began over 7,000 years ago, stretching from northern Labrador to Maine.¹ Pipestone mined in Minnesota made its way to First Nations in western, central, and eastern Canada.² Cobalt silver mined in northern Ontario was traded as far south as Georgia and Mississippi.³ Coastal First Nations in British Columbia became skilled in extracting Oolichan fish oil, and they traded it over trail networks stretching from Yukon to California.⁴ Volcanic eruptions in British Columbia and Alaska led to trade in obsidian that reached into the Northwest Territories.⁵

Indigenous people developed many systems to support trade. Examples include the use of dentalium shells from the Pacific coast and whelk shells from the Atlantic coast, which were turned into beads and used as mediums of exchange.⁶ Coastal First Nations in British Columbia developed the Chinook trading language to smooth the flow of trade.⁷ The Iroquois Confederacy created an extensive dispute resolution and community-based justice system.⁸ Ojibwa enforced and commodified property rights over hunting grounds, and the Secwépemc established systems of both communal and private property rights to govern lands rich in resources and the related extraction equipment owned by individuals.⁹

Mi'kmaq communities across seven territorial districts used an annual, democratic decision-making process to regulate when and where fish harvesting took place.¹⁰

When Europeans first arrived in North America, they benefited from already-established Indigenous trading networks and infrastructure. The Hudson's Bay Company (HBC), established in 1670, set up fur trading posts on the Hudson and James bays—later expanding inland and on to the west coast.¹¹ Indigenous people shared a range of knowledge to help these early Europeans survive. This included a variety of medical discoveries such as treatments for dysentery, cholera, and scurvy, as well as the active ingredients still used today in over-the-counter painkillers and cough syrup.¹² Inuit developed snow goggles that reduced the glare of reflected sunlight and prevented snow blindness.¹³ First Nations, Inuit, and Métis communities all perfected different variations of the canoe and snowshoe to increase mobility over different terrains, bodies of water, and types of snow.¹⁴

Métis people share a distinct history and culture.¹⁵ By the 1800s, self-reliant Métis communities produced and traded a range of goods, from garments popular in Europe to components used in industrial machinery, and carved out a niche managing the logistics of moving these goods between population centres.¹⁶ Métis also produced pemmican from dried buffalo meat, which served as a critical long-lasting food source in high demand from European trading posts.¹⁷ The Red River Métis also formed strong diplomatic and economic

1 Heritage Newfoundland and Labrador, "Ancient Uses of Ramah Chert."

2 Le Dressay, Lavallee, and Reeves, "First Nations Trade, Specialization, and Market Institutions."

3 Angus, "Cobalt."

4 Le Dressay, "Renewing Indigenous Economies Through Creative Destruction."

5 Kristensen and others, "The Movement of Obsidian in Subarctic Canada."

6 Le Dressay, Lavallee, and Reeves, "First Nations Trade, Specialization, and Market Institutions."

7 Le Dressay, "Renewing Indigenous Economies Through Creative Destruction."

8 Le Dressay, Lavallee, and Reeves, "First Nations Trade, Specialization, and Market Institutions."

9 Ibid.

10 Milley and Charles, "Mi'kmaq Fisheries in Atlantic Canada."

11 Centre for First Nations Governance, *A Brief History of Our Right to Self-Governance Pre-Contact to Present*.

12 Crown-Indigenous Relations and Northern Affairs Canada, "Did You Know?"

13 Ibid.

14 Dunkin, "Cultural Manoeuvres—Symbols of Canada"; Boney, "Snowshoes and the Canadian First Nations."

15 *R. v. Powley*.

16 Heritage Community Foundation, "Buffalo Robe Trade"; Cherney, "Buffalo Hunt—Twice-Annual Hunt Involved Hundreds of Métis From Red River and White Horse Plains"; Métis Nation of Canada, "Métis History."

17 Gardiner, "The Bison Are Back."

alliances with nearby Cree, Saulteaux, and Assiniboine peoples and carried out inter-nation buffalo hunts alongside these groups.¹⁸

Métis communities elected councils to set rules governing buffalo hunts, guided by values of “freedom, mobility, democracy, the family and the hunt.”¹⁹ These Métis councils also drew from European parliamentary procedures and stand as one of the earliest examples of direct democracy in North America.²⁰ First Nations and Inuit hunters also filled important roles in both community governance and trade relations with Europeans. Hunts offered opportunities for community members to collaborate and share resources, skills, and responsibilities.²¹

An erosion of Indigenous self-determination

From 1701 to 1760, British and French governments signed Treaties of Peace and Neutrality with Indigenous groups that turned existing trade relationships into military alliances.²² Following a series of decisive British military victories over France, hostilities dwindled and the countries signed another series of Peace and Friendship Treaties with Indigenous groups. These treaties, signed between 1725 and 1779, were—on the surface—focused on re-establishing peace and trade relations.²³

The British Crown’s Royal Proclamation of 1763 marked a shift in the focus of Britain’s treaty-making with Indigenous groups and established a new Indian Department intent on securing the surrender of Indigenous lands to create space for more European settlers and industry. Between 1764 and 1923, the Indian Department, and later the federal government’s Department of Indian Affairs, signed 69 treaties with First Nations. These included the Upper Canada Land Surrenders, the Robinson Treaties, Williams Treaties, Douglas Treaties,

and the Numbered Treaties.²⁴ Treaties commonly included provisions for hunting, fishing, and harvesting rights; lands set aside for First Nations; payment obligations; and assistance with agriculture, economic development, and healthcare.²⁵

While treaty text in some cases included clauses written in English surrendering land to the federal government, a review of eye-witness accounts from the first seven numbered treaties suggests that federal negotiators never discussed these surrender clauses with Indigenous groups. Instead, they systematically omitted these details from conversations and discouraged scrutiny of treaty documents while emphasizing the benefits they would deliver for First Nations.²⁶ In other cases, treaty pages were left blank during discussions and filled in later by government officials.²⁷

When these misleading tactics failed, other negotiators turned to coercion—threatening waves of illegal settlers to overwhelm First Nations if they refused to surrender their lands.²⁸ An influx of European settlers had already introduced new diseases to the continent, including smallpox and tuberculosis, bringing death and a sharp drop in Indigenous populations.²⁹ Federal negotiators took advantage of waning Indigenous political power. First Nations accused the Indian Department of using “faulty descriptions, incomplete documents and failed payments” in a rush to secure Upper Canada Land Surrenders ahead of Canada’s Confederation in 1867. These accusations went unheeded until the federal government launched a series of investigations in 1916 and 1921, which concluded that the Indian Department’s bad faith negotiations had indeed been widespread.³⁰

Métis were generally excluded from these treaty negotiations, despite their efforts to be recognized. Some Treaty 6 First Nations refused their treaty annuities in solidarity with Métis seeking inclusion, but these efforts failed to change the federal government’s position.³¹ In northern Ontario, federal

18 Gaudry, “Kaa-Tipeyimishoyaahk—‘We Are Those Who Own Ourselves.’”

19 Gardiner, “The Bison Are Back.”

20 Gaudry, “Kaa-Tipeyimishoyaahk—‘We Are Those Who Own Ourselves.’”

21 Stevenson, *Traditional Inuit Decision-Making Structures and the Administration of Nunavut*.

22 Government of Canada, Crown-Indigenous Relations and Northern Affairs, “Treaties of Peace and Neutrality (1701–1760).”

23 Government of Canada, Crown-Indigenous Relations and Northern Affairs, “Peace and Friendship Treaties (1725–1779).”

24 Crown-Indigenous Relations and Northern Affairs Canada, “Treaties and Agreements.”

25 Johnson, “Treaties in Ontario: What Are They and What Do They Do?”

26 Krasowski, “To Understand Why the Land Remains Indigenous, Look to History.”

27 CBC News, “Douglas Treaties Translated Into Indigenous Languages of Vancouver Island for First Time”; Surtees, *Indian Land Surrenders in Ontario 1763–1867*.

28 Coyle, “Marginalized by Sui Generis? Duress, Undue Influence and Crown-Aboriginal Treaties.”

29 Keenleyside, “Euro-American Whaling in the Canadian Arctic.”

30 Government of Canada, Crown-Indigenous Relations and Northern Affairs, “Upper Canada Land Surrenders and the Williams Treaties.”

31 Gaudry, “Kaa-Tipeyimishoyaahk—‘We Are Those Who Own Ourselves.’”

negotiators signed an 1875 Métis Adhesion to Treaty 3, but after enacting the *Indian Act* a year later, refused to honour this agreement unless impacted Métis agreed to become “Indians” governed by the Act.³²

The *Indian Act* had wide-ranging impacts that continue today. It outlawed First Nations self-government, instead forcing them to adopt the band council system—a limited form of local administration that ultimately answered to bureaucrats within the Department of Indian Affairs.³³ The Act relegated First Nations to reserves, which were often uneconomic parcels of land far from markets. If reserve lands did show economic promise, the federal government could expropriate them without First Nations’ consent.³⁴ The *Indian Act* banned First Nations individuals from holding a business licence, owning property, or borrowing money. The Act also forbade First Nations individuals from speaking their native languages, practicing spiritual traditions, or engaging in cultural ceremonies. Residential schools pulled families apart and caused generational trauma that is still unfolding today. *Indian Act* bans on voting, forming political groups, and accessing legal services stifled dissent and entrenched these policies.³⁵

Dispossession of Métis land and the Red River Resistance

Since 1835, the HBC had attempted to claim jurisdiction over the District of Assiniboia (overlapping with present-day Manitoba) by way of an unelected council of traders and clergymen. However, this council was repeatedly forced to acknowledge that their presence was only possible with consent of the Red River Métis, who exercised de-facto governance over the region alongside allied First Nations.³⁶ In 1869, the federal government reached an agreement with the HBC to purchase the District of Assiniboia as part of a larger transfer of Rupert’s Land, an area stretching to the north and west that comprised roughly a third of present-day Canada.

The Red River Métis resisted this annexation of their homeland. They elected the Legislative Assembly of Assiniboia based in Fort Garry and developed a List of Rights to serve as a constitutional framework for a self-governed Métis territory. In 1870, the Legislative Assembly of Assiniboia entered treaty negotiations with the federal government, and in its final vote approved the result of these negotiations—the *Manitoba Act*, and the creation of a new province based on the List of Rights. However, shortly after federal lawmakers approved the *Manitoba Act*, they dispatched 1,500 Canadian troops to the region, who drove Métis leaders into exile and facilitated European settlement across the new province.³⁷

The five-month military campaign has been described by Métis historians as a “reign of terror.”³⁸ The Métis population in Manitoba dropped from 83 per cent in 1870 to 7 per cent by 1886 as they were forced into the Northwest Territories (what remained of Rupert’s Land after the creation of Manitoba).³⁹

The *Manitoba Act* had guaranteed a land base for Métis, and the federal government created the scrip system to fulfill this commitment. Under the scrip system, the government provided Métis individuals with coupons that could be exchanged for parcels of land. Métis had to claim this land in person, but parcels selected by the government were often hundreds of kilometres away from where people lived. Fraudsters took advantage of the program’s legal complexity and the federal government’s disorganization, impersonating Métis individuals to claim their land.⁴⁰ This left many Métis landless and forced to squat on Crown land—forming “road allowance” communities on lands reserved for rural roads.⁴¹ Of the 1.4 million acres of land promised to Métis in the *Manitoba Act*, only an estimated 15 per cent entered their possession.⁴²

In 1885, Métis leader Louis Riel brought a petition to the federal government to establish a responsible government in the Northwest Territories and avoid a repeat of the Métis dispossession that occurred in Manitoba. The federal government refused to negotiate, and tensions escalated into the Northwest Resistance, an armed conflict.⁴³ This triggered a broader federal crackdown on Indigenous rights, and later that year the Department of Indian Affairs launched the pass

32 Métis Nation of Ontario, *Advancing Reconciliation With the Northwestern Ontario Métis Community*.

33 Crown-Indigenous Relations and Northern Affairs Canada, “Self-Government.”

34 Indian Chiefs of Alberta, *Citizens Plus*.

35 Joseph, “21 Things You May Not Have Known About the Indian Act.”

36 Gaudry, “Kaa-Tipeyimishoyaahk—‘We Are Those Who Own Ourselves.’”

37 Ibid.

38 Mair, “The Reign of Terror Against the Métis of Red River.”

39 Métis Nation British Columbia and Métis Youth British Columbia, “The Manitoba Act: A History of Broken Promises.”

40 Reconcili-ACTION YEG, “The Métis Scrip System.”

41 Canadian Geographic, “Aftermath of 1885”; Muzyka, “Forced to Live on Roadsides.”

42 Métis Nation British Columbia and Métis Youth British Columbia, “The Manitoba Act: A History of Broken Promises.”

43 Canadian Geographic, “1885 Northwest Resistance.”

and permit systems. These systems banned First Nations individuals from leaving a reserve and banned them from buying or selling agricultural products without permission—halting First Nations' mobility and stifling Indigenous trade for over 60 years.⁴⁴

Forced Inuit relocations and mobility restrictions

From 1925 to 1959, the federal government forcibly relocated Inuit into remote regions of the high Arctic to promote Canadian sovereignty. By the 1950s, the federal government was also forcibly relocating Inuit south to centralize populations and cut costs. The southern relocations created ghettos in Makkovik and Churchill.⁴⁵ The northern relocations, including that of the Ahlarmiut from Ennadai Lake, led to the separation of families and starvation.⁴⁶ The federal government also restricted Inuit mobility through dog ordinance legislation, which it introduced in 1928 and amended regularly until 1968. Dogs played an important role in Inuit navigation and spirituality. Dog ordinances gave federal officials authority to seize, sell, and destroy dogs at their discretion, and made hunting or leaving permanent settlements difficult.⁴⁷

As the HBC expanded its operations, the company encouraged Inuit to pursue a singular focus on fur trapping and paid for furs in credit that could only be spent on HBC goods.⁴⁸ Inuit pursuing these furs had to work far from their ideal hunting grounds, but those indebted to the HBC were discouraged from pushing back against any unsustainable practices.⁴⁹ The collapse of fur prices in the 1950s, caused by the spread of synthetic materials in Europe, led to poverty for Inuit who had come to rely on trade with the HBC.⁵⁰ The federal government encouraged Inuit to instead seek wage employment in major projects that were becoming increasingly common.

The destructive legacy of Canada's major projects

An investment boom in Canada's pulp and paper industry began at the turn of the 20th century, and by 1920 Canada was the world's largest exporter.⁵¹ This boom created pulp mill projects that caused a range of environmental impacts on Indigenous communities. Canada did not adopt an environmental impact assessment process for major projects until 1973,⁵² and the Supreme Court of Canada did not begin to outline the "duty to consult" Indigenous groups until 2004. As a result, proponents of these projects faced little scrutiny about their negative environmental impacts.

For example, a Dryden, Ontario, pulp mill dumped untreated mercury and other toxic effluents into the Wabigoon River, the source of drinking water for Asubpeeschoseewagong and Wabaseemoong First Nations. This practice took place from 1913 until the federal government ordered the company to stop in 1970—though consumption advisories are still in place due to mercury levels in the river system.⁵³

Similarly, the Northern Pulp Mill in Nova Scotia dumped effluent in Pictou Landing First Nation fishing waters for over 50 years, turning the water "putrid and brown" and killing local fish. The provincial government did not put a stop to this practice until 2020, following public pressure after the mill's pipeline burst and spilled 47 million litres of untreated effluent over sacred Mi'kmaq burial grounds.⁵⁴

The hydroelectricity developments that powered Canada's industrial expansion also flooded Indigenous lands and forced communities to relocate. For example, construction of the W.A.C. Bennett Dam on the Peace River in British Columbia flooded Tsay Keh Dene and Kwadacha First Nations lands in 1968, causing community members to abandon their homes in the middle of the night.⁵⁵ In the 1950s and 1960s, the Grand Rapids Hydro development in Manitoba flooded 7,000 acres of land belonging to the Chemawawin, Moose Lake, and The Pas

44 CBC Radio, "The Pass System"; Hageman and Galoustian, *Economic Aspects of the Indigenous Experience in Canada*

45 Marcus, *Inuit Relocation Policies in Canada and Other Circumpolar Countries*.

46 Rogers, "Ennadai Lake Inuit Get Long-Awaited Apology for Forced Relocations"; Grant, *Errors Exposed: Inuit Relocations to the High Arctic, 1953-1960*.

47 Tester, "Mad Dogs and (Mostly) Englishmen."

48 Hageman and Galoustian, *Economic Aspects of the Indigenous Experience in Canada*; Centre for First Nations Governance, *A Brief History of Our Right to Self-Governance Pre-Contact to Present*.

49 Inuit Tapiriit Kanatami, "5000 Years of Inuit History and Heritage."

50 Heritage Newfoundland and Labrador, "Impact of Non-Indigenous Activities on the Inuit."

51 Natural Resources Canada, "Canadian Forest Sector History (Article 4)."

52 Couch, Herity, and Munn, *Environmental Impact Assessment in Canada*.

53 King and others, "How an Ontario Paper Mill Poisoned Nearby First Nations"; Government of Ontario, "Guide to Eating Ontario Fish."

54 Baxter, "For 50+ Years, Pulp Mill Waste Has Contaminated Pictou Landing First Nation's Land in Nova Scotia."

55 DesBrisay, *The Impact of Major Resource Development Projects on Aboriginal Communities*; Fong, "Province, Natives Settle Claim Over Flooding Caused by Dam."

Bands, destroying the traditional hunting, trapping, and fishing resource base and forcing communities to relocate.⁵⁶ La Grande Hydroelectric Complex, a project that started in 1971 in Quebec, flooded 15,000 acres of land belonging to the James Bay Cree, including burial grounds, travelling routes, and trap lines.⁵⁷

World War II drove demand for additional major projects. Uranium mines opened in 1942 on Great Bear Lake and have left behind an estimated 1.7 million tonnes of radioactive tailings that will cost \$2.2 billion to remediate.⁵⁸ Local Dene were employed as ore carriers to transport these radioactive materials. They were not warned of the health impacts, nor of the end use of the materials mined—in the atomic bombs produced through the Manhattan Project.⁵⁹ Uranium mines in Ontario also poisoned the drinking water of Serpent River First Nation for over 20 years before the federal government alerted the community in 1976.⁶⁰

Indigenous communities have also been disproportionately exposed to the impacts of major oil and gas projects, including the impact of spills on local drinking water, air quality, wildlife, and agricultural land.⁶¹ Companies and provincial governments have been caught unprepared for these spills. They delayed reporting and responding to them and have failed to acknowledge or update impacted communities—worsening the damage in the process, shifting cleanup costs onto communities, and generating widespread fear and frustration.⁶² Over half of First Nation reserves across Canada are currently at high risk of experiencing a pipeline spill.⁶³

The largest contaminated site in Canada is Giant Mine—a gold mine that began operating in 1948 in Yellowknife, Northwest Territories. The mine’s roasting facility released an estimated 3,300 kg of arsenic trioxide into the air daily and contaminated local drinking water, crops, berries, and livestock. After a Dene boy died from acute arsenic poisoning in 1951, the federal government pushed mine operators to reduce these emissions to a safe threshold, and by 1979 the mine’s arsenic emissions had lowered to 13 kg each day.⁶⁴ Remediating the mine site will cost the federal government \$4.38 billion—almost 10 times the \$454 million in tax revenues the mine generated over its life.⁶⁵

56 Loney, “The Construction of Dependency.”

57 Hydro Quebec, “The La Grande Hydroelectric Complex: Impacts According to Interviewees.”

58 Blake, “Canada’s Top Five Federal Contaminated Sites to Cost Taxpayers Billions to Clean Up.”

59 ʔehdzo Got’iñę Gots’ę’ Nákedı (Sahtú Renewable Resources Board), “Minerals and Mining, Port Radium.”

60 Smith, “Serpent River First Nation Remains Resilient in Fight for Toxic Injustice.”

61 Datta and Hurlbert, “Pipeline Spills and Indigenous Energy Justice.”

62 Canadian Press, The, “2 First Nations Launch Lawsuit”; Alberta Native News, “Woodland Cree Fear the Impact of Long Term Exposure”; CBC News, “Province Unprepared for Wabamun Spill”; Weber, “N.W.T. Says Lack of Notice on Kearsal Oilsands Tailings Spill Goes Against Deal With Alberta.”

63 Hurlbert and Datta, “When the Environment Is Destroyed, You’re Destroyed.”

64 Sandlos and Keeling, “Giant Mine: Historical Summary.”

65 Cohen, “Can You Put a Price on the Impact of Yellowknife’s Giant Mine?”

Appendix B

Methodology

This impact paper is part of a three-part series examining Indigenous equity participation in major projects. We conducted an independent literature review of academic articles and grey literature reports related to Indigenous equity participation in Canada. We also undertook a thematic analysis of the interviews. The purpose of the impact paper is to answer the research question: “What is the relationship between equity participation in major projects and Indigenous self-determination?”

Interviews

The interviews synthesized in this impact paper draw from the larger research project. We interviewed individuals from 38 organizations from across Canada. Examples of the types of organizations interviewed include Indigenous financial institutions, community development corporations, economic development associations, industry associations, lenders, law firms, investment firms, resource development companies, and not-for-profit organizations.

We used a purposive sample for the interview component of the project. The project’s advisory committee identified the subject matter experts who we interviewed, and we used a snowball sampling strategy to select the remaining participants. This involved obtaining recommendations from our interviewees. Interviews were semi-structured and focused on the connection between Indigenous ownership of major projects and self-determination.

Appendix C

Bibliography

Aboriginal Affairs and Northern Development. *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*. Gatineau: AAND, September 2014. <https://www.rcaanc-cirnac.gc.ca/eng/1408631807053/1544123449934>.

Alberta Native News. “Woodland Cree Fear the Impact of Long Term Exposure to Toxic Chemicals From Oil Spills.” *Alberta Native News*, April 28, 2015. <https://www.albertanativenews.com/woodland-cree-fear-the-impact-of-long-term-exposure-to-toxic-chemicals-from-oil-spills/>.

Angus, Charlie. “Cobalt: Reclaiming the Ancient Indigenous Silver Mining Trade.” *Canadian Geographic*, February 2, 2022. <https://canadiangeographic.ca/articles/cobalt-reclaiming-the-ancient-indigenous-silver-mining-trade/>.

Assembly of First Nations. “Implementing the United Nations Declaration on the Rights of Indigenous Peoples,” Accessed May 25, 2023. <http://www.afn.ca/implementing-the-united-nations-declaration-on-the-rights-of-indigenous-peoples/>.

–. *Introduction to the United Nations Declaration on the Rights of Indigenous Peoples*. Ottawa: AFN, 2017. <https://www.afn.ca/wp-content/uploads/2018/09/2017-11-27-Introduction-to-the-UN-Declaration-EN.pdf>.

–. *Sector Update—Rights: Inherent Right to Self-Government Policy*. Ottawa: AFN, 2021. <https://www.afn.ca/wp-content/uploads/2021/07/Sector-Update-Inherent-Right-to-Self-Government-June-2021-EN.pdf>.

Baird, Kim, and Mark Podlasly. “The Opportunity for Indigenous Infrastructure.” Public Policy Forum. Accessed February 24, 2023. <https://ppforum.ca/publications/the-opportunity-for-indigenous-infrastructure/>.

Barkwell, Lawrence J. *The Reign of Terror Against the Métis of Red River*. Winnipeg: Louis Riel Institute, 2018. <https://www.metismuseum.ca/resource.php/149078>.

Baxter, Joan. “For 50+ Years, Pulp Mill Waste Has Contaminated Pictou Landing First Nation’s Land in Nova Scotia.” CBC Docs POV. Accessed February 28, 2023. <https://www.cbc.ca/cbcdocspov/features/for-50-years-pulp-mill-waste-has-contaminated-pictou-landing-first-nations>.

Beaumont, Hilary. “More Than Half of First Nations Communities in Canada Are Affected by Industrial Pollution.” *Vice*. September 6, 2017. <https://www.vice.com/en/article/3kpj9k/more-than-half-of-first-nations-communities-in-canada-are-affected-by-industrial-pollution>.

Bellrichard, Chantelle. “Federal Budget to Forgive or Reimburse \$1.4B in Loans to Indigenous Groups for Treaty Negotiations.” *CBC News*. March 19, 2019. <https://www.cbc.ca/news/indigenous/budget-2019-treaty-loans-forgiven-1.5063128>.

Berger, Thomas R. *Northern Frontier, Northern Homeland—The Report of the Mackenzie Valley Pipeline Inquiry: Volume One*. Ottawa: Minister of Supply and Services Canada, 1977. https://www.pwnhc.ca/extras/berger/report/BergerV1_complete_e.pdf.

Blake, Emily. “Canada’s Top Five Federal Contaminated Sites to Cost Taxpayers Billions to Clean Up.” *The Globe and Mail*, November 27, 2022. <https://www.theglobeandmail.com/canada/article-canadas-top-five-federal-contaminated-sites-to-cost-taxpayers-438/>.

Boney, Nigel. “Snowshoes and the Canadian First Nations.” *Snowshoe Magazine*, October 2, 2022. <https://www.snowshoemag.com/snowshoes-and-the-canadian-first-nations/>.

Calder et al. v. Attorney-General of British Columbia. [1973] SCR 313. Accessed February 23, 2023. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5113/index.do>.

Canada. Parliament. House of Commons. Standing Committee on Indigenous and Northern Affairs. *Barriers to Economic Development in Indigenous Communities: Report of the Standing Committee on Indigenous and Northern Affairs*. Ottawa: House of Commons, 2022.

Canadian Council for Aboriginal Business. *Business Reconciliation in Canada Guidebook*. Toronto: CCAB, 2019. https://www.ccab.com/wp-content/uploads/2019/09/Business-reconciliation-in-canada_WEB-final_AA.pdf.

Canadian Geographic. “1885 Northwest Resistance.” Accessed February 23, 2023. <https://indigenouspeoplesatlasofcanada.ca/article/1885-northwest-resistance/>.

–. “Aftermath of 1885.” Accessed February 23, 2023. <https://indigenouspeoplesatlasofcanada.ca/article/aftermath-of-1885/>.

Canadian Press, The. “2 First Nations Launch Lawsuit Against Husky Energy After Sask. Pipeline Spill.” *CBC News*, July 25, 2018. <https://www.cbc.ca/news/canada/saskatoon/james-smith-cumberland-house-husky-energy-lawsuit-1.4760758>.

Carruthers, Amy, Amy Barrington, and Erin McKlusky. “Four Trends in Indigenous Equity Participation in Canada.” *Indigenous Law Bulletin* (blog), March 6, 2023. <https://www.fasken.com/en/knowledge/2023/03/6-four-trends-in-indigenous-equity-participation-in-canada>.

- CBC News. "Dam Blamed for First Nation's Financial Woes." *CBC News*, March 26, 2007. <https://www.cbc.ca/news/canada/manitoba/dam-blamed-for-first-nation-s-financial-woes-1.684945>.
- . "Douglas Treaties Translated Into Indigenous Languages of Vancouver Island for First Time." *CBC News*, February 24, 2017. <https://www.cbc.ca/news/canada/british-columbia/douglas-treaties-translated-into-indigenous-languages-of-vancouver-island-for-first-time-1.3997551>.
- . "Province Unprepared for Wabamun Spill: Klein." *CBC News*, August 11, 2005. <https://www.cbc.ca/news/canada/province-unprepared-for-wabamun-spill-klein-1.542144>.
- CBC Radio. "The Pass System: Another Dark Secret in Canadian History." *Unreserved*, November 27, 2015. <https://www.cbc.ca/radio/unreserved/exploring-the-past-present-and-future-of-life-in-indigenous-canada-1.3336594/the-pass-system-another-dark-secret-in-canadian-history-1.3338520>.
- Centre for First Nations Governance. *A Brief History of Our Right to Self-Governance Pre-contact to Present*. Vancouver: CFNG, 2007. https://fngovernance.org/wp-content/uploads/2020/05/Self-Governance_Right_CFNG.pdf.
- Cherney, Bruce. "Buffalo Hunt—Twice-Annual Hunt Involved Hundreds of Métis From Red River and White Horse Plains." *Winnipeg Regional Real Estate News* (blog). Accessed February 21, 2023. <https://www.winnipegregionallrealestatenews.com/publications/real-estate-news/1333>.
- Chong, Katherine, and Niladri Basu. "Contaminated Sites and Indigenous Peoples in Canada and the United States: A Scoping Review." *medRxiv*, preprint (August 10, 2022). <https://doi.org/10.1101/2022.08.08.22278551>.
- Cohen, Sidney. "Can You Put a Price on the Impact of Yellowknife's Giant Mine?" *CBC News*, November 16, 2022. <https://www.cbc.ca/news/canada/north/giant-mine-cost-increase-1.6653655>.
- Cooper, William. "The Essentials of First Nation Settlement Trusts." *Boughton Law*, April 28, 2014. <https://www.boughtonlaw.com/2014/04/essentials-first-nation-settlement-trusts/>.
- Couch, W. J., J. F. Herity, and R. E. Munn. *Environmental Impact Assessment in Canada*. Brussels: NATO Advanced Study Institute, 1981.
- Council for Yukon Indians, The. *Together Today for Our Children Tomorrow: A Statement of Grievances and an Approach to Settlement by the Yukon Indian People*. Whitehorse: The Council for Yukon Indians, 1973. https://cyfn.ca/wp-content/uploads/2013/10/together_today_for_our_children_tomorrow.pdf.
- Coyle, Michael. "Marginalized by *Sui Generis*? Duress, Undue Influence and Crown-Aboriginal Treaties." *Manitoba Law Journal* 32, no. 2 (2008): 34.
- Daes, Erica-Irene A. "An Overview of the History of Indigenous Peoples: Self-Determination and the United Nations." *Cambridge Review of International Affairs* 21, no. 1 (March 2008): 7–26. <https://doi.org/10.1080/09557570701828386>.
- Datta, Ranjan, and Margot A. Hurlbert. "Pipeline Spills and Indigenous Energy Justice." *Sustainability* 12, no. 1 (December 2019): 47. <https://doi.org/10.3390/su12010047>.
- Deloitte. *Socio-economic Benefits of Modern Treaties in BC*. Vancouver: BC Treaty Commission, 2016. <https://www.bctreaty.ca/sites/default/files/Deloitte-BCTC-FinalReport.pdf>.
- DesBrisay, David. *The Impact of Major Resource Development Projects on Aboriginal Communities: A Review of the Literature*. Ottawa: Royal Commission on Aboriginal Peoples, 1994.
- Dolan, Byron. "Why Does One of Canada's Largest Miners Pay So Little to Indigenous Communities?" IBA Info (blog), accessed April 14, 2023. <https://ibainfo.org/commentary/why-does-canadas-largest-miner-pay-so-little-to-indigenous-communities/>.
- Dunkin, Jessica. "Cultural Manoeuvres—Symbols of Canada." *Canada's History*, March 12, 2019. <http://www.canadashistory.ca/explore/books/cultural-manoeuvres>.
- Exner-Pirot, Heather. *Pathways to Indigenous Economic Self-Determination: How Resource Development Supports Independence for Indigenous Communities*. Ottawa: Macdonald-Laurier Institute, 2021.
- Fasken. "Beyond the Headlines Part 1: Indigenous Participation in the Regulated Utility Sector." May 2, 2022. <https://www.fasken.com/en/knowledge/2022/05/2-beyond-the-headlines-part-1-indigenous-participation-in-the-regulated-utility-sector>.
- First Nations Major Projects Coalition. "NeToo Hydropower Project at Kenney Dam." First Nations Major Projects Coalition. Accessed February 24, 2023. <https://fnmpc.ca/netoo-hydropower-project-at-kenney-dam/>.
- First Nations Public Service Secretariat. "Concrete Steps to Build the First Nation Public Service & Implement DRIPA." Discussion paper, First Nations Public Service Secretariat, West Vancouver, 2020. https://fnps.ca/wp-content/uploads/2021/02/DRIPA_Discussion_Paper_Dec_14_2020.pdf.
- Fong, Petti. "Province, Natives Settle Claim Over Flooding Caused by Dam." *The Globe and Mail*, December 13, 2006. <https://www.theglobeandmail.com/news/national/province-natives-settle-claim-over-flooding-caused-by-dam/article973014/>.

Gallagher, Bill. "Breaking 300 Legal Wins." First Nations Voice, July 30, 2020. <https://firstnationsvoice.com/2020/07/30/breaking-300-legal-wins/>.

Gardiner, Karen. "The Bison Are Back—and They're Helping to Restore the Métis Nation Culture." *Adventure Com*, December 20, 2021. <https://adventure.com/bison-indigenous-culture-alberta/>.

Gaudry, James Patrick. "Kaa-Tipeyimishoyaahk—'We Are Those Who Own Ourselves': A Political History of Métis Self-Determination in the North-West, 1830–1870." PhD dissertation, University of Victoria, 2014. https://dspace.library.uvic.ca/bitstream/handle/1828/5180/Gaudry_Adam_PHD_2014.pdf?sequence=3&isAllowed=y.

Gibson, Ginger, and Ciaran O'Faircheallaigh. *IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements*. Toronto: The Gordon Foundation, 2015. Accessed April 20, 2023. https://gordonfoundation.ca/wp-content/uploads/2017/03/IBA_toolkit_web_Sept_2015_low_res_0.pdf.

Gibson, Ginger, Dawn Hoogeveen, and Alistar MacDonald. *Impact Assessment in the Arctic: Emerging Practices of Indigenous-Led Review*. Yellowknife: Gwich'in Council International, 2018. https://gwichincouncil.com/sites/default/files/Firelight%20Gwich%27in%20Indigenous%20led%20review_FINAL_web_0.pdf.

Government of British Columbia. Ministry of Indigenous Relations. "FACTSHEET: Benefits of Treaties." April 3, 2017. <https://news.gov.bc.ca/factsheets/factsheet-benefits-of-treaties>.

Government of Canada. Crown-Indigenous Relations and Northern Affairs. "2019 Crown-Indigenous Relations Ministerial Transition Binder." Accessed May 25, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1577108612523/1577108888864>.

Government of Canada, Department of Justice. *The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*. Ottawa: Department of Justice, March 10, 2023. <https://www.justice.gc.ca/eng/declaration/ap-pa/ah/index.html>.

–. "Did You Know?" Accessed February 21, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1302807151028/1534952294430>.

–. "Canada's Collaborative Modern Treaty Implementation Policy." Accessed April 18, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1672771319009/1672771475448>.

–. "Grants to Reimburse Treaty Negotiation Loans to Indigenous Groups Who Have Settled a Comprehensive Land Claim." Last modified February 4, 2021. <https://www.rcaanc-cirnac.gc.ca/eng/1604958267840/1604958306918>.

–. "Nation Rebuilding Program." Last modified January 30, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1530880050808/1530880135933>.

–. "Own-Source Revenue for Self-Governing Groups." Last modified September 14, 2016. <https://www.rcaanc-cirnac.gc.ca/eng/1354117773784/1539869378991>.

–. "Peace and Friendship Treaties (1725–1779)." Last modified June 4, 2013. <https://www.rcaanc-cirnac.gc.ca/eng/1360937048903/1544619681681>.

–. "Self-Government." Last modified August 25, 2020. <https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314>.

–. "Self-Government Agreement Between the Métis Nation–Saskatchewan and the Government of Canada." Last modified February 27, 2023. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2023/02/self-government-agreement-between-the-metis-nationsaskatchewan-and-the-government-of-canada.html>.

–. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." Last modified March 1, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1100100031843/1539869205136>.

–. "Treaties and Agreements." Last modified April 11, 2023. <https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231>.

–. "Treaties of Peace and Neutrality (1701–1760)." Last modified June 4, 2013. <https://www.rcaanc-cirnac.gc.ca/eng/1360866174787/1544619566736>.

–. "Upper Canada Land Surrenders and the Williams Treaties (1764–1862/1923)." Last modified February 15, 2013. <https://www.rcaanc-cirnac.gc.ca/eng/1360941656761/1544619778887#uc>.

Government of Canada. Department of Justice. "Chapter 1: Shared Priorities." In *Draft UNDA Action Plan*. Ottawa: Department of Justice, March 10, 2023. <https://www.justice.gc.ca/eng/declaration/ap-pa/ah/p3.html>.

Government of Canada. Environment and Natural Resources. "The Clean Energy in Indigenous, Remote and Rural Communities Hub Gifted an Indigenous Name." Last updated February 13, 2023. <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/reduce-emissions/reducing-reliance-diesel/clean-energy-in-indigenous-remote-rural-communities-hub-gifted-indigenous-name.html>.

Government of Ontario. "Guide to Eating Ontario Fish." Accessed February 28, 2023. <http://www.ontario.ca/page/guide-eating-ontario-fish>.

Grant, Shelagh D. *Errors Exposed: Inuit Relocations to the High Arctic, 1953–1960*. Calgary: Arctic Institute of North America, University of Calgary, 2016. <https://pubs.aina.ucalgary.ca/dcass/82785.pdf>.

Gunton, Cameron, Joshua Batson, Thomas Gunton, Sean Markey, and Daniel Dale. *Impact Benefit Agreement Guidebook*. Burnaby: Simon Fraser University, 2020. https://rem-main.rem.sfu.ca/planning/IBA/IBA_Guidebook_2-24.pdf.

Hageman, Anya, and Pauline Galoustian. *Economic Aspects of the Indigenous Experience in Canada*. May 20, 2021. <https://ecampusontario.pressbooks.pub/indigenouseconomics244/>.

Heritage Community Foundation. "Buffalo Robe Trade." Accessed February 21, 2023. http://wayback.archive-it.org/2217/20101208175104/http://www.albertasource.ca/metis/eng/beginnings/fur_era_buffalo.htm (archived December 8, 2010).

Heritage Newfoundland and Labrador. "Ancient Uses of Ramah Chert." 2002. <https://www.heritage.nf.ca/articles/environment/landscape-ramah-chert.php>.

–. "Impact of Non-Indigenous Activities on the Inuit." Accessed February 23, 2023. <https://www.heritage.nf.ca/articles/indigenous/inuit-impacts.php>.

Hoekstra, Arend. "Finding a Role for Government in Indigenous Benefit Agreement Negotiations for Mining Projects." *Our Insights* (blog). Cassels, February 28, 2023. <https://cassels.com/insights/finding-a-role-for-government-in-indigenous-benefit-agreement-negotiations-for-mining-projects/>.

–. "Quantitative Analysis in Negotiating Indigenous Benefit Agreements." *Our Insights* (blog). Cassels, February 21, 2023. <https://cassels.com/insights/quantitative-analysis-in-negotiating-indigenous-benefit-agreements/>.

Hoekstra, Arend, and Byron Dolan. "Comparing IBA Payment Amounts Across Canada." *IBA Info* (blog), February 16, 2023. <https://ibainfo.org/analysis/comparing-iba-payment-amounts-across-canada/>.

Hoicka, Christina E., Katarina Savic, and Alicia Campney. "Reconciliation Through Renewable Energy? A Survey of Indigenous Communities, Involvement, and Peoples in Canada." *Energy Research & Social Science* 74 (April 1, 2021). <https://doi.org/10.1016/j.erss.2020.101897>.

Hosgood, Amanda Follett. "70 Years After the Flood: Cheslatta's Fight to Reclaim Its Territory." *The Tyee*, November 7, 2022. <https://thetyee.ca/News/2022/11/07/Devastation-Nechako-Reservoir/>.

Hurlbert, Margot A., and Ranjan Datta. "When the Environment Is Destroyed, You're Destroyed: Achieving Indigenous Led Pipeline Justice." *Energy Research & Social Science* 91 (September 1, 2022). <https://doi.org/10.1016/j.erss.2022.102711>.

Hydro Quebec. "The La Grande Hydroelectric Complex: Impacts According to Interviewees." Accessed February 23, 2023. http://www.hydroquebec.com/hydloadfriends/publications/the-la-grande-hydroelectric-complex/section4_impacted_tables/Impacted_tables_combined.pdf.

Indian Chiefs of Alberta. *Citizens Plus*. Edmonton: Indian Association of Alberta, 1970. <https://caid.ca/RedPaper1970.pdf>.

Indigenous Services Canada. "Own-Source Revenue in Indigenous Communities Initiative." Last modified May 31, 2022. <https://www.sac-isc.gc.ca/eng/1623255117700/1623255147941>.

Inuit Tapiriit Kanatami. "5000 Years of Inuit History and Heritage." Inuit Tapiriit Kanatami, Ottawa, November 2004. Accessed January 19, 2023. https://www.itk.ca/wp-content/uploads/2016/07/5000YearHeritage_0.pdf.

–. Resolution B21-03-11, "Bill C-15 an Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples." March 31, 2021. <https://www.itk.ca/wp-content/uploads/2021/04/B21-03-11-Bill-C15-UNDRIP-Legislation.pdf>.

Jansen, Rachel. "How Indigenous Communities Are Regaining Economic Independence." *Pivot Magazine*, September 2, 2020. <https://www.cpacanada.ca/en/news/pivot-magazine/2020-09-02-indigenous-communities-financial-autonomy>.

Johnson, Rhiannon. "Treaties in Ontario: What Are They and What Do They Do?." *CBC News*, November 10, 2019. <https://www.cbc.ca/news/indigenous/treaties-recognition-week-ontario-1.5351817>.

Joseph, Bob. "21 Things You May Not Have Known About the Indian Act." *Working Effectively With Indigenous Peoples Blog*. Indigenous Corporate Training. Accessed February 23, 2023. <https://www.ictinc.ca/blog/21-things-you-may-not-have-known-about-the-indian-act>.

Keenleyside, Anne. "Euro-American Whaling in the Canadian Arctic: Its Effects on Eskimo Health." *Arctic Anthropology* 27, no. 1 (1990): 1–19. <https://www.jstor.org/stable/40316193>.

King, Lara, Martha Troian, Brittany Ekelund, Anushka Yadav, Anukul Thakur, and Tricia Sans Chan. "How an Ontario Paper Mill Poisoned Nearby First Nations." *Canada's National Observer*, September 1, 2021. <https://www.nationalobserver.com/2021/09/01/how-ontario-paper-mill-poisoned-nearby-first-nations>.

Krasowski, Sheldon. "To Understand Why the Land Remains Indigenous, Look to History." *The Globe and Mail*, April 19, 2019. <https://www.theglobeandmail.com/opinion/article-to-understand-why-the-land-remains-indigenous-look-to-history/>.

- Kristensen, Todd J., P. Gregory Hare, Ruth M. Gotthardt, Norman A. Easton, John W. Ives, Robert J. Speakman, and Jeffery T. Rasic. "The Movement of Obsidian in Subarctic Canada: Holocene Social Relationships and Human Responses to a Large-Scale Volcanic Eruption." *Journal of Anthropological Archaeology* 56 (December 2019): 101114. <https://doi.org/10.1016/j.jaa.2019.101114>.
- Le Dressay, André. "Renewing Indigenous Economies Through Creative Destruction." Working paper, Tulo Centre of Indigenous Economics, Kamloops, 2018. https://www.tulo.ca/s/Tulo_RIETCD_Paper_final_Oct29_WEB-1.pdf.
- Le Dressay, André, Normand Lavalée, and Jason Reeves. "First Nations Trade, Specialization, and Market Institutions: A Historical Survey of First Nation Market Culture" In *Aboriginal Policy Research Volume VII: A History of Treaties and Policies*, eds. Jerry P. White, Erik Anderson, Jean-Pierre Morin, and Dan Beavon, 109–32. Thompson Educational Publishing, 2010. <http://thompsonbooks.com/higher-ed/aboriginal-studies/aboriginal-policy-research-vol-7/>.
- Leibel, Gerry. "Cheslatta Carrier Nation and Rio Tinto Sign a Historic Agreement." *Terrace Standard*, February 28, 2020. <https://www.terracestandard.com/news/cheslatta-carrier-nation-and-rio-tinto-sign-a-historic-agreement/>.
- Loney, Martin. "The Construction of Dependency: The Case of the Grand Rapids Hydro Project." *The Canadian Journal of Native Studies* 7, no. 1 (1987): 57–78.
- Marcus, Alan R. *Inuit Relocation Policies in Canada and Other Circumpolar Countries, 1925–60*. Ottawa: Royal Commission on Aboriginal Peoples, 1995. https://publications.gc.ca/collections/collection_2017/bcp-pco/Z1-1991-1-41-149-eng.pdf.
- McQuabbie, Wayne. "Net Zero Can't Happen Without Indigenous Knowledge and Participation." *Toronto Star*, April 13, 2023. <https://www.thestar.com/opinion/contributors/2023/04/13/net-zero-cant-happen-without-indigenous-knowledge-and-participation.html>.
- Métis National Council. "UNDRIP." Accessed January 20, 2023. <https://www.metisnation.ca/what-we-do/justice/undrip>.
- Métis Nation British Columbia and Métis Youth British Columbia. "The Manitoba Act: A History of Broken Promises." Accessed February 23, 2023. <https://www.learnmichif.com/heritage/the-manitoba-act>.
- Métis Nation of Alberta and Crown-Indigenous Relations and Northern Affairs Canada. "Canada and Métis Nation of Alberta Sign Updated Métis Self-Government Agreement." News release, February 24, 2023. <https://albertametis.com/news/mna-and-canada-sign-self-government-recognition-and-implementation-agreement/>.
- Métis Nation of Canada. "Métis History." Accessed February 21, 2023. <https://mnoc.ca/english/who-we-are/metis-history/>.
- Métis Nation of Ontario. *Advancing Reconciliation With the Northwestern Ontario Métis Community: Understanding the History and Context of This Métis Community's Outstanding Rights and Claims*. Ottawa: MNO, n.d. <https://www.metisnation.org/wp-content/uploads/2020/11/mno-northwestern-ontario-me-tis-community-3.pdf>.
- . "Canada and Métis Nation of Ontario Sign Updated Métis Self-Government Agreement." News release, February 24, 2023. <https://www.metisnation.org/news/canada-and-metis-nation-of-ontario-sign-updated-metis-self-government-agreement/>.
- . *Fact Sheet: The Importance of the Self-Government Agreement*. Ottawa: MNO, n.d. <https://www.metisnation.org/wp-content/uploads/2022/06/MNO-MGRSA-Fact-Sheet.pdf>.
- Milley, Chris, and Anthony Charles. "Mi'kmaq Fisheries in Atlantic Canada: Traditions, Legal Decisions and Community Management." Paper presented at the People and the Sea: Maritime Research in the Social Sciences—An Agenda for the 21st Century conference, University of Amsterdam and Netherlands Institute for the Social Sciences, Amsterdam, August 30–September 1, 2001. Accessed May 25, 2023. http://smu-facweb.smu.ca/~charles/PDFS_2005/072.pdf.
- Muzyka, Kyle. "Forced to Live on Roadsides: The Dark History of Métis Road Allowances." *CBC Radio*, April 26, 2019. <https://www.cbc.ca/radio/unreserved/from-scrip-to-road-allowances-canada-s-complicated-history-with-the-m%C3%A9tis-1.5100375/forced-to-live-on-roadsides-the-dark-history-of-m%C3%A9tis-road-allowances-1.5100660>.
- National Indigenous Economic Development Board, Canadian Council for Aboriginal Business, National Aboriginal Capital Corporations Association, Indigenous Works, and Canadian Association of Native Development Officers. *National Indigenous Economic Strategy for Canada: Pathways to Socioeconomic Parity for Indigenous Peoples*. N.p.: June 2022. https://niestrategy.ca/wp-content/uploads/2022/12/NIES_English_FullStrategy_2.pdf.
- Natural Resources Canada. "Canadian Forest Sector History (Article 4): The Great Transformation (1891–1929)—The Boom of Pulp, Paper and Trade." *Selective Cuttings*, Natural Resources Canada, February 25, 2014. Accessed February 23, 2023. <https://cfs.nrcan.gc.ca/selective-cuttings/71>.

Nunavut Tunngavik Incorporated. Article 26, “Inuit Impact and Benefit Agreements.” *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada as Amended*. Ottawa: Nunavut Tunngavik Incorporated and Indian and Northern Affairs Canada, May 2018. http://www.tunngavik.com/documents/publications/LAND_CLAIMS_AGREEMENT_NUNAVUT.pdf.

Ontario Power Generation. “Lower Mattagami Hydroelectric Project Completed Ahead of Schedule and on Budget.” News release, January 19, 2015. <https://www.newswire.ca/news-releases/lower-mattagami-hydroelectric-project-completed-ahead-of-schedule-and-on-budget-516477931.html>.

Opiikapawiiin Services. *Training Handbook*. Fort William First Nation, Ont.: Opiikapawiiin Services, 2022. <https://www.oslp.ca/s/Final-Training-Handbook.pdf>.

Organisation for Economic Co-operation and Development. *Linking Indigenous Communities With Regional Development in Canada*. Paris: OECD Rural Policy Reviews, OECD Publishing, 2020. https://www.oecd-ilibrary.org/urban-rural-and-regional-development/linking-indigenous-communities-with-regional-development-in-canada_fa0f60c6-en.

–. “Overview of Indigenous Governance in Canada: Evolving Relations and Key Issues and Debates.” In *Linking Indigenous Communities With Regional Development in Canada*, 37–65. Paris: OECD Rural Policy Reviews, OECD Publishing, 2020. <https://doi.org/10.1787/b4446f31-en>.

Podlasly, Mark. “Indigenous Sovereign Wealth Funds.” Presented at the Indigenous Sovereign Wealth Symposium, November 28–29, 2022.

R. v. Powley, [2003] 2 S.C.R. 207, 2003 SCC 43.

Reading, Charlotte, and Fred Wien. *Health Inequalities and Social Determinants of Aboriginal Peoples’ Health*. Prince George, B.C.: National Collaborating Centre for Aboriginal Health, 2013. https://www.nccih.ca/495/Health_inequalities_and_the_social_determinants_of_Aboriginal_peoples_health_nccih?id=46.

Reconcili-ACTION YEG. “The Métis Scrip System.” Reconcili-ACTION (blog), November 30, 2022. <https://www.reconciliacionyeg.ca/post/the-métis-scrip-system>.

Richter. “Training, Employment and Contract Opportunities in Collaboration Agreements.” Presented at the FNQLSDI Conference, Québec City, February 19, 2019. https://fnqlsdi.ca/wp-content/uploads/2019/02/Richter_Training_Employment_Contract.pdf.

Rogers, Sarah. “Ennadai Lake Inuit Get Long-Awaited Apology for Forced Relocations.” *Nunatsiaq News*, January 23, 2019. <https://nunatsiaq.com/stories/article/ennadai-lake-inuit-get-long-awaited-apology-for-forced-relocations/>.

Sandlos, John, and Arn Keeling. “Giant Mine: Historical Summary.” Preliminary draft, Memorial University, 2012.

Selle, Per, and Gary N. Wilson. “Economy, Territory, and Identity: A Rokkanian Analysis of Indigenous Self-Determination in Canada and Norway.” *Polar Record* 58 (2022): E3. <https://doi.org/10.1017/S0032247421000772>.

Smith, Kelly Anne. “Serpent River First Nation Remains Resilient in Fight for Toxic Injustice.” *Anishinabek News*, April 11, 2022. <https://anishinabeknews.ca/2022/04/11/serpent-river-first-nation-remains-resilient-in-fight-for-toxic-injustice/>.

Stevenson, Marc. *Traditional Inuit Decision-Making Structures and the Administration of Nunavut*. Ottawa: Royal Commission on Aboriginal Peoples, 1993. https://publications.gc.ca/collections/collection_2016/bcp-pco/Z1-1991-1-41-25-eng.pdf.

Stranges, Casey. “NOBA 2022: Supercom Industries Wins the Indigenous Business Award of Excellence.” *SNNNewsWatch.com*, December 29, 2022. <https://www.snnnewswatch.com/local-news/noba-2022-supercom-industries-wins-the-indigenous-business-award-of-excellence-6307630>.

Surtees, R. J. *Indian Land Surrenders in Ontario 1763–1867*. Ottawa: Research Branch, Corporate Policy, Indian and Northern Affairs Canada, 1983. https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-350-1983-eng.pdf.

Terrill, Leon, and Sasha Boutilier. “Indigenous Land Tenure Reform, Self-Determination, and Economic Development: Comparing Canada and Australia.” *University of Western Australia Law Review* 45 no. 1 (2019): 34–70. https://www.law.uwa.edu.au/_data/assets/pdf_file/0007/3409729/2.-Indigenous-Land-Tenure-Reform.pdf.

Tester, Frank James. “Mad Dogs and (Mostly) Englishmen: Colonial Relations, Commodities, and the Fate of Inuit Sled Dogs.” *Études/Inuit/Studies* 34, no. 2 (June 16, 2011): 129–47. <https://doi.org/10.7202/1004073ar>.

The Constitution Act. 1982. Schedule B to the Canada Act 1982 (UK), 1982, c 11, Accessed February 24, 2023. <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>.

UN General Assembly. *United Nations Declaration on the Rights of Indigenous Peoples : Resolution / Adopted by the General Assembly. A/RES/61/295*, 2007. Accessed October 29, 2019. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

Weber, Bob. “N.W.T. Says Lack of Notice on Kearl Oilsands Tailings Spill Goes Against Deal With Alberta.” *Global News*, March 4, 2023. <https://globalnews.ca/news/9527344/kearl-oilsands-tailings-spill-alberta-nwt/>.

Wilt, James. "How Green Energy Has Hurt First Nations in the North." *Vice*, October 19, 2016. <https://www.vice.com/en/article/4w58mq/how-green-energy-has-hurt-first-nations-in-the-north>.

Yat, Katy. "Canada's Hydro Partnerships No Panacea for First Nations." *World Rivers Review* 25 no. 2 (June 2010). <https://archive.internationalrivers.org/resources/canada%E2%80%99s-hydro-partnerships-no-panacea-for-first-nations-1713>.

ʔehdzo Got'ıne Gots'ę́ Nákedı (Sahtú Renewable Resources Board). "Minerals and Mining, Port Radium." Accessed February 23, 2023. <https://www.srrb.nt.ca/102-sahtu-atlas/resources-and-development/201-uranium-and-the-sahtuot-ine>.

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