

**INDUSTRY-ABORIGINAL
PARTNERSHIPS IN MINERALS AND METALS
ACTIVITIES**

“A Focus for Action”

**Report to Mines Ministers at their September 10, 2001
Annual Conference in Québec City**

Prepared by the

**National Industry-Aboriginal-Federal-
Provincial/Territorial Working Group**

AUGUST 2001

PREFACE

The views expressed in this report represent a summary of discussions among participants of the National Industry-Aboriginal-Federal-Provincial/Territorial Working Group (the National Working Group) at a meeting in Toronto on June 14 and 15, 2001. The participants represented Aboriginal organizations, the mining industry, and federal, provincial and territorial governments.

In the preparation of this report:

- A background paper was prepared that reviews the history of Aboriginal participation in minerals and metals activities, challenges, barriers and opportunities, and provides information on previous policy work and research.
- At its June 14-15, 2001, meeting, the National Working Group explored options for improving Aboriginal community participation in minerals and metals activities in a meaningful way.
- The results of the June 14-15 discussion, primarily the proposals to Mines Ministers, were blended with the background paper to prepare this report.
- The National Working Group was consulted on the final paper to Mines Ministers.
- This process, including the groups directly involved, is consistent with the Mines Ministers' *2000 Action Agenda*, which called for consultation with the Intergovernmental Working Group on the Mineral Industry (IGWG), interested provincial and territorial agencies, Aboriginal groups and industry.

In the consultation process, input was received from the National Working Group and other interested parties. Matters not specifically discussed on June 14 and 15 have been excluded from this report. All of the consultation input has been compiled and will be made available to the National Working Group for future consideration.

It is intended that this report be shared at the 2001 Mines Ministers' Conference to be held on September 10 in Québec City. The report contains information and proposals relevant to other government departments engaged in processes to build stronger Aboriginal communities and economies. The report is one step along the way to meeting the commitments of the federal, provincial and territorial governments, and other partners, to develop effective working relationships with Aboriginal organizations and communities to help strengthen their communities and economies.

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EXECUTIVE SUMMARY

The National Industry-Aboriginal-Federal-Provincial/Territorial Working Group (the National Working Group) met on June 14 and 15, 2001, in Toronto to explore options for improving Aboriginal community participation in minerals and metals activities in a meaningful way. As a first step, the discussion revealed various opportunities for possible actions and a need for:

- sustainable economic activity in Aboriginal communities with a community-driven focus;
- listening and consultation; and
- inclusiveness and building trust, effective relationships and dialogue among stakeholders.

The National Working Group was formed in response to direction from Mines Ministers to discuss ways partners can promote and enhance Aboriginal involvement in minerals and metals activities.

The National Working Group is presenting a report and proposed next steps to Mines Ministers that it feels could support increased Aboriginal involvement in minerals and metals activities. These are presented in detail on pages 5, 6 and 7 of this report. The report also provides, in annexes A and B:

- an overview of Aboriginal participation in minerals and metals activities;
- a review of the jurisdictional roles of governments in minerals and metals activities;
- an overview of the significant policy and research done on barriers and initiatives regarding Aboriginal communities; and
- the necessary requirements that will facilitate Aboriginal participation in economic development.

In summary, the National Working Group proposes that:

- Mines Ministers endorse the development of regional working groups and regional partnership strategies to improve the participation of Aboriginal communities in minerals and metals activities;
- action be taken on a number of specific initiatives to enhance Aboriginal involvement in minerals and metals activities, including increasing the capacity of Aboriginal communities, examining potential incentives for industry to work with Aboriginals, investment in human resource training, promoting joint ventures between Aboriginal communities and non-Aboriginal firms, and improving Aboriginal access to capital; and
- Mines Ministers play a key role by endorsing the proposals of the National Working Group and by coordinating their actions in response to the National Working Group's proposals.

BACKGROUND

Drawing on important policy work and research done by industry, Aboriginal groups, government and others over the past many years, Mines Ministers:

- at their September 1999 Annual Conference, supported the development of key stakeholder working groups and other initiatives to identify and discuss issues, concerns and opportunities that are associated with building relationships between Aboriginal communities and the industry, and commissioned the development of an inventory of leading practices as a resource for Aboriginal communities, industry and others.
- at their September 2000 Annual Conference, supported the development of a concept of increasing Aboriginal participation in minerals and metals activities. In response, NRCan and DIAND coordinated the formation of a National Industry-Aboriginal-Federal-Provincial/Territorial Working Group (the National Working Group) to identify ways partners can promote, enhance and sustain Aboriginal participation in minerals and metals activities.

ACTIVITIES OF THE NATIONAL INDUSTRY-ABORIGINAL-FEDERAL-PROVINCIAL/TERRITORIAL WORKING GROUP

The National Working Group met in Toronto on June 14 and 15, 2001, to identify ways to enhance Aboriginal participation in minerals and metals activities.

A number of consistent themes emerged from the meeting:

- There are various opportunities available for increasing Aboriginal participation in minerals and metals activities that should be captured now.
- There is a need to encourage and stimulate sustainable economic activity with Aboriginal communities, using a community-driven focus.
- There is a need for open and honest communications.
- There is a need for inclusiveness and building trust and effective relationships among stakeholders.
- There is a need for practical action plans to facilitate real progress.

The National Working Group identified gaps, opportunities and possible action in the areas of:

- economic and business development;
- building capacity; and
- building mutual understanding.

The National Working Group is pleased to present this status report to federal, provincial and territorial Mines Ministers for deliberation at their annual conference on September 10, 2001, in Québec City. The National Working Group respectfully urges that Ministers consider the proposed actions that can build on existing efforts to improve industry-Aboriginal-government cooperation and dialogue, and take full advantage of opportunities for partnerships as a basis for achieving significant progress towards increasing Aboriginal participation in minerals and metals activities in a meaningful way.

1) The Challenges – Moving Forward

A) Economic and Business Development

Minerals and metals activities bring change to the traditional ways of life. The challenge of enhancing the positive changes and minimizing the negative influences suggests that Aboriginal communities should, in partnership with industry and government, identify those opportunities in which they can best participate and benefit from minerals and metals-related opportunities.

While jobs and wealth creation could be the underpinnings of prosperous, self-reliant communities, many Aboriginal communities have limited economic opportunity and capacity, and have difficulty accessing the tools they need in order to build economic self-reliance. There has been a lack of diversity in economic and business opportunities available to Aboriginal people, businesses and communities. Most Aboriginal businesses are small, serving local and regional markets, and have difficulty accessing broader markets.

Minerals, metals and related sector activities have the potential to provide royalties, direct and indirect income, business partnerships and spin-off opportunities for local and regional businesses. While mineral resource exploration and development and associated businesses can contribute to Aboriginal communities' development and growth, local economies could also be sustained over the longer term in a number of ways. For example, Aboriginal businesses established and expanded to participate in the secondary and tertiary activity around mine development could have post-mine viability in other sectors such as trucking and heavy equipment, infrastructure development, road maintenance, and forestry. And the benefits generated by non-renewable resource development could be used to support other types of business development, such as tourism, a harvesters' support program, small-scale arts and crafts, and the commercial harvesting of wildlife and fish. Minerals and metals activities can act to stimulate traditional activities and economies.

Opportunities exist to:

- Further the dialogue between representatives of the mining industry and Aboriginal communities in addressing Aboriginal peoples' concerns and expectations in relation to nearby mining operations;
- Establish Aboriginal institutional capacities for interacting with mining companies and for creating predictable, stable regulatory environments;
- Ensure implementation of commitments made to Aboriginal people through impact and benefit agreements, and associated development approval processes and mechanisms;
- Improve Aboriginal access to capital and project funding;
- Examine existing and potential vehicles to increase business equity funding.
- Identify common social, economic and environmental goals between the industry and Aboriginal communities;
- Increase understanding by Aboriginal communities and by the minerals and metals sector of programs available, and enhance coordination of these programs, including single-window access to programs;
- Seize opportunities to enhance the competitive advantage of companies, and increase market share, to the mutual benefit of the sector and Aboriginal communities;
- Pursue other opportunities for contract tendering or contract fragmentation, and the requirements for non-Aboriginal suppliers to develop Aboriginal supply sources.

B) Building Capacity

It has been acknowledged by Aboriginal people, industry and government that a lack of necessary training and formal education will continue to be a major barrier to increasing Aboriginal participation in mining. Education systems may require further curriculum development appropriate to Aboriginal needs.

Many Aboriginal businesses and communities would benefit from further business expertise and access to, or awareness of, coordinated business support and advisory services. It has been suggested that the lack of adequate senior-level representation of Aboriginal people in specific categories within the work force can contribute to the difficulty in recruiting and retaining Aboriginal people.

On a broader scale, many Aboriginal groups and communities are interested in assuming a broader range of responsibilities associated with governance. Aboriginal communities' capacity to manage their affairs would be enhanced through planning for their social and physical infrastructure, community consensus building and dispute resolution, and gaining access to information on best practices in these areas.

Opportunities exist to:

- Further develop joint comprehensive training plans, commencing during development feasibility stages, including skills assessment, apprenticeship programs, and education upgrades, complemented by employment opportunities and recruitment strategies;
- Further pursue training needs identification and planning through agencies such as the Northern Labour Market Committee;
- Provide more on-the-job training, employment placement and mentoring to individuals by mining companies;
- Continue pre-employment education and training programs encompassing education upgrading, secondary school programs, life skills, cross-cultural skills, and traditional knowledge either in advance of other job training activities or through direct employment at mine sites;
- Further programs for smoothing Aboriginal peoples' transition into mining-related activities, especially in trades such as carpentry, electricians, and heavy machinery operations;
- Train Aboriginal candidates who may represent role models in the workplace and in communities for promotion in management;
- Further extend scholarships and student assistance programs to Aboriginals;
- Enhance Aboriginal community planning, the capacity to manage the economic strategy of the community, and participation in decision-making; and
- Explore alternate models of service delivery for training and other areas such as education, health, financial services and communications.

C) Building Mutual Understanding

Essential elements in building mutual understanding among Aboriginal communities, mining and exploration companies, and governments include community relations, information exchange, consultation, and involvement in decision-making and implementation processes.

In the past, Aboriginal people were often brought in after the design phase of mining projects and were unable to acquire enough information within the limited time available to inform their communities or make informed decisions. They often lacked funding or in-house expertise and their key resource-people were over-extended.

The challenge for mining industry representatives is to better appreciate and address the concerns and expectations of Aboriginal communities in relation to nearby mining operations and to implement commitments made to Aboriginal people. The challenge for Aboriginal people is to establish predictable, stable environments for community governance, accountability and responsibility, and to build capacity for interacting with mining companies that meets industry expectations concerning business and employment arrangements.

Opportunities exist to:

- Improve communications and consultation-related activities among mining companies and Aboriginal communities by:
 - Establishing community consultation processes and joint structures, such as management and general liaison committees, and implement coordination and monitoring functions that can improve communications.
 - Establishing various committees and other bodies under impact and benefit agreements with responsibility for monitoring and reviewing implementation of agreement terms and acting as a dispute resolution forum. These committees would have Aboriginal community and company representation and, in some instances, could include government representatives.
 - Creating public and private sector partnerships.
- Demonstrate strong commitment by mining companies to Aboriginal participation in mining activities and maintain an open communications policy.
- Encourage Aboriginal communities to contribute to the establishment of positive working relationships with mining companies by clearly stating their positions on resource development, economic development goals and objectives, the type of relationships sought with resource developers, and the terms and conditions under which development may proceed on their lands, including environmental conditions, resource development, social impacts, education and employment opportunities, and financial and managerial assistance.
- Foster a positive communications climate by governments to establish effective mechanisms for communications among stakeholders and to foster multi-stakeholder initiatives.

2) The Focus for Action – Proposed Next Steps

The National Working Group believes that the proposed actions will build on existing efforts to improve industry-Aboriginal-government cooperation and dialogue and enhance opportunities for partnerships to increase Aboriginal participation in minerals and metals activities in a meaningful way.

It is suggested that Mines Ministers can play a key role by endorsing the proposals of the National Working Group and by coordinating their actions in response to the National Working Group's proposals.

A) Proposals for Action on Process:

The following proposals are put forward in order of importance based on the discussions of the National Working Group:

1. Mines Ministers endorse the development of regional working groups and partnership strategies to improve the participation of Aboriginal communities in minerals and metals activities.
2. In future work, refer to and, where possible, attempt to build on or implement recommendations of the March 2000 report of the National Round Table on the Environment and the Economy on Aboriginal Communities and Non-Renewable Resource Development.
3. Create a strategy to encourage more internships and cooperative opportunities for youth in the minerals and metals industry.
4. Provide financial support for priorities and recommendations already identified in numerous reports (see Annex B) related to enhancing Aboriginal involvement in minerals and metals activities.
5. Develop forums for cross-cultural communication between Aboriginal peoples and the mining industry.

B) Proposals for Specific Action:

The following proposals are put forward in order of importance based on the discussions of the National Working Group:

1. Provide incentives to industry to negotiate and work with Aboriginal people. For example, there is currently no tax advantage to private corporations for negotiating financial agreements with Aboriginal communities.
2. Create locally a "First Response Team" chosen by all the players (Aboriginal communities, industry and government) to deal with emergency situations in the event that a conflict situation arises between an Aboriginal community and a mineral development company.
3. Provide more workshops and educational opportunities that are recognized and communicated to interested participants, including:
 - trades training;
 - workplace literacy;
 - apprenticeships;
 - cooperative programs;
 - post-secondary education.
4. Celebrate successful examples of Aboriginal communities and mining company partnerships by identifying best practices, utilizing site visits, and raising the profile of Aboriginal issues.
5. At a local level, partners should attempt to package opportunities that are available to Aboriginal communities to provide a one-window approach to accessing opportunities.
6. Make a strategic investment in human resource training for Aboriginal people.

7. Increase the implementation of joint ventures between Aboriginal communities and non-Aboriginal firms (for example, to provide mentoring, skills transfer, etc.).
8. Work with banking institutions and Aboriginal financial institutions to improve Aboriginal access to capital.
9. Make funding available for Aboriginal groups to hire professionals who can provide knowledge and expertise in areas where they need professional advice and services.
10. Determine the capacity needs of Aboriginal communities and develop the necessary implementation plans.
11. Provide support for Geographical Information System (GIS)-based land use planning.
12. Streamline the resource access process in terms of knowing what programs are available and how to access them, and compile and disseminate information on activities and initiatives available to Aboriginal people and the mining industry through a one-window access system.
13. Strengthen existing community-owned business development institutions.
14. Establish more advisory positions for Aboriginal people within mining companies.

ANNEX A

ABORIGINAL PARTICIPATION IN MINERALS AND METALS ACTIVITIES

The modern era of mineral resource development and associated Aboriginal-mining industry relations began at the end of World War II. Throughout the 1950s and 1960s, considerable growth was experienced in staking, exploration and mineral development in Canada, particularly in the North. Aboriginal peoples and communities have always been interested in the environmental and social impacts of mining and other resource developments in their traditional territories.

Consideration of the environmental and socio-economic impacts on Aboriginal communities of many large-scale mining developments increasingly became a concern in the 1960s and 1970s. Prior to this period, the focus was on employment and Aboriginal participation in mining was limited, primarily in low-skilled and low-paying positions.

The evolution to larger-scale mining operations in Canada was paralleled by increased politicization among Aboriginal people and an assertion of their Aboriginal and treaty rights. Often, Aboriginal people and communities assumed a strong anti-development stance or participated marginally in mining activities. Government policy focused on achieving Aboriginal and northern economic and employment development objectives through non-renewable resource development. Agreements were negotiated by government with mining companies and terms and conditions were imposed, for the most part without consulting affected Aboriginal people and communities. This approach was applied with mixed success in several mining operations, but it failed to provide a universal solution for increasing Aboriginal involvement in mining operations.

Throughout the 1980s and into the early 1990s, there was a shift to a more open attitude and approach to Aboriginal participation in resource-based economic activity. The concept of sustainable development, as articulated in the 1987 Report of the World Commission on Environment and Development, continues to have particular resonance in Canada's North. There is a recognition of the opportunities for Aboriginal participation in the minerals and metals sector in terms of economic, social and environmental benefits at all stages, including mine closure, and of the need to balance the predominant mineral and hydrocarbon sectors with a long-term strategy of sustaining renewable resource-based economies.

ANNEX B

JURISDICTIONAL ROLES OF GOVERNMENTS IN MINERALS AND METALS ACTIVITIES

Provincial Jurisdiction:

Provincial governments are responsible for mining, including the exploration, development and extraction of mineral resources, and the construction, management, reclamation and close-out of mine sites within their respective jurisdictions. Provincial governments also have responsibilities regarding economic and social development, education, municipal affairs, the environment, health and safety.

Core Federal Responsibilities:

In the regulation of mining operations, direct federal involvement comparable to that of the provinces/territories is limited and is specific to such matters as uranium in the context of the nuclear fuel cycle, mineral activities related to federal Crown corporations, and mineral activities on federal lands and in offshore areas. Within Canada's three northern territories of Yukon, the Northwest Territories and Nunavut, the federal government has ultimate Constitutional authority and manages mining. The Government, however, is committed to reducing its role North of 60° by devolving provincial-type jurisdictional responsibilities to the territorial governments.

The Minerals and Metals Policy of the Government of Canada (1996) also identifies core federal responsibilities relevant to the industry, including international trade and investment, sustainable development, environmental protection and conservation (shared with the provinces), and Aboriginal affairs. The Policy also stated "The Government affirms its support for the timely resolution of land claims to remove uncertainty over the ownership and use of land and resources, and to encourage self-reliance by Aboriginal communities and promote their participation in economic opportunities."

Building Understanding and Momentum:

Significant policy work and research has been done on barriers and initiatives regarding Aboriginal communities and economies, and on the necessary requirements that will facilitate Aboriginal participation in economic development and deriving the benefits from this development.

Some Selected Highlights:

1. The *1992 Whitehorse Mining Initiative* - In a search for support, assistance and advice in developing a new strategic vision, Mines Ministers agreed at their 1992 Annual Conference to a proposal from The Mining Association of Canada for a multi-stakeholder process, and agreed to become co-sponsors and trustees of the process. The mining industry, senior governments, labour unions, Aboriginal people, and the environmental community agreed to participate in setting out a strategic vision for a healthy mining industry.
2. *The Minerals and Metals Policy of the Government of Canada* - In this report published in 1996, the federal government acknowledged important Aboriginal concerns and interests related to mineral development, recognized Aboriginal concerns about the effects of mineral exploration and development, and confirmed its belief that collaboration between industry and Aboriginal communities regarding local mineral development should be encouraged.
3. *Federal-Provincial-Territorial Review of Environmental Regulations Affecting Mining in Canada - An Overview Report (July 1998)* - At the 1997 Mines Ministers' Conference, Ministers charged the Intergovernmental Working Group on the Mineral Industry (IGWG) with preparing a government/industry report that would review regulations affecting mining and proposing appropriate recommendations for their consideration in an effort to identify opportunities to work cooperatively to improve regulatory regimes.
4. The *1996 Royal Commission on Aboriginal Peoples* concluded that fundamental change was needed in the relationship between Aboriginal and non-Aboriginal people in Canada, including: taking practical steps to improve the living conditions of Aboriginal people, calling for a partnership based on the principles of mutual respect, recognition, responsibility and sharing. The Commission made specific recommendations regarding mining, oil and natural gas aimed at ensuring that Aboriginal people benefit from these activities.
5. The 1997 federal government response to the Royal Commission, *Gathering Strength – Canada's Aboriginal Action Plan*, highlighted the Government's commitment to developing effective working relationships with Aboriginal organizations and communities, and working with Aboriginal people and organizations, provincial and territorial governments and other partners to help strengthen Aboriginal communities and economies.

6. The March 2000 issue identification paper from the National Round Table on the Environment and the Economy highlighted the components of sustainable Aboriginal communities (economic vitality, environmental integrity, social and cultural well-being, equity, and control over natural resources); opportunities regarding oil and gas and mining; regulatory and fiscal regimes; social, environmental and economic challenges; benefit agreements; consultation; and land claims.

7. The most recent initiative, the May 2001 *Report of the Working Group on Aboriginal Participation in the Economy to Federal-Provincial/Territorial Ministers Responsible for Aboriginal Affairs and National Aboriginal Leaders: Strengthening Aboriginal Participation in the Economy*, provides information on the demographics of the Aboriginal population, education and other factors; challenges and barriers to the participation of Aboriginal individuals, businesses and communities in the mainstream economy; and means of strengthening Aboriginal participation in the economy.

The Catalyst for Action:

Canada is entering into a new era in Aboriginal community-mining industry relations – one characterized by earnest attempts to improve cooperation and dialogue and to take full advantage of opportunities for partnership in resource development.

Representatives of the minerals and metals industry, Aboriginal organizations and communities, and federal, provincial and territorial governments indicated their interest in working together in:

- building partnerships between Aboriginal communities and the minerals and metals industry; and
- discussing Aboriginal issues related to minerals and metals activities in Canada.

More particularly:

1. In a brief prepared by the Prospectors and Developers Association of Canada (PDAC) for the Mines Ministers' Conference in September 1999, PDAC recommended that Ministers encourage the formation of Aboriginal-mining industry-government working groups to help develop constructive relationships, resolve problems and identify opportunities. Ministers supported the development of key stakeholder working groups and other initiatives to identify and discuss issues and concerns, as well as opportunities, that flow from building relationships between Aboriginal communities and the industry; they also commissioned the development of an inventory of leading practices as a resource for Aboriginal communities, industry and others.
2. Benefiting from the input of a multi-stakeholder meeting prior to the 2000 Mines Ministers' Conference on the development of a possible concept for Aboriginal participation in minerals and metals activities, Mines Ministers directed that Natural Resources Canada and Indian and Northern Affairs Canada launch a national Industry-Aboriginal-Federal-Provincial/Territorial Working Group to discuss ways partners can promote and enhance Aboriginal involvement in mining. At the same time, the Intergovernmental Working Group Sub-Committee on Aboriginal Participation in Mining completed a review of accomplishments within all jurisdictions, revealing a significant number of initiatives.
1. The May 2001 *Report of the Working Group on Aboriginal Participation in the Economy to Federal-Provincial/Territorial Ministers Responsible for Aboriginal Affairs and National Aboriginal Leaders: Strengthening Aboriginal Participation in the Economy* recommended that approaches to Aboriginal participation in the economy should be practical and reflect the policies and priorities of Aboriginal governments, institutions, communities, individuals, and the federal, provincial, territorial and regional governments.

ANNEX C

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