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THE FRONT LINES OF reconciliation

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Indigenous prosperity at a crossroads

WHERE WE GO FROM HERE

Ken S. Coates

November 2020

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A DECADE OF TRUE NORTH IN CANADIAN PUBLIC POLICY

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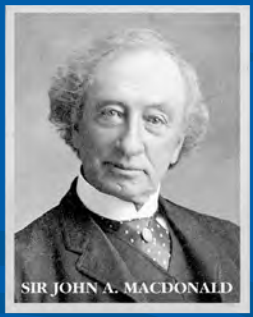
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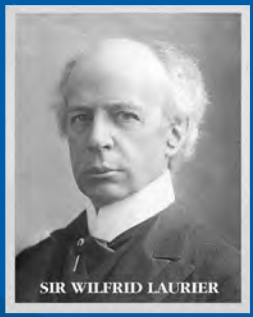
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Executive Summary

In 2020, Canada's oil and gas sector was hit with a double crisis: a combined Russian and Saudi Arabian attempt to restructure the international demand for oil and gas that resulted in a cataclysmic collapse in world prices, followed by the onset of the global COVID-19 pandemic that resulted in a world-wide lockdown that continues to have major implications for energy demand. Added to that are attacks by environmentalists on the sector, growing global efforts to place much of the weight of climate change on the Canadian energy sector, and an increasing political divide inside the country over the future of oil and gas.

The collapse in the oil sector was dramatic, exceptionally fast, and economically painful. Indigenous peoples were not spared. Communities with on-reserve oil production have lost a great deal of revenue, although gas production has remained strong. Indigenous firms, including successful Indigenous-owned companies, have pared back operations dramatically.

For Indigenous people today, the oil and gas sector has become one of the "front lines of reconciliation," an economic zone marked by mutually beneficial relationships that link Indigenous people with non-Indigenous Canadians, domestic and international business, and the broader national economy. In recent years, Indigenous people have become owners or part-owners of major energy projects. They have good economic reasons to support collaborations with the energy industry. Oil sands operators spent more than $3.3 billion in procurement over 2015 and 2016 from almost 400 Indigenous-owned businesses in 36 Indigenous communities in Alberta. Other than the mining industry, no other sector of Canada's economy comes close to matching the outcomes provided by the oil and gas sector.

Canada recognizes the importance of addressing climate change but places strong limits on its willingness to make sacrifices for a vague global objective. Furthermore, the country has massive investments in automobiles, gas stations, pipelines, oil and gas production facilities, an urban system and lifestyles based on private mobility, and a preference for air travel that inevitably makes Canadians among the heaviest consumers of energy in the world.

Canada's oil sector is not dead. Following more than a decade of political, legal, and highly public battles, we believe First Nations people in Western Canada can solidify the financial achievements of the past 20 years and expand their participation in the oil and gas sector in the coming decades. It is a testament to the market fundamentals of global energy production and consumption, the persistence of the oil and gas companies in Canada, and the repeated interventions by provincial governments.

Importantly, both Indigenous communities and the energy industry also appear to have bought into an agenda that moderates the use of carbon-based energy over time and that accelerates investments in renewable resources. A sizeable number of Indigenous communities have already invested in renewable energy projects.

> *We believe First Nations people in Western Canada can solidify the financial achievements of the past 20 years.*

Yet we must also recognize that the 2020 pandemic has put Indigenous commercial activity and engagement in the oil and gas sector at risk. In the short-term, the industry needs urgent, pandemic-related support to strengthen the industry and ensure that Indigenous businesses and workers stay active through 2020 and 2021. One way of providing that support has been through a federally-funded orphan well reclamation program.

In the medium-term, we need to capitalize on the emergence of Indigenous peoples as significant participants in the Western Canadian oil and gas sector. That has the potential to transform socio-economic realities in the region. One way to support this goal is to build Indigenous economies of scale. Most Indigenous communities are too small to engage extensively with the energy sector, but by cooperating and collaborating with each other, they will be able as a group to assemble sufficient money to make sizeable investments in energy projects.

To be prepared to participate fully in the sector, however, governments, companies, and First Nations themselves must radically rethink community education and training. The flow of well-prepared Indigenous peoples coming out of the K-12 and post-secondary systems and transitioning to advanced learning and the workforce has been less than ideal.

Finally, the country needs to take some longer-term measures in order to build toward a productive, collectively beneficial approach to energy and natural resource development. They include developing an Indigenous Sovereign Wealth Fund using the much-touted Norwegian example as a guide and completing the Canadian energy infrastructure network, among other initiatives.

The future is not a simple choice between a vibrant oil and gas economy or a sustainable, renewable energy model that eliminates many of the current energy uses people take for granted. Canada needs a strategy that respects Indigenous interests in the sector and that recognizes the commercial and societal benefits of a strong and well-managed Canadian oil and gas sector while building toward a future that includes a mix of carbon-based energy production and use, conservation, and alternative energy systems.

Sommaire

En 2020, le secteur canadien du pétrole et du gaz a subi les contrecoups d'une double crise : l'effondrement catastrophique des cours dû à la restructuration de la demande mondiale tentée conjointement par la Russie et l'Arabie saoudite et, ensuite, les répercussions majeures sur la demande d'énergie du confinement mondial conséquent à la pandémie de COVID-19. À cela s'ajoutent les attaques des écologistes contre le secteur, l'empressement grandissant à l'échelle mondiale à faire peser sur le secteur énergétique canadien l'impact lié aux changements climatiques et les divisions politiques croissantes au pays sur l'avenir du pétrole et du gaz.

L'effondrement du secteur pétrolier a été dramatique, exceptionnellement rapide et douloureux sur le plan économique. Il n'a pas épargné les peuples autochtones. Les collectivités comptant sur la production de pétrole dans les réserves ont subi de grandes pertes de revenus, même si la production de gaz est restée forte. Les entreprises autochtones, y compris les entreprises autochtones prospères, ont beaucoup réduit leurs activités.

Pour les Autochtones, le secteur pétrolier et gazier est devenu la « ligne de front de la réconciliation », espace économique marqué par des relations mutuellement avantageuses entre les Autochtones et les Canadiens non autochtones, les entreprises locales et internationales et, de façon générale, l'ensemble de l'économie canadienne. Les Autochtones sont propriétaires ou copropriétaires d'importants projets énergétiques depuis quelques années. De bonnes raisons économiques les incitent à collaborer avec l'industrie. En 2015 et 2016, les exploitants des sables bitumineux ont passé des marchés dépassant 3,3 milliards de dollars avec près de 400 entreprises appartenant

à des Autochtones dans 36 collectivités autochtones de l'Alberta. Hors de l'industrie minière, aucun secteur de l'économie canadienne ne s'approche, même de loin, des résultats produits par l'industrie pétrolière et gazière.

Le Canada reconnaît l'importance de lutter contre les changements climatiques, mais se montre très peu enclin à consentir des sacrifices pour un objectif globalement imprécis. De plus, le pays investit massivement dans le secteur automobile, les stationsservice, les pipelines, la production de pétrole et de gaz, les systèmes urbains et les modes de vie axés sur la mobilité privée. Le pays privilégie le transport aérien, ce qui fait inévitablement des Canadiens parmi les plus gros consommateurs d'énergie au monde.

> *Nous croyons que les Premières Nations de l'Ouest canadien consolideront leurs réalisations financières des vingt dernières années.*

Le secteur pétrolier canadien n'est pas mort. Nous croyons que les Premières Nations de l'Ouest canadien consolideront, après plus de dix ans de batailles politiques, juridiques et de nature très publique, leurs réalisations financières des vingt dernières années et accroîtront leur participation dans le secteur pétrolier et gazier au cours des décennies à venir. Les principes directeurs des marchés mondiaux de production et de consommation, la persévérance des sociétés pétrolières et gazières du Canada et les encouragements répétés des gouvernements provinciaux en sont garants.

Fait important, les collectivités autochtones et l'industrie énergétique semblent également souscrire à un programme d'action appuyant l'usage modéré des énergies à base de carbone au fil du temps et l'accélération des investissements dans les ressources renouvelables. Un nombre important de collectivités autochtones ont déjà investi dans des projets d'énergie renouvelable.

Toutefois, nous devons également reconnaître que la pandémie 2020 met en péril les activités commerciales et la participation des Autochtones dans le secteur pétrolier et gazier. À court terme, il presse de renforcer l'industrie grâce à un soutien lié à la pandémie et de maintenir en activité les entreprises et les travailleurs autochtones durant les années 2020 et 2021. Un des moyens de dispenser ce soutien a pris la forme d'un programme de financement fédéral pour la remise en état des puits orphelins.

À moyen terme, nous devons tirer parti de l'émergence des peuples autochtones comme partenaires dans le secteur pétrolier et gazier de l'Ouest canadien. Cela pourrait contribuer à la transformation des réalités socio-économiques de la région. Une façon d'appuyer cet objectif est de susciter des économies d'échelle dans les collectivités autochtones. La plupart d'entre elles sont trop petites pour s'engager activement dans le secteur de l'énergie. Cependant, en coopérant et en collaborant les unes avec les autres, elles seront en mesure, en tant que groupe, de rassembler les fonds suffisants pour financer des investissements importants.

Cependant, pour être prêts à devenir des partenaires à part entière dans le secteur, les gouvernements, les entreprises et les Premières Nations elles-mêmes doivent repenser de manière radicale l'éducation et la formation communautaires. L'afflux d'autochtones bien préparés à être sortis du système d'éducation du primaire, du secondaire et du postsecondaire, puis à avoir effectué un apprentissage de pointe avant d'entrer sur le marché du travail a été inférieur au scénario idéal.

Enfin, le pays doit prendre des mesures à long terme lui permettant de concevoir une approche productive et collectivement bénéfique à la mise en valeur de l'énergie et des ressources naturelles. Ces mesures comprennent notamment la création, à l'image du fameux exemple norvégien, d'un fonds souverain autochtone et l'achèvement du réseau d'infrastructure énergétique canadien.

L'avenir n'est pas tributaire d'un simple choix entre une économie pétrolière et gazière dynamique et un modèle d'énergie renouvelable durable écartant bon nombre des utilisations énergétiques tenues pour acquises de nos jours par plus d'uns. Le Canada a besoin d'une stratégie qui respecte les intérêts autochtones dans le secteur et reconnaît les avantages commerciaux et sociétaux d'un secteur pétrolier et gazier canadien fort et bien géré. Il doit préparer un avenir axé à la fois sur la production et l'usage d'une énergie à base de carbone, les économies d'énergie et des systèmes d'énergie de remplacement.

Introduction

For generations, Indigenous communities in Western Canada watched the oil and gas sector develop their lands – and saw that few jobs or business opportunities were available to them. The industry created enormous wealth, producing prosperity for companies and workers and making Western Canada one of the most economically successful parts of the country. Yet Indigenous communities remained on the margins throughout this post-war expansion; their incomes ran well below national norms and they faced a series of social and cultural challenges. First Nations and Métis people wanted a greater role in the oil and gas sector – and in the broader society – but found their political and economic efforts to secure better opportunities blunted by political, economic, and commercial forces.

Much has changed in the Canadian energy sector in the past few decades, however. Starting in the 1970s, Indigenous peoples protested and addressed their marginalization in the Canadian natural resource industry, largely through a series of successful court challenges. Over the past 30 years, Indigenous claimants have won almost all of their cases, building a wall of rights and gaining an authority that has recast the industry (Gallagher 2012). Legal decisions and political agreements have produced new processes of consultation and engagement, a major expansion in training and employment programs, dozens of successful joint ventures between Indigenous communities and energy companies, and a rising wave of Indigenous business development (Coates and Crowley 2013). Communities that once watched billions of dollars in development happen on their traditional territories yet saw few direct benefits to them have become important participants in the industry.

In 2020, Canada's oil and gas sector finds itself at a crossroads. It must respond to the combination of a surge in Indigenous engagement, a Russian and Saudi Arabian-inspired global oil price collapse, rising and often intemperate attacks by environmentalists on the sector, growing global efforts to place much of the weight of climate change on the Canadian energy sector, and an increasing political divide inside the country over the future of oil and gas (Francis 2020). Russia, which has vast oil fields and is unfettered by human

rights and environmental considerations (unlike in Canada), remains a significant commercial rival.

The collapse in the oil sector was dramatic, exceptionally fast, and economically painful across the whole Canadian energy sector. Indigenous peoples were not spared from the serious dislocations. The transition, complicated by the COVID-19 pandemic in 2020 and the resulting economic uncertainty, also disrupted one of the long-term, near-certainties in the Canadian economy. For generations, the oil and gas industry backstopped Canadian prosperity by providing steady, royalty-driven revenue streams for provincial and national governments, employing hundreds of thousands of people directly and indirectly, and underpinning the success of numerous communities across Western Canada and in Newfoundland and Labrador. The debates of the last decade have threatened the stability of the industry and, importantly, the hard-won place of Indigenous peoples in the sector (Richards and Pratt 1979; Bott, Carson, and Henderson 2004; Sweeny 2010; Gould 1976). Such instability is not new. Periodic price declines have, at various times, caused difficulties in the oil and gas industry, resulting in short-term layoffs and business closures. But the industry remained generally strong for decades.

Yet the industry also garnered a great deal of attention, much of it negative and almost always closely connected to issues of climate change and emissions control. The oil sands attracted billions of dollars in international investment and a great deal of scientific and technological research; producers made substantial advances in productivity and environmental effectiveness, but these companies remained the target for attacks by environmentalists on the Canadian energy sector. Showing consummate public relations acumen, anti-oil groups carefully avoid attacking consumers or even most industrial producers for their energy use, focusing instead on the more easily critiqued oil and gas companies and the highly symbolic oil sands and pipelines (Dow 2012; Dusyk and Dullemond 2018).

But the situation is much more complicated than the general public believes. Today's level of engagement by Indigenous peoples in the sector has also been hard-won, following decades in which the expansion of the oil and gas sector occurred without consultation or engagement with Indigenous communities. Indeed, significant progress has been made to increase Indigenous participation in this sector over the past 20 years. And more still needs to be done.

We need to be clear about the reality of the situation in the industry, however. Indigenous communities fought hard to enter the industry. The current arrangements are the result of protests, political lobbying, hard negotiations, and legal challenges. Many communities believe that they do not get the respect that they deserve from companies and government, and that their commercial achievements are vulnerable and uncertain. Indigenous

involvement in the oil and gas sector reflects decades of extremely hard work and a great deal of Indigenous determination, aided over time by a growing number of non-Indigenous advocates and supporters.

For Indigenous people today, the oil and gas sector has become one of the "front lines of reconciliation," an economic zone (as with the mining industry) that is marked by mutually beneficial relationships that link Indigenous peoples and communities with non-Indigenous Canadians, domestic and international business, and the broader national economy (Coates and Crowley 2013). As 2020 comes to an end, we need to look at the possible future of Indigenous participation in the oil and gas industry – to reflect on the current barriers to further engagement with the industry, and assess the prospects for an even more substantial role for Indigenous business, governments, and peoples.

Geography and history

Close observers of the energy industry knew about promising developments with Indigenous communities, with companies like Syncrude working out creative arrangements with those communities, recruiting Indigenous workers, and providing benefits to First Nations and Métis governments. At the same time, Indigenous political and economic authority grew dramatically, primarily through Supreme Court of Canada decisions like *Haida* (2004) and *Taku* (2004). These decisions established the government's duty to consult and accommodate Indigenous interests. The subsequent impact and benefit agreements carried major opportunities, including training and recruitment, payments to communities, and preferential business arrangements. From a small base, Indigenous people started to share more in energy-based prosperity.

Indigenous engagement has occurred in a variety of ways. In some instances, geographic luck resulted in the discovery and development of oil and gas on Indian reserves, a process later managed for the First Nations and the Government of Canada through Indian Oil and Gas Canada (IOGC). The establishment of IOGC represented an important transition for First Nations from their being recipients of royalties, a passive processes, to taking on more active decision-making roles and thereby experiencing greater levels of self-determination. Some of these oil and gas fields produced millions of dollars for the associated First Nation. First Nation members also got jobs with the oil and gas companies or received contracts with the energy firms, often through preferential contracting arrangements. Many Indigenous-corporate joint ventures proved successful; some transitioned into Indigenous-owned companies (Taylor and Friedel 2011; Wanvik 2016). In the 2010s, First Nations expanded their interest through direct equity investments.

Many of these arrangements were developed under mutual benefit agreements that provided substantial returns to the participating First Nations. In 2018, at a time of considerable hardship in the Western Canadian energy sector, Indigenous engagement was dramatic:

> Although operators are spending less, Indigenous businesses are winning a bigger portion of the pie. Cenovus Energy Inc. is among the oil sands companies that are increasing spending with aboriginal companies as a percentage of their overall capital spending. Cenovus spent 19 per cent of its capital budget with Indigenous partners, up from 9.7 per cent in 2012. Suncor Energy Inc., the largest oil sands operator, spent $445-million with aboriginal companies in 2016, pushing its total Indigenous partnership to a remarkable $3.9-billion since 1999. (Stastny 2018)

Even the Enbridge Northern Gateway project, which attracted considerable opposition along the route, had considerable local support at times. As Dale Swampy, formerly the CEO of the Samson Cree and President of the National Coalition of Chiefs commented after the cancellation of the project, "The National Coalition of Chiefs grew from the aboriginal equity partners, which was a group of 31 first nations who owned one third of the Northern Gateway project. And when it was cancelled, the chiefs were upset that they had lost $2 billion worth of benefits" (Fletcher 2019).

Enbridge's large-scale Line 3 project, which modernizes and extends the company's pipeline connections from Hardisty, Alberta to Superior, Wisconsin, stands apart from other projects. The construction was not marked by Indigenous protests; instead, there was substantial engagement with the initiative (see, for example, Datta and Hurlbert 2019). First Nations on the prairies had extensive experience with pipeline construction and operation and generally supported the initiative. There were some Indigenous protests, particularly in the northern United States, but most Canadian First Nations made accommodations with the company (Mizner 2020). Almost 100 Indigenous groups signed agreements with Enbridge, providing both short-term construction work and longer-term benefits with Indigenous involvement in environmental monitoring. Leo Golden, the Enbridge Vice-President responsible for the project, said:

> I've seen the evolution of our approach to relationships with Indigenous people move beyond regulatory requirements to more of a partnership, which I believe has really shifted things for us. It's incredible how much we can achieve by working together as equals and focusing on win-win partnerships. As important as the installation of new steel is to maintain the safety of this essential pipeline so too is the unprecedented level of Indigenous engagement, inclusion and economic participation achieved during its construction. (Enbridge 2019)

The evolution of Indigenous involvement in the energy sector is illustrated through the development of the liquified natural gas (LNG) sector in British Columbia (Crowley and Coates 2013). LNG Canada, proponents of a major LNG plant in Kitimat, BC, structured a project that connected gas fields in the northeast corner of the province by way of the Coastal GasLink pipeline (LNG Canada 2020; Oxford Analytica 2017). The Haisla First Nation supported the project, which promised sustainable prosperity through the development of the processing plant on their territory (Haisla Nation Undated). Coastal GasLink negotiated agreements with 20 First Nations along the pipeline route, all of which saw employment and business development possibilities in the energy project (Coastal GasLink Undated; Leibel 2020).

The pipeline project slowed in 2019 when a group of Wet'suwet'en hereditary chiefs said that they had the right to authorize or reject the pipeline, not the chief and council elected under the *Indian Act*. The cause of the hereditary chiefs was contested strongly by many of the Wet'suwet'en yet garnered attention from Indigenous rights advocates and environmentalists, who saw the hereditary chiefs as a symbol around whom they could rally protests against the pipeline.[1]

First Nations along the pipeline corridor understood the consequences of the political protests. Crystal Smith, Chief Councillor of the Haisla First Nation, criticized opponents for trying to shut down Coastal GasLink and said of the project: "Our nation's goal is to be an independent, powerful and prosperous nation. We can't get there without powerful, prosperous, independent people" (Williams 2020). As journalist Barrie McKenna commented:

> More importantly, billions of dollars in contracts and as many as 10,000 jobs at the peak of construction – many destined for First Nations in and around Kitimat – would be lost. At risk is an opportunity for Indigenous workers and investors to share the benefits of resource wealth on and around their land, rather than watch helplessly as others do.
>
> Capitulation to the demands of an apparent minority of Indigenous people along the pipeline route won't disrupt the global LNG trade. The United States, where more than a dozen new terminals are now under construction or approved, would quickly steal the business, and the riches. Canada will be shut out of a once-in-a-generation economy-boosting opportunity. (McKenna 2020)

The political contest with the hereditary chiefs and their supporters and the rest of the Wet'suwet'en (apparently a majority of the community members) continued but so did construction of the pipeline, which is due to be completed by 2021, with the entire project to be in service by 2023 (Loper 2020). A project described internationally as an example of Indigenous energy con-

FIGURE 1: INDIGENOUS BAND AGREEMENTS ACROSS THE COASTAL GASLINK PIPELINE ROUTE

Adapted from: Coastal GasLink Undated.

flict, the LNG Canada and Coastal GasLink initiative is actually one of the best illustrations of Indigenous engagement, active participation, constructive and positive corporate involvement, and comprehensive assessments and negotiations (see Figure 1). Of course, the processes are far from ideal. For example, in some regions, experienced Indigenous-owned firms from other jurisdictions are securing contracts sought by local First Nations companies, leading to the displeasure of local First Nations governments.

As one analyst said, "The campaigns consistently portray a united Indigenous antidevelopment front and allies of the green movement, but some Indigenous leaders are becoming alarmed that they could be permanently frozen out of the mainstream economy if resource projects don't go ahead" (Cattaneo 2018a).

But to a degree that few observers acknowledge, the LNG Canada–Coastal GasLink initiative represents only the leading edge of Indigenous engagement. Over the past few years, a general movement toward greater Indigenous engagement has emerged. First Nations and Métis communities in the Mackenzie River Valley, for example, were in line to own up to 30 percent of the planned natural gas pipeline before that project's cancellation (Strong 2017; CBC News 2010; McNeely 2014). This was followed by Calvin Helin's Eagle Spirit Pipeline proposal, which expects to reach either Prince Rupert or, potentially, if the federal ban on west coast shipping continues to hold, Hyder, Alaska (Cattaneo 2018).

> *The LNG Canada–Coastal GasLink initiative represents only the leading edge of Indigenous engagement.*

In short order, Indigenous peoples have quickly become advocates for and owners or part-owners of major energy projects. Over the past decade, Fort McKay First Nation and Mikisew Cree secured financing in the hundreds of millions of dollars that enabled them to purchase part of Suncor's tanker farms (Suncor Connections 2016; Fort McKay First Nation Undated). After the federal government took over Kinder Morgan's pipeline assets in 2018, numerous Indigenous communities expressed an interest in purchasing the project in order to become part or full owners of the pipeline (Bakx 2019). The Squamish First Nation is currently involved in a significant natural gas pipeline and LNG pipeline project focused on their territory (House 2019; also see Woodfibre LNG Undated). An Indigenous-led group proposes the construction of a multi-billion-dollar railway link between Fort McMurray and Valdez, Alaska (Williscraft 2020). And yet another Indigenous-controlled group is exploring the development of a pipeline and port delivery system to connect the oil sands in Alberta and Saskatchewan to the harbour at Churchill, Manitoba (Lambert 2020).

Most First Nations and Métis communities along these routes have supported the various pipeline proposals. This holds for the Trans Mountain Pipeline, though it continues to face opposition from some communities along the corridor and particularly at the western end of the route. The other Indigenous-led projects are based on sincere commitments to community consultations, benefits sharing, and the maximization of returns to the First Nations and Métis communities.

Furthermore, the courts continue to back Coastal GasLink, rejecting the plaintiffs' argument, presented on behalf of the hereditary chiefs of the Wet'suwet'en, that Indigenous law gave them the authority to block the pipeline. As BC Supreme Court Justice Marguerite Church ruled, "There has been no process by which Wet'suwet'en customary laws have been recognized in this manner." As the judge went on to say, "While Wet'suwet'en customary laws clearly exist on their own independent footing, they are not recognized as being an effectual part of Canadian law" (Morgan 2020).

Indigenous people have good economic reasons to support collaborations with the energy industry. Oil sands operators spent more than $3.3 billion in procurement over 2015 and 2016 from almost 400 Indigenous-owned businesses in 36 Indigenous communities in Alberta (Canada's Oil and Natural Gas Producers 2018). Six percent of the oil and gas workforce is Indigenous, or twice the Canadian average (according to a study by PetroLMI (Undated)). Of all the apprenticeships in Canada, 6 percent are Indigenous peoples working in the trades related to oil and gas industry. First Nations people working in this sector earned, according to a study by the Montreal Economic Institute, an average income of over $140,000 per year (but with the caveat that work in the sector is both cyclical and intermittent) (Belzil 2018). Those working on natural gas pipelines earned much more. In addition, oil sands operations provided almost $41 million in funding for Indigenous consultation capacity between 2015 and 2016.

Other than the Canadian mining industry, which also has numerous collaborations with Indigenous communities, no other sector of the Canadian economy comes close to matching the outcomes provided by the oil and gas sector (Podlubny 2018).

Promise and peril in 2020

The oil and gas sector in February 2020

In February 2020, the oil and gas sector was perhaps the most successful example of Indigenous engagement – personal, commercial, and community – in the Canadian economy. The sector employed thousands of Indigenous employees, involved hundreds of Indigenous-owned firms, and saw the direct participation of well over one hundred communities in oil and gas development (Conference Board of Canada 2015). Indigenous economic development corporations were heavily engaged with the sector, producing hundreds of millions of dollars a year in direct and indirect benefits to Indigenous communities (Vining and Richards 2016; Anderson 1997; O'Faircheallaigh 2013; Meis Mason, et al. 2012).

Extensive consultations precede developments, as is highlighted by the February 2020 agreement between Teck Resources' Frontier Mine project and 14 Indigenous communities in the region. Resource companies are actively and continuously engaged with community representatives (Teck Resources Undated; Dirks and Slaughter 2020). As Ron Quintal, the president of Fort McKay Métis Nation commented about criticisms of the project, "I respect everyone's opinion, but I find in far too many circumstances Indigenous people are used as a lightning rod to polarize the issues like oilsands development… I don't agree with that. Indigenous communities should have the right to have their own voice and to be able to speak. Speaking on behalf of Fort McKay Métis, we don't want anybody coming in and telling us our business" (Labine 2020). The project was cancelled in February 2020, shortly before the anticipated federal government decision on the Frontier application.

Many Indigenous communities support pipeline development (Fletcher 2019). Yet because of their land-locked oil reserves and the access to the West Coast for their energy that has been denied to them by pipeline construction delays, many have suffered severely from the price differential that comes from having to sell Canadian oil to the American market rather than internationally. For some communities, the gap costs them several million dollars a year. With work proceeding on four major projects simultaneously – Enbridge's Line 3 to the American Midwest, the Keystone XL pipeline to the south, Trans Mountain expansion to Vancouver, and the Coastal GasLink natural gas pipeline underway to Kitimat – by early 2020, the energy logjam that had held the sector back for a decade appeared to have been broken.

> *Indigenous people have good economic reasons to support collaborations with the energy industry.*

Indigenous organizations, particularly the Indian Resource Council (representing some 130 Indigenous communities), First Nations Major Project Coalition (with 75 members), and the National Coalition of Chiefs (First Nations and Métis leaders), provide intra-Indigenous engagement, Indigenous-federal government consultation, Indigenous-corporate collaboration, and outreach to the media, politicians, and others; ultimately, they offer cautiously pro-development Indigenous perspectives on resource development. These groups have spoken clearly about the need for accelerated oil and gas development. Stephen Buffalo of the Indian Resource Council has been the most outspoken

advocate for Indigenous involvement in the oil and gas economy: "Some of our people are asking for sovereignty. You can't get sovereignty if you're still accepting government money under the Indian Act. This is our way of trying to address those [development] issues. We need that same opportunity as any other Canadian" (Edwards 2019). He expressed the often-heard concern of Indigenous leaders that a coordinated campaign by anti-oil organizers was determined to shut down the industry, regardless of the impact on Indigenous communities.[2]

Blaine Favel described some anti-oil groups as practitioners of "eco-colonization" (Favel 2019) who were quick to tell Indigenous peoples how they should feel about development and the environment. Edward Tom of the Witset First Nation (Wet'suwet'en) criticized the protestors, claiming that they caused more difficulties than they did good: "They're very pugnacious and overbearing. They're professional protesters" (Bakx 2020). As Stephen Buffalo observed, "The hard part again is who's really pulling the string here?... And some of our people have been more or less taken, involved in that but spinning to a form that I want to protect mother earth." He reported that environmentalists were coming onto reserves and paying people $300 to participate in protests or, as Buffalo noted, "$500 if they're wearing feathers" (Aboriginal People's Television Network 2020).

> *Indigenous leaders have become increasingly outspoken in defence of the oil and gas industry.*

Industry associations, particularly the Canadian Association of Petroleum Producers (CAPP), engage extensively with Indigenous organizations. Indigenous peoples and their communities have had prominent voices, organizational representation, and national presence. Yet the national and international media have given more attention to a comparatively small number of First Nations protestors and their environmentalist allies than the large number of Indigenous leaders and communities who see substantial collective benefit in being part of the energy economy. But over the past few years, Indigenous leaders have become increasingly outspoken in defence of the oil and gas industry and associated infrastructure projects (Lawrynuick 2019).[3]

Many Indigenous communities have leveraged participation in the oil and gas sector into higher community and personal incomes, substantial "own-source" revenues that liberate communities from dependence on the federal

government, and a much greater role in the management of environmental systems. The arrangements are not without problems: tensions over the interpretation of agreements, ecological management, boom and bust commercial cycles, changes in the regulatory environment, managing interventions by environmentalists and other external influences, and handling the public profile of a sector facing concerted attacks and criticism.

In February 2020, however, Indigenous participation in the oil and gas sector seemed poised to become the foundation for broad-based prosperity and the foundation of long-term engagement between Indigenous peoples and the broader Canadian society.

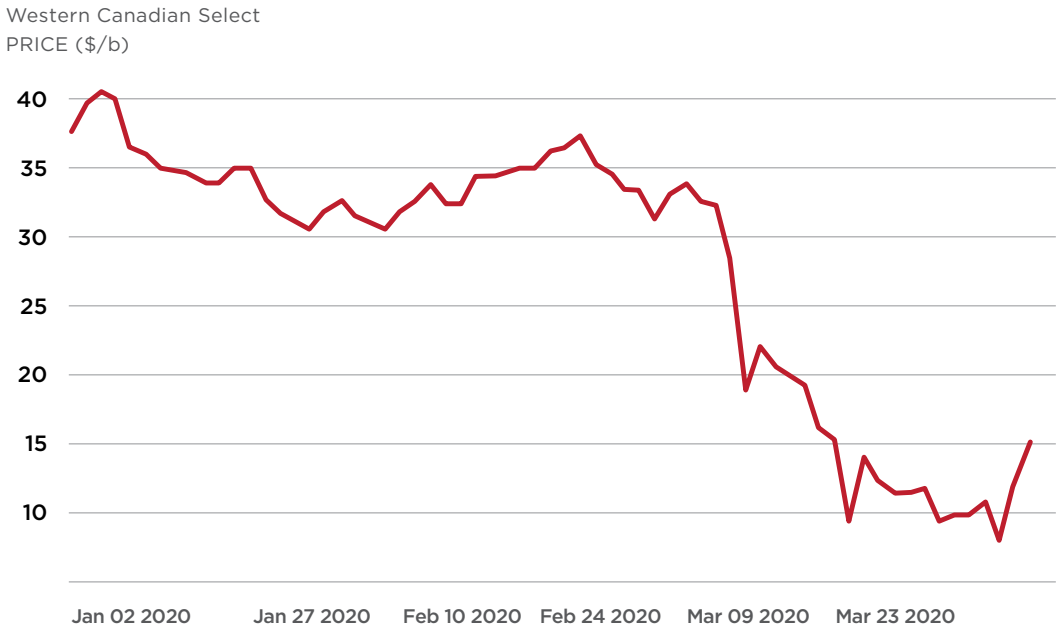
The 2020 global oil crisis

Then the rules changed. In March 2020, the Western Canadian oil and gas sector was hit with a double crisis: a combined Russian and Saudi Arabian attempt to restructure the international demand for oil and gas that resulted in a cataclysmic collapse in world prices, followed by the onset of the global COVID-19 pandemic that resulted in a world-wide lockdown that continues to have major implications for energy demand.

Both developments have hit the industry hard, leading to the grounding of most of the world's airlines and the collapse of commuting. This has resulted in supply outstripping demand to the point that early on in the crisis producers were paying to have their product stored. At one point, oil producers were receiving "negative" prices for their product. But the economic dislocations of the COVID-19 crisis meant that demand did not rise to capitalize on the lower costs. More critically, the industry has found itself caught between two powerful forces: growing global criticism of the carbon-based energy industry and international economic factors. Those two combined factors have created widespread hardship in Western Canada.

Major parts of the fracking industry in the United States have also shut down. And, with demand for oil cratering around the world, producers in Canada and around the world are paying a hefty price for the downturn (see Figure 2). Hundreds of oil and gas companies have experienced a serious decline, which has forced the widespread layoffs of Indigenous workers. As OilPrice.com reported: "No oil company will be immune from the effects of the oil price war and coronavirus. While some companies will merely feel the pain, others may not survive, and the oil and gas industry workforce will suffer along with the companies that employ them" (Geiger 2020). With oil and gas companies cutting their spending by $7 billion, it followed logically that widespread layoffs would follow (Kanygin 2020).

FIGURE 2: CANADIAN OIL PRICES, 2020



Adapted from: S&P Global Platts Analytics in Brower 2020.

In Canada, opponents of the oil and gas sector, including outgoing Canadian Green Party leader Elizabeth May and Bloc Québecois leader Yves-François Blanchet, declared the Canadian oil industry "dead" and called for Canada and the world to take "advantage" of the pandemic to introduce an aggressive decarbonization agenda and to shift from fighting the virus to taking on climate change.

For First Nations involved with the oil and gas sector, the double crisis has had a severe impact. Communities with on-reserve oil production have lost a great deal of revenue from on-reserve production, often measured in the millions of dollars, though gas production, importantly, has remained strong. Indigenous firms, including such high profile and successful Indigenous-owned companies as Bouchier Contracting, have pared back operations dramatically (Ross 2020). Speaking about the broader Indigenous presence in the industry, Chief Gregory Desjarlais of Frog Lake First Nation said:

> Canadians often think of First Nations as opposed to oil and gas, but dozens of us produce oil and gas on reserve, generating millions in royalties, while many more – more than a hundred nations – receive revenues through Mutual Benefit Agreements with pipeline and upstream project proponents.

In my own community of Frog Lake First Nation, we have been producing oil and gas since the 1970s, working with multiple Canadian and foreign partners. Business had already been slowing because of a combination of new federal regulations, lack of pipeline capacity and low global commodity prices. Our reserve has been producing oil at a tenth of its peak in 2012, and that was before the novel coronavirus hit. We have already lost millions in royalties in the past few years because of the price differential for Canadian oil, and are bracing to lose even more. Those royalties are used to fund our own cultural, recreational, health and education programs, as well as held in trusts for future generations. They provide us with economic sovereignty. The collapse of the oil and gas industry is a crisis for us.

Equally important to royalties are the jobs and contracts that First Nations typically negotiate when large projects go ahead. In good years, the industry as a whole will spend billions of dollars in procurement with Indigenous businesses, for example in trucking, catering and construction. In fact, the larger oil sands companies have each procured more from Indigenous businesses over the past 20 years than the entire federal government put together, over the same time period. That's one of the reasons why Indigenous businesses are 40 times more likely to be involved in the extractive industries as the average Canadian business. (Desjarlais 2020)

> *The crisis sweeping across Western Canada in 2020 is intense and widespread.*

Frog Lake First Nation, a small Alberta First Nation of around 1400 members near Lloydminster, symbolizes the crisis in the energy sector. Already suffering from the post-2014 downturn – First Nations' returns through Indian Oil and Gas Canada fell from $250 million to $55 million between 2011-2012 and 2018-2019 – and frustrated by the inability to get regional oil products to international markets, the community was ill-prepared for the 2020 pandemic. A few weeks into the lockdown and faced with the prospect of negative oil prices, Frog Lake First Nation shut down its operating wells.

The crisis sweeping across Western Canada in 2020 is intense and widespread. Oil- and gas-dependent communities, by the dozens, have been shut down by the pandemic and then saw much of the economic activity stripped away due to the sharp decline in the sector. Activity did not stop entirely. The oil sands

processing facilities continued to operate, but job losses mounted. In an April 2020 letter to Prime Minister Justin Trudeau, Indian Resource Council Chair Roy Fox argued:

> At the same time, I want to draw your attention to the negative impacts that are befalling oil and gas producing – and engaged – First Nations in particular. The upcoming recession will exacerbate struggles already faced by our members. According to Indian Oil and Gas Canada (IOGC), the royalties received by approximately 40 oil & gas producing First Nations in Saskatchewan and Alberta had already declined from ~$250 million in 2011-2012 to ~$50 million in 2018-19. This was despite recent growth in demand and production: while natural gas sales from First Nations lands were at their highest point in a decade (1800 million cubic metres), and oil production was at its highest since 2013-14 (889,000 cubic metres) royalties received by our communities were down to their lowest point in over a decade. Low global gas prices, lack of pipeline capacity, and high differentials in price for Canadian crude were all factors. (Indian Resource Council 2020c)

Dale Swampy, President of the National Coalition of Chiefs, likewise, issued a strong statement in March 2020, asking the government of Canada to make a concerted effort to restart the oil and gas industry, making the direct connection to Indigenous prosperity:

> [M]any First Nations are facing an economic disaster if the federal government is not able to support the industry in its recovery. There are 39 First Nations that produce oil and/or natural gas on reserve, and over a hundred that rely on economic benefits from pipelines passing through their territories. In addition there are over 12,000 self identified Indigenous employees in the industry, and hundreds of Indigenous owned businesses who provide goods and services worth billions of dollars to oil and gas companies every year. All of this is now at risk. (Swampy 2020)

What was, in February 2020, the most promising area of Indigenous economic development in Canada had become, by April 2020, the victim of the combined forces of a global pandemic and the fiasco of an effort to manipulate international oil markets. As Sharleen Gale, Chair of the First Nations Major Project Coalition wrote, "In the new normal that we create after COVID, it is essential that job creation and economic development programs work for all Canadians, including Indigenous peoples." She added, "As we rebuild our economy, we have a real opportunity to think about a recovery that works for everyone" (Gale 2020).

2021 and beyond

After a rough and difficult decade, and even in the face of concerted campaigns against Canadian oil and gas development and the 2020 global energy price plunge, the industry remains an integral part of Indigenous plans for economic engagement and community development. In part, this is because the country has not produced a viable alternative for Indigenous peoples in rural and northern parts of Canada. Urban and near-urban Indigenous peoples, living close to Calgary or Edmonton, Vancouver or Victoria, Saskatoon or Regina, generally have other options: developing reserve lands for residential or commercial projects, training members for a diverse set of regional jobs, investing community funds in local businesses, and otherwise capitalizing on the geographic and commercial advantages of being near one of the country's major economic centres.

> *Indigenous communities in northern and rural areas generally face different and fewer options.*

In contrast, Indigenous communities in northern and rural areas generally face different and fewer options: they either engage in the natural resource economy or they rely on government funds to sustain communities dominated by welfare dependency. Given that Indigenous communities dislike over-reliance on the government, the search for viable commercial opportunities is essential, yet severely limited. Oil and natural gas, plus the related infrastructure and processing projects, are the most logical, remunerative, and promising options in Western Canada. Everything else lags well behind in employment and wealth-generating potential.

Western Canada and its First Nations people currently face two very different but equally plausible scenarios. One of them would undercut the gains made by Indigenous engagement in the oil and gas sector; the other would solidify the financial achievements of the past 20 years and provide a solid foundation for expanded participation in the coming decades. Both scenarios assume the continued development of the oil sands, fracking fields, and natural gas deposits in Western Canada. The scenarios presented below also assume that government policies for the development, production, and transport of energy products will remain much as they have been in 2019-2020. It is unlikely that the federal government will either take a strong turn against the industry or a strong turn to support the sector. Even with these fixed assumptions, the possibilities for the general well-being of the sector and the evolving place of Indigenous peoples in the industry could not be more diverse.

Scenario one: Indigenous peoples and the declining Western Canadian energy sector

In 2020, the double hit of the pandemic-induced collapse in energy demand and the Russia-Saudi Arabia price war created a global over-supply in oil that hit the Western Canadian energy industry hard. Climate change activists have pushed aggressively for an emissions agenda focused on the oil industry and a continued critique of and regulation of coal. Meanwhile, the Trudeau government, administratively and philosophically connected to the climate change agenda, decides to capitalize on the pandemic crisis to accelerate the country's climate change plans.

In this scenario, the process accelerates when the Trudeau government introduces a "green economy" strategy that represents a major threat to the Western Canadian economy. At best, the government's approach permits sustained production in the oil sands and gas fields, but it has the effect of further dampening investor interest in new extractive projects and infrastructure. With Chrystia Freeland as the finance minister and with plans for an aggressive reinvention of the Canadian economy and the role of the federal government in it, the government will decisively move away from the energy sector. In short order, the federal government expands regulations on the oil sands, curtails production to current processing capacity, and limits the development of pipeline infrastructure. With international prices and demand for oil and gas limited by a prolonged global recession and accentuated by a lengthy slowdown in global air travel, the industry remains in the midst of a long and difficult slump.

The Western Canadian oil and gas industry in this scenario slows but does not stop. Existing plants remain operational and will do so for several decades. Exploration and development plans stall, removing billions of dollars of international investment capital from Canada, leading to a prolonged slowdown in the western energy sector. Calgary and Edmonton work hard to retrench and become new economy centres, but the transition proves painful. Tens of thousands of jobs disappear, hundreds of small companies fail or close up shop, and more large companies pull out of the Canadian market. Efforts to restart the regional economy flounder, in larger measure because the loss of oil and gas revenues hinders the ability of the federal and Alberta governments to stimulate the development of a new economy in the region.

For Indigenous peoples, limits on the development of Western Canadian oil and gas stop economic development strategies in their tracks. "Own-source revenues" plateau and then decline precipitously. Job losses escalate as the increasingly mature production facilities require fewer workers and, over time, shut down. The number and variety of Indigenous-owned business and joint ventures with energy firms peaks and then gradually collapses. Some of the Indigenous firms and entrepreneurs transition to other sectors, but the

non-resource segments of the Western economy fail to rally in the way that proponents of the "green economy" anticipated (Pearce et al. 1991; Loiseau et al. 2016; Brand 2012; Bauhardt 2014).

In this scenario, Indigenous communities suffer, in some cases dramatically. Dependence on the federal government increases in tandem with the decline in own-source revenues. This level of reliance, as the pre-2020 experience foreshadowed, results in a growing number of social, cultural, and health problems. Unemployment does not return to pre-energy expansion levels. The work and business experience developed during the oil and gas boom had prepared many Indigenous peoples and some communities for a significant level of commercial engagement and work, but community facilities and initiatives started during the expansionary days, from sports facilities to culture and language programs, shut down as the money dried up.

> *Climate change activists have pushed aggressively for an emissions agenda focused on the oil industry.*

For Indigenous peoples in Western Canada, engagement with the oil and gas industry does not regress to pre-2000 levels. Money, work, and business opportunities continue to flow, but at lower and declining rates. The transition that was underway for more than two decades has all but ended. The urban and southern environmentalists, who long claimed common cause with Indigenous peoples, do not linger long once the tide turns against oil and gas. The simplistic suggestions that there would be a straightforward transition to a greener economy, focusing largely on environmental reclamation and industrial cleanup as opposed to the energy sector, prove fanciful.

The environmentalists turn next to consumption, with prolonged critiques of air travel, commuting, and automobiles replacing their long-term fight against the oil sands. Canadians who stood by and watched the sustained attack on the energy sector now found themselves facing the withering stare of climate change activists and are struggling to defend their economy and their way of life from the intense criticisms.

This scenario was not what Indigenous peoples expected when they engaged with the energy industry and set themselves up, with their corporate allies, as being on the front lines of reconciliation.

Scenario 2: Indigenous peoples in the stabilized and internationally engaged Western Canadian energy sector

In this scenario, while 2020 is remembered for the twin crisis of the COVID-19 pandemic and the Russian-Saudi-induced oil supply crisis, the year actually ends with an important transition in Indigenous-energy industry engagement. Behind the tense politics of the pandemic, several key developments stand out. Work continues on the Coastal GasLink natural gas pipeline to Kitimat, British Columbia, supported by a May 2020 decision by the British Columbia Supreme Court against the pipeline protesters (Morgan 2020). Construction activity expands on the LNG Canada conversion plant and terminal outside of Kitimat.

Work accelerates on the Trans Mountain Pipeline project linking the Alberta oil sands to the terminal in Burnaby. Though protests pick up late 2020, the decision to sell a majority of the shares in the pipeline to an Indigenous consortium dramatically changes the public's perception of the project.

The Line 3 Replacement Project, which doubles current Enbridge delivery capacity to the American Midwest and Ontario, nears completion as well. Supported by a timely investment from Alberta's government, work commences on the Keystone XL pipeline, which will deliver Alberta oil products to Texas refineries and American export terminals. While some other LNG and oil sands projects remain stalled, discussions quietly begin about reviving the Frontier oil sands plant, largely because of the strong Indigenous support for the initiative; the Woodfibre LNG facility supported by the Squamish First Nation moves forward.

Key Indigenous-led infrastructure projects, including the railway to Alaska and the pipeline to Churchill, Manitoba, resurface after the preoccupation with the pandemic abates, both demonstrating widespread Indigenous support and addressing public questions about the relationship between Indigenous people and the energy sector. The bold proposal of the Kitikmeot Inuit Association for a road and port complex that would link Yellowknife, NWT, and a to-be-constructed port on the Arctic Coast at Gray's Bay south of Cambridge Bay secure major expressions of support from regional mining companies and financial backers, changing profoundly the public understanding of Indigenous-led infrastructure and resource development in the Far North (Nunavut and the Kitikmeot Inuit Association Undated).

Under this scenario, in remarkably short order, and after a decade of contestation, the collective decisions of 2020-2021 represent the largest national commitment to non-renewable resource development in a generation. The oil and gas delivery systems prove particularly vital. Oil sands and natural gas companies now have assured access to international markets, which while

slow to rebound in the first eight months 2020 regain their footing later in the year. There is no quick return to the halcyon days of the 2010s, when analysts wondered how high the price of oil would go and how producers could meet global demand. But a return to long-term stability seems imminent. The industry moves toward an equilibrium based on the steady growth of markets in East and South Asia, growing investment by energy firms in renewable energy, and the expansion of emissions-reducing conservation efforts.

Oil and gas production expands, even with Alberta's limits on emissions, as a result of continued scientific and technological innovation in the oil sands industry. The national and international replacement of coal with natural gas and liquified natural gas accelerates after 2021, particularly in China and Asia, with Canada making a concerted effort to ensure that the nation gets credit for these emissions-reducing efforts. Western Canadian oil and gas production stabilize after 2021, but at a higher and economically sustainable level. As the infrastructure and processing projects roll out, Canada quietly capitalizes on refinery capacity at international outlets in Texas and beyond, in the American Midwest and Central Canada, and in East and South Asia. Expanded capacity to deliver to Asia, Europe, and eastern North America, the latter two areas through the proposed port at Churchill, ensure reasonably stable demand for Western oil and gas, even if the adoption of renewable energy systems continues apace.

> *The country can have both a strong (but not rapidly expanding) oil and gas sector.*

In retrospect, the 2020 observations that Canadian oil was "dead" looked foolish under this scenario. The country has crossed an important Rubicon, realizing that the country can have both a strong (but not rapidly expanding) oil and gas sector – one that is internationally engaged, properly priced, and tied to the world's most substantial emerging energy markets. And this energy sector could be (and now is) connected to a robust renewable energy sector and a climate change agenda that, following the lead of Norway and other energy producing nations, maintains oil and gas consumption while moving steadily toward a more renewable economic foundation. Oil sands and other non-renewable energy producers attract continued attention from environmentalists and industry-sceptics and the carbon-based fuel sources remain a focal point for political debates after 2021. But the energy sector has, by 2021, established a new and firm foundation for long-term investment and commercial development.

In this scenario, the risks and investments made by Indigenous communities in the 2010s bear fruit. Jobs, business opportunities, and community returns fall in wake of the 2020 pandemic, but a short but consistent recovery follows. The construction of pipeline infrastructure, the start of enhanced shipments south, east, and west, and maybe even north, and the completion of the LNG Canada plant on Haisla territory bring renewed investment and a return to more cautious prosperity. A growing number of commercially successful Indigenous communities, starting in the oil sands region and expanding to the Grande Prairie area and along the Coastal GasLink corridor, stand alongside the two most recent successful beneficiaries of engagement with the energy sector: the Haisla near Kitimat and the Squamish First Nation near Vancouver. As new projects come online and with Indigenous peoples taking significant ownership positions in pipelines and other infrastructure, Indigenous peoples secure sizeable, sustainable returns from the industry. The own-source revenues generated from these various agreements allow communities to chart an economic, social, and cultural future increasingly free from the financial control exercised by Canada's federal government.

Many Indigenous groups learn the lessons from the many missed energy booms in Western Canada, the dire consequences of the 2020 pandemic collapse, and the positive lessons from Norway's management of its non-renewable resource wealth. They opt, individually and collectively, to invest a large portion of their returns – something difficult for extremely poor communities to accept – to build a substantial and diversified commercial portfolio over time. These investments typically adopt the triple bottom line priority (profits, social benefits, and environmental sustainability), maximizing the long-term return to Indigenous peoples. The funds, applied to Indigenous priorities, also allow for language and cultural programming, improved housing, and assistance revitalizing Indigenous societies.[4] There is also growing recognition of the diverse needs for raw and manufactured oil and gas products, including liquified natural gas, hydrogen, and plastics, with substantial demand in many international markets.

Which energy scenario is most likely?

Scenario planning outlines possibilities but does not assign probabilities. Despite the wishes of political leaders like Elizabeth May, former head of the Green Party, the oil sector is not dead in Canada. It will continue unless the federal government engages in an exercise of economic self-immolation the likes of which Canada has never seen before. The COVID-19 pandemic complicates any effort to determine possible outcomes, in large part because the virus has had complex and unpredictable global effects.

The second scenario has become possible, if not yet assured. At least one and likely three major pipeline projects will be substantially complete by 2021-22, ensuring that the long-term international export of Canadian oil and gas is

possible. If LNG Canada goes ahead with the project on Haisla lands – one of the largest private-sector projects in Canadian history – it will soon determine the viability and market interest in Canadian LNG production.

That the second scenario emerges as the most likely outcome from more than a decade of political, legal, and highly public battles is a testament to the market fundamentals of global energy production and consumption, the persistence of the oil and gas companies in Canada, and the repeated interventions by the governments of Alberta, Saskatchewan, and, less consistently, British Columbia. The country as a whole recognizes the importance of addressing climate change but places strong limits on its willingness to make sacrifices for an imprecise and vague global objective. Furthermore, the country has massive investments in automobiles, gas stations, pipelines, oil and gas production facilities, an urban system and lifestyles based on private mobility, the necessities of living in a large and cold landmass, and a collective preference for air travel that inevitably makes Canadians among the heaviest consumers of energy in the world.

Scenario one would likely eviscerate many aspects of Canadian life yet have few global effects. In time, improvements in renewable energy systems could modify this impact, but only at serious costs to the Canadian economy, workforce, and quality of life.

Scenario two, if it comes to pass, would not mark any kind of a "victory" for the energy sector over the environmentalists. Scenario two would not be an achievement of advertising, lobbying, or political manoeuvring. It would be, instead, the logical result of the contemporary balance between environmental imperatives, economic realities, and lifestyle needs and expectations. It is also likely that Scenario two would not represent a "defeat" for the environmentalist agenda, although its adherents would likely see it as a failure of government and society. Instead, the country appears to be supportive of cost-conscious renewable energy projects (but worried by Ontario's imperfect efforts in this regard (Winfield 2012)), willing to consider modest carbon taxes, and generally interested in making (without accepting aggressive or lifestyle-changing measures) small reductions in energy consumption.

Importantly, both Indigenous communities and the energy industry appear to have bought into an agenda that moderates the use of carbon-based energy over time and that accelerates investments in renewable resources. A sizeable number of Indigenous communities have already invested in renewable energy projects, just as countries that are major oil and gas producers have diversified their energy mix, reduced their energy consumption and emissions, accepted policies akin to the government of Alberta's "hard cap" on emissions, and agreed to aggressive targets for 2050 that match Canada's overall energy plans.

If properly managed, Scenario two would require the government to collaborate closely with the energy sector and both parties would need to commit firmly to renewable energy and conservation efforts. In this scenario, Canada could use its energy resources and revenues, sectoral ingenuity, and existing energy infrastructure to meet its emissions targets. The country could expand and diversify its sources of electricity, heat, and transportation fuel, particularly by capitalizing on its uranium deposits and by expanding traditional nuclear and exploring small modular reactors.[5] The country could become a world leader in ecological transitions, following the model of Norway (oil, gas, and hydro-electric) and Sweden (primarily hydro-electric power, nuclear, wind, and biomass). Unlike nations such as Japan, South Korea, Taiwan, Singapore, France, Germany, and much of Europe, Canada has the energy resources to meet its current needs, generate sizeable revenues, and explore long-term energy and emissions futures.

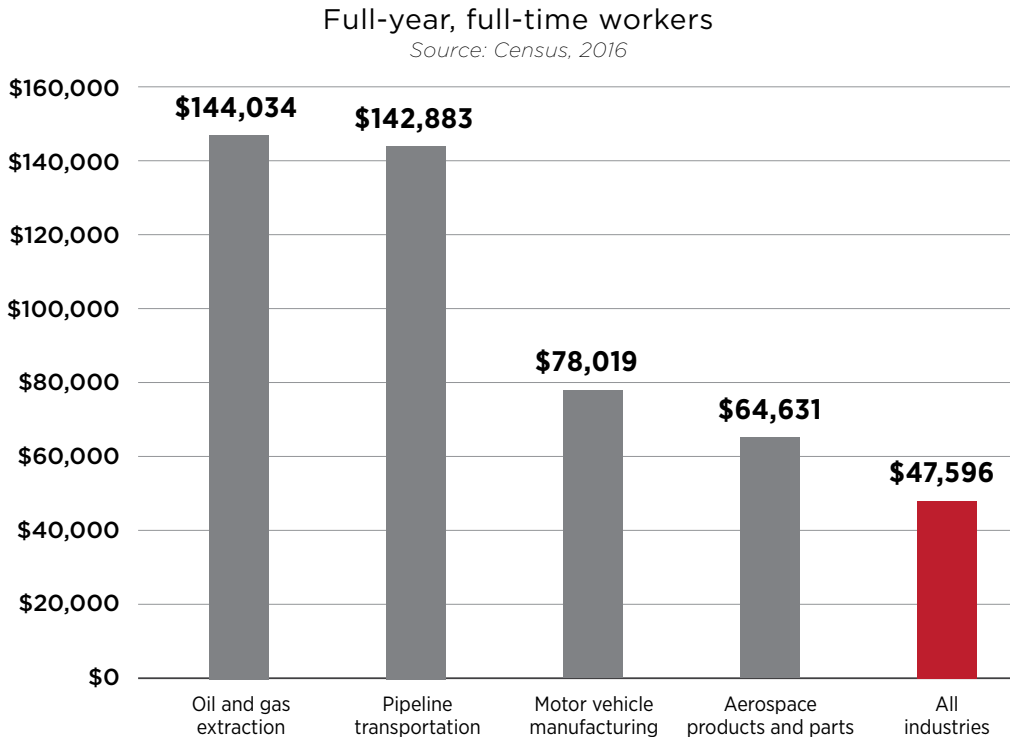
Many Indigenous communities support a mixed approach to providing their long-term energy future. They are already investing broadly, sometimes with the profits secured from their involvement in the oil and gas industry. Others, following the same logic of locational advantage that drew many communities into the oil and gas sector in the first place, have backed projects related to wind and hydro-electric power. But the need to innovate in the medium- and long-term has not stopped dozens of Indigenous communities from engaging with the oil and gas sector in the interim.

Financial recovery and Indigenous well-being

Indigenous communities that share two characteristics – proximity to oil and gas projects and a willingness to engage with the industry – have the potential to prosper economically (see Figures 3 and 4). A study by the Canadian Energy Centre, based on the 2016 census, demonstrates that Fort McKay First Nation and the Fort McMurray First Nation have above average Indigenous incomes, with Fort McKay coming close to Alberta's median employment income (Milke and Kaplan 2020).

The statistics for the Fort Chipewyan First Nation show a median income below all of the provinces, but higher than most Indigenous communities in the country. Engaging with the oil and gas sector is not assurance of comparable economic returns. However, Indigenous communities that are involved in the oil and gas sector have among the highest personal Indigenous incomes in the country, which underscores this sector's importance to economic development. First Nations with access to oil and gas business, employment, and revenue possibilities seek precisely what Alberta, British Columbia, and

FIGURE 3: INDIGENOUS EMPLOYMENT INCOME, 2016



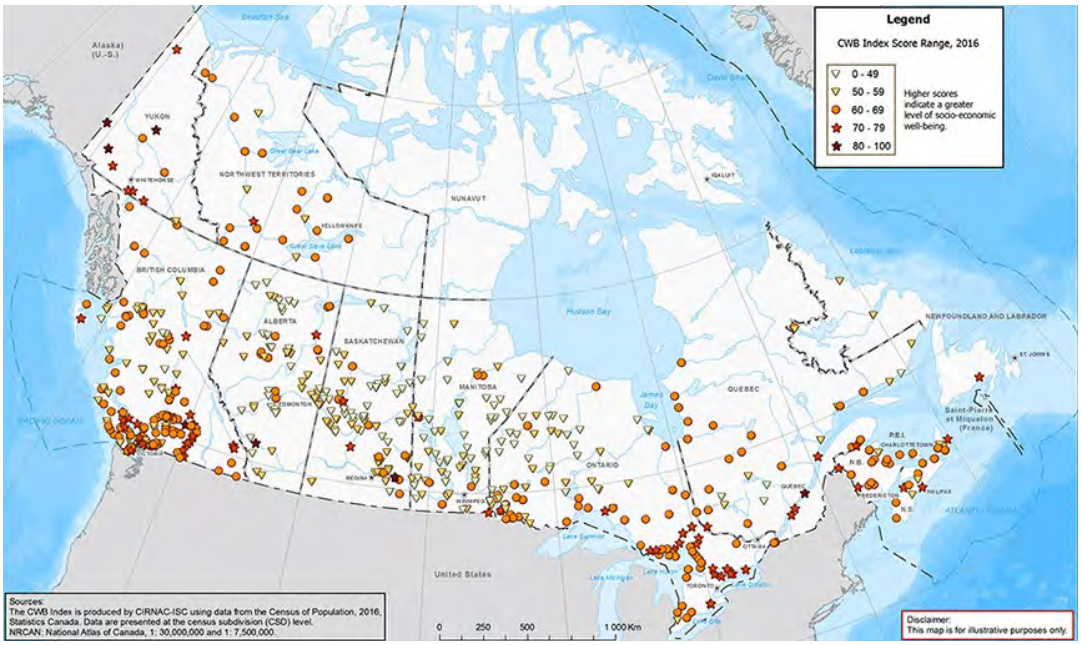
Adapted from: Canadian Centre for Energy Information 2013

Newfoundland and Labrador sought from the industry: high and sustainable levels of prosperity.

Indigenous people understand, as do other Canadians, that the oil and gas sector has been a source of high incomes for employees. Average incomes for Indigenous peoples in the oil and gas sector, including pipeline work, are three times the Indigenous average for all industries. For individuals and communities far too used to extreme poverty and welfare dependency, the oil and gas sector has been a primary pathway to sustainable middle-class prosperity.

Critics of the Western Canadian oil and gas industry appear, at times, to be tone deaf to the socio-economic struggles facing Indigenous communities. There is a fairly simple way to demonstrate the nature of the problem and the underlying motivation for Indigenous engagement in the energy sector. The federal government produces a Community Well-Being Index that compares the circumstances of Indigenous communities across the country (Indigenous Services Canada 2019a). The index is imperfect – there is not enough attention given to cultural and lifestyle factors – but it does cover such important elements as education, labour force activity, income, and housing.

FIGURE 4: COMMUNITY WELL-BEING INDEX, FIRST NATIONS, 2016

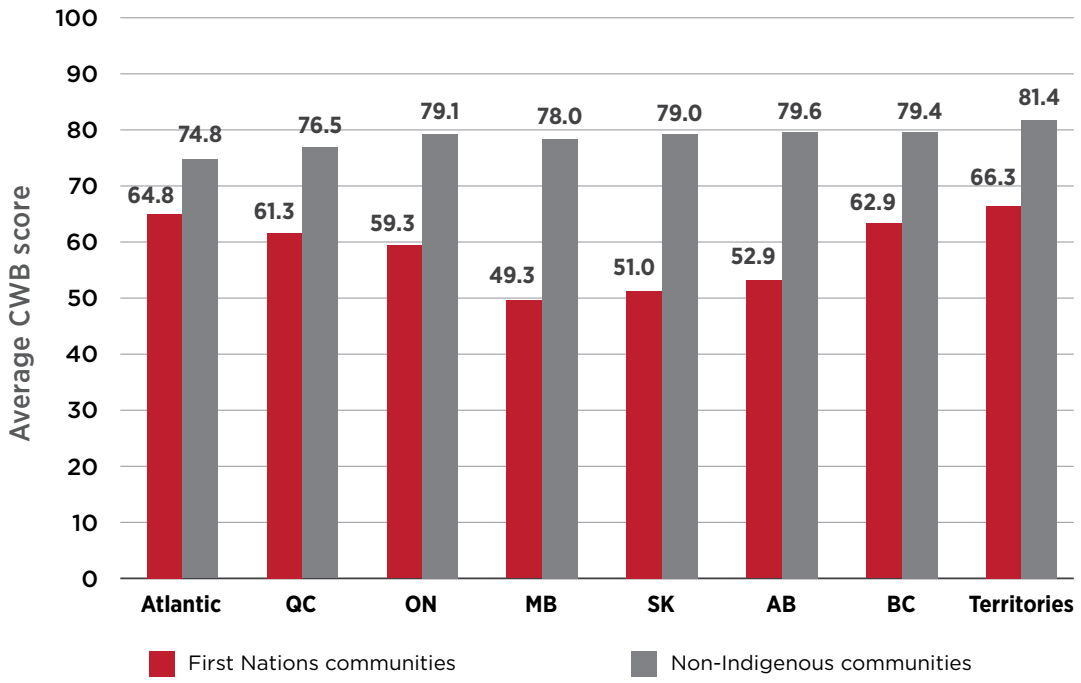


Source: Indigenous Services Canada 2019b.

Indigenous communities have extremely strong connections to their traditional territories – although less so to the specific government-established reserves that date from the late 19th century and were often not fully used until the 1960s and beyond. Indigenous communities are determined to find economic solutions that reinforce connections to their lands and that allow people to have decent, sustainable careers that produce a steady and appropriate income. This means that they have to fight against the locational disadvantages of their communities relative to the broader Canadian economy and capitalize on whatever business and employment opportunities they can identify close at hand.

For much of Western Canada, options outside the oil and gas sector are few, although Indigenous communities and businesses have been active in all sectors, from agriculture to tourism, and from public services to cannabis production. That many Indigenous communities have focused their efforts on one of the greatest wealth creating sectors in Canada for the past 40 years is not for a want of considering alternatives. Indeed, many Indigenous communities have used returns from the oil sector to make significant investments in other industries. The Tsuut'ina Nation located near Calgary, Alberta, leveraged their engagement in the oil sector to build a major hotel, casino, and conference centre in south Calgary, creating a significant number of jobs and economic opportunities (Tsuut'ina Nation 2020). It is vital to remember, as well, that participation in the energy sector – or any commercial industry for that matter – is not the end but rather a means to an end. The goals are Indigenous cultural survival and greatly improved community well-being.

FIGURE 5: AVERAGE CWB SCORES BY REGION, FIRST NATIONS AND NON-INDIGENOUS COMMUNITIES, 2016



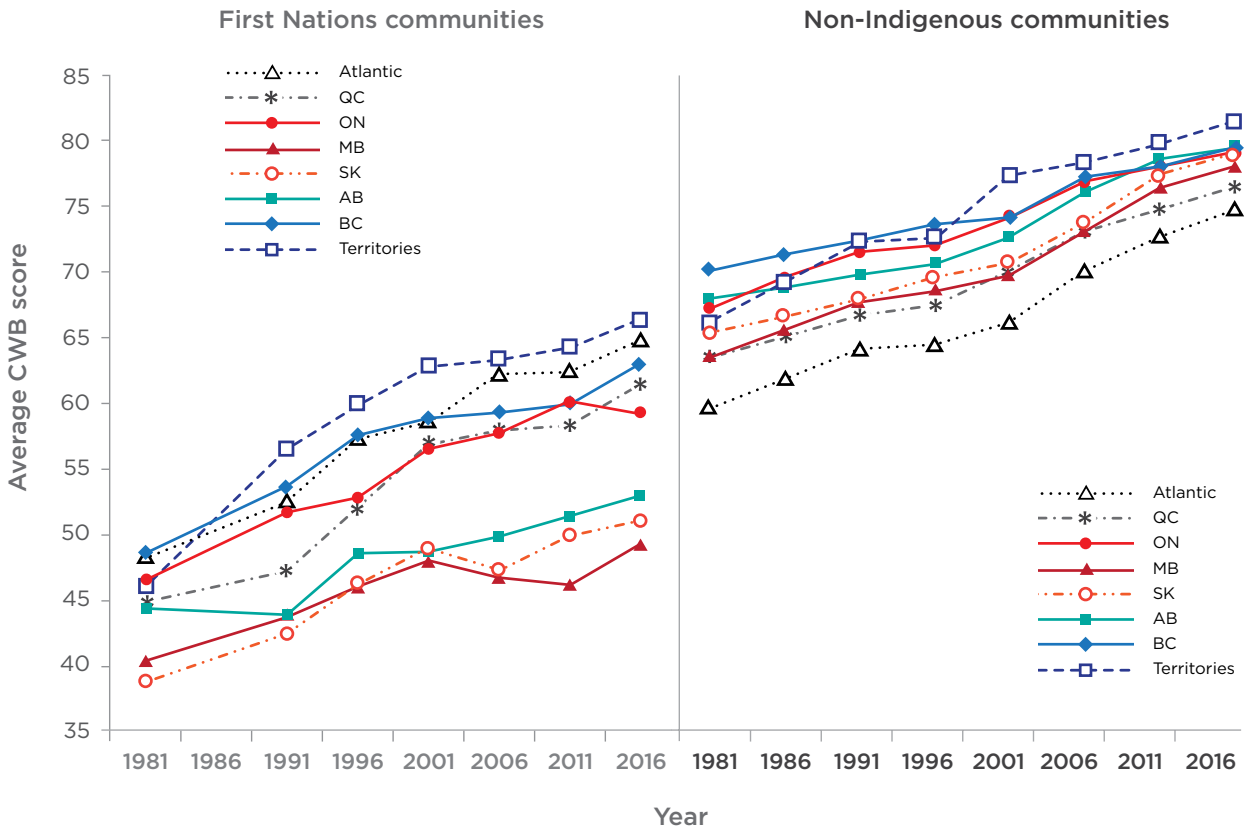
Adapted from: Indigenous Services Canada 2019c.

The connection to well-being is quite clear. There are many insights in this single Community Well-Being (CWB) graphic (see Figure 4), but several stand out:

- Many of the First Nations in the prairie West and the interior of British Columbia have among the lowest CWB scores in all of Canada.
- The major non-urban exceptions – Fort McKay First Nations, Fort McMurray First Nations and the Athabasca Chipewyan First Nation – have comparatively high index rankings and are known for long-term and positive connections to the energy sector.
- Urban and near-urban First Nations, including around Southern Ontario, Regina, Saskatoon, Calgary, Edmonton, Vancouver, and the Okanagan Valley, are doing better than many First Nations but still score considerably lower than non-Indigenous people.
- Communities connected to modern treaties – James Bay, Yukon and parts of the Mackenzie River Valley – are doing significantly better than communities tied to the historic, or numbered, treaties, which includes most of the Indigenous people in the oil and gas producing areas.

The CWB data (see Figure 5) indicate the foundational gap between Indigenous and non-Indigenous peoples in Canada and, directly, reveal the origins

FIGURE 6: COMMUNITY WELL-BEING INDEX RESULTS, 1981-2016: INDIGENOUS AND NON-INDIGENOUS COMMUNITIES, BY REGION



Adapted from: Alberta, Treasury Board and Finance 2020.

of the Indigenous frustration and anger with the failures of the Canadian economic system.

The comparative data demonstrate that the situation in Canada, particularly Western Canada, is improving slowly. The prairie First Nations track below national averages and dramatically behind the results for non-Indigenous communities. And despite improvements in individual communities, which are often tied to engagement with the energy sector, the gap between Indigenous and non-Indigenous peoples is getting larger, not smaller. Indeed, while First Nations in much of the country can at least demonstrate a Community Well-Being in 2019 that is roughly equal to national levels in 1981 – hardly a sign of accomplishment given the expenditures of billions of dollars to improve the situation – even that modest target remains elusive in Manitoba, Saskatchewan, and Alberta. In those three provinces, First Nations CWB lags behind national the norms of 1981, although they have improved significantly over that time (see Figure 6).

The underlying point is important. In the 30 year period that began in the mid-1960s, the federal government believed in the substantial subsidization of reserve life in the form of government housing, social and cultural programs, economic development strategies, and education and health programs. Despite the government's substantial expenditures and the creation of a large Indian Affairs bureaucracy in Ottawa, Indigenous quality of life results did not improve markedly or as fast as in non-Indigenous communities. In this same period, Indigenous leaders fought for recognition of their constitutional, treaty, and Indigenous rights, turning to the courts when the political approach produced more promises than improved outcomes. Major Supreme Court of Canada judgments, particularly the 2004 "duty to consult and accommodate" decisions in *Haida* and *Taku*, recognized the right of Indigenous peoples to have a major and ongoing role in natural resource development.

> *Indigenous leaders fought for recognition of their constitutional, treaty, and Indigenous rights.*

When government-financed and funded revitalization efforts failed to deliver the promised results, Indigenous leaders looked elsewhere for solutions. Attention focused on two elements: self-government or autonomy from government, and program design and economic improvement. In the latter areas, development efforts focused on the preservation of traditional Indigenous economic activity (fur trapping, country food production, and other harvesting), local engagement with natural resource projects, and urban ventures in larger towns and cities with numerous off-reserve members.

The clear goal was to establish local control, to make decisions at the community level, and to greatly increase own-source revenues. Even a brief conversation with Chief Councillor of the Haisla, Crystal Smith, or her predecessor Ellis Ross, reveals that the pursuit of economic autonomy and freedom from Ottawa sit at the core of Haisla engagement with LNG Canada and Coastal GasLink. As Crystal Smith commented: "Investing in ourselves is not selling out, investing in our northern First Nations communities is not selling out, investing in our First Nations northern communities to reconcile our differences because of this project is not selling out" (Canadian Energy Centre 2020). Own-source revenues are being sought not with the goal of making a few people rich. Rather, the aspiration has been to preserve and enhance Haisla life.

LNG Canada is one of the largest private sector investments in Canadian history. The project is co-owned by Royal Dutch Shell (Netherlands), PETRONAS (Malaysia), PetroChina (China), Mitsubishi (Japan) and KOGAS (South Korea), demonstrating the diverse and global interest in Canadian energy supplies (LNG Canada 2018, 2). The specific project is to construct an LNG export terminal at the end of the 670-kilometre Coastal GasLink pipeline that is to run from the gas fields in Northeast British Columbia. Between 200 and 400 ships will load at the port each year, collecting some 14 million tonnes of LNG from two processing units. The rest of the project, which capitalizes on the industrial facilities and capacities of the Kitimat region (known since the 1950s for aluminum production), includes storage facilities, a marine terminal and rail yard, and associated buildings and services. At its peak, the construction project is expected to require 4500 workers, sparking an economic boom in the region and providing many employment and business opportunities for the Haisla people.

It is important to be clear about Indigenous motivation. The Haisla do not "want" a major LNG production and shipment facility on their lands, any more than other Canadians "want" major projects in their backyards. The Haisla, like other Indigenous communities, wrestled with decisions about energy projects and faced a difficult choice. The current socio-economic and cultural circumstances are unacceptable. The well-known "NIMBY" (Not in My Back Yard) syndrome is a logical, cross-cultural, and human response to major project proposals, from energy pipelines and hydro-electric plants to nuclear waste dumps, shopping centres, highway interchanges, mines, large-scale factories, sewage facilities, garbage dumps, airfields, military testing ranges, and dozens of other large-scale undertakings.

These initiatives can be disruptive and carry environmental risks, but they also provide jobs, commercial opportunities, and societal wealth. Some parts of society – the Glebe in Ottawa, Rosedale in Toronto, Point Grey in Vancouver, Westmount in Montreal – have sufficient political influence to keep unsightly projects at bay. Downtown Toronto was even able to mobilize to reject an elaborate Google Sidewalk initiative that could have pointed the way to a digitally reconstructed urban life in North America (O'Kane 2020). Smaller and less politically powerful communities often feel they have no choice but to accept major industrial plants – like the oil refinery and pulp and paper plant proximate to downtown Saint John, NB, the large forestry operations in Kamloops, BC, and the pork processing centre in the east end of Brandon, Manitoba.

Smaller towns and more remote regions have even less power to say "no" to sizeable wealth-producing projects. For the vast majority of First Nations, whose reserves were typically and deliberately located away from major population centres and in commercially unattractive sites, their communities are poorly situated for business and industry. In some instances – like Squamish

First Nation on Vancouver's North Shore and along Howe Sound – the nearby city has grown to surround their 19th century reserve. Much the same happened with West Bank First Nation, whose reserve gained in commercial value as the City of Kelowna expanded, and White Cap First Nation south of Saskatoon, whose site gained value when developed as the site for a local casino. The decision in the 1950s to locate Alcan's aluminium smelter in Haisla territory gave the First Nation access to commercial opportunities that grew over time. For the Tahltan in Northwest British Columbia, the identification of significant mining potential in the region gave that First Nation the opportunity to engage with the sector, producing jobs, new businesses, and considerable community wealth (Tahltan First Nation and the International Institute for Sustainable Development 2004; Creyke 2011).

> *Indigenous communities with ready access to large-scale development prospects are exceptions.*

But Indigenous communities with ready access to large-scale development prospects are exceptions. The majority of First Nations reserves and many Métis communities – from Norway House in Manitoba and Sandy Lake, Ontario, to Kwadacha, BC, and Ille a la Crosse in Saskatchewan – are located considerable distances from major population centres and areas of commercial opportunity. In these cases, communities eager for economic development, jobs, and locally controlled wealth have found themselves with few prospects and little non-Indigenous interest.

All of these isolated communities have received the same kind of government of Canada support that was integral to the social welfare state, such as housing, welfare payments, support for Indigenous governments, limited social and health services, educational facilities and programs, and a variety of social, cultural, and economic initiatives. But as the Community Well-Being Index demonstrates, these programs failed to produce substantial improvements in the quality of life in most of these communities. But these settlements, many of them eager if not desperate for release from social and cultural crises, sought a new trajectory, one based on jobs and wealth creation.

Critically, for almost all First Nations living in non-urban areas, there are virtually no alternatives to energy projects that have a sizeable chance of commercial success at the community level. Unless the community wants accelerated out-migration to major centres, and the communities assuredly do not desire

that outcome, they have to find an economic option that works locally for them. For mines, geographic luck determines the availability of an opportunity. For infrastructure projects, pipelines and power transmission lines – community proximity has been a central element in determining the prospects of finding work and developing business. After extended and careful debate, and often contentious and painful votes that typically focus on the balance between economic outcomes, community benefits, and environmental impact – most Indigenous communities have opted for engagement with energy companies. But these decisions have only come after many difficult discussions and considerable local turmoil. Once they make their decision, however, the communities typically maintain their resolve and push forward.

In the view of the First Nations and Métis supporting the various pipeline projects and those favouring oil and gas development, the intervention by outsiders – from southern-based provincial political parties to well-funded environmental organizations – is an interference in carefully developed plans for community prosperity. In the absence of other alternatives, all of which, incidentally, community leaders explore continuously, energy and resource development is seen as the primary option for Indigenous communities fighting for their very survival. Indigenous advocates can do the math. They calculate the community benefits, royalty payments, revenue-sharing benefits, employment commitments and job training, joint venture opportunities, and value of preferred contracts. They contrast the opportunities available pre-development – extremely high unemployment rates, endemic poverty, and long-term despair – with the prospects present by development. The choice is not as difficult as outsiders might expect.

When external protests slow development – for months or years, if not permanently – the local response is often hostile and unfriendly. In northern Saskatchewan, for example, First Nations have strong memories of environmentalists critiquing fur trapping, which had significant impacts on earnings and northern well-being. They particularly resent such protests because of the implication that Indigenous peoples are ignoring their obligations to the natural world. Indigenous peoples understand well the possible ecological impacts of development decisions and engage fully with companies, consultants, and environmental scientists on the protection of local ecosystems. They are collaborating with energy and natural resource firms precisely because they intend to be living in their territories for hundreds of years to come.

Indigenous leaders understand that, without life improving economic development, their communities will continue to spiral downward and young people will leave for larger centres. The cohesion that kept the people together since the arrival of Europeans has been unravelling rapidly. Substantial and sustainable economic development is, to most Indigenous leaders, one of the only plausible ways of reversing the growing list of crises affecting their communities.

The path forward for Indigenous communities and the oil and gas sector

Short-term

The 2020 pandemic has put Indigenous commercial activity and engagement in the oil and gas sector at risk. Companies, battered by the interplay of the market collapse and excessive regulation of the industry, lack the cash flow and investment capital to support Indigenous aspirations or to help Indigenous communities very much during the downturn. Separate from the longer-term issues surrounding Indigenous engagement in the sector, the oil and gas industry needs urgent, pandemic-related support. In the short-term, the industry needs emergency measures to strengthen the industry and provide sufficient support to ensure that Indigenous businesses and workers stay active and successful through the difficult times in 2020 and, likely, through 2021. One way of providing that support has been through a federally-funded orphan well reclamation program.

Details of the short-term considerations include:

- **Industry rebound:** The federal government and provincial governments of Saskatchewan, Alberta, and British Columbia have been contemplating measures to support a wounded Canadian energy sector. Federal measures have been inconsistent and weak, mixing support for the industry with the Liberal government's larger preoccupation with climate change. A focus on addressing the problem of abandoned oil wells has provided short-term employment and corporate relief during the pandemic, though it does not address more structural issues.

  At the other extreme, the Alberta government has doubled down on its commitment to the industry and to linear infrastructure (roads, highways, powerlines and the like), including a $1 billion Aboriginal Business Investment Fund that was launched before the pandemic began, and money to jumpstart the Keystone XL pipeline. This initiative was offset, in May 2020, by the announcement of US Democratic President-elect Joseph Biden that he would cancel the Keystone XL project if elected in November 2020 (Globe and Mail Editorial Board 2020).

  The federal government, despite having indicated that help was to arrive imminently, delayed a response to the broader issues of pipeline development, apparently because of sharp divisions within the

Liberal cabinet over the future of the oil industry in Western Canada. The infusion of new funds, potentially through access to the federal government's low-cost line of credit, could provide a lifeline. Without some form of emergency response, the regional energy industry could be at risk of a serious and sustained depression.

- **Indigenous business survival:** Indigenous businesses are likewise vulnerable. Business collapses have already happened, and more are imminent. This is particularly the case with smaller, vulnerable firms in the service and support areas, many of which are comparatively new and lack the resources to survive a long-term downturn. The federal government announced emergency measures for Indigenous businesses in spring and summer 2020, but it is not clear if the cash infusions will be sufficient (Indigenous Services Canada 2020). The funding provided to clean up old and abandoned oil wells, an impressive $1.5 billion, could, if properly deployed, sustain many Indigenous firms, but many feel that the programs gave insufficient attention to Indigenous needs (an oversight under active consideration by the Government of Canada, which could be addressed soon).

  Governments need to work with Indigenous governments, Indigenous economic development corporations, Indigenous business associations, and individual Indigenous businesses to understand the scale of the crisis and to identify and develop appropriate emergency measures, helping to ensure that commercial survival is as widespread as possible. The threat of large-scale business losses is one of the most serious elements of the pandemic-inspired economic crisis. Within this broad, nation-wide problem, the dangers facing Indigenous businesses in the oil patch are particularly serious and important.

- **Community restitution and the final pandemic response:** Indigenous governments have lost millions of dollars due to the downturn in the oil and gas markets. This money – highly valued own-source revenues – supports significant housing, employment, and cultural programming among the First Nations (Richards 2015). As the government provides funds for the financial crisis related to the pandemic and the energy downturn, a substantial amount needs to be allocated to emergency support for oil- and gas-producing Indigenous communities. The energy-funded projects were crucial to community revitalization and sustainability plans. It is important that the Canadian government accept some of the risks and costs of the economic decline, as it has with the country as a whole.

- **Keeping Indigenous workers in the industry:** In economic crises, attention appropriately focuses on macro-level adjustments and support. Within the broad set of economic challenges, the potential loss

of Indigenous workers in the oil and gas sector carries special significance. The spring 2020 level of engagement reflected the culmination of some 20 years of Indigenous effort, training, education, corporate support, and personal initiative. Should the momentum established in the sector be lost, the recovery could be long and painful.

In comparison, if industry and government can work with First Nations to produce stable employment opportunities during the pandemic and in its aftermath, a clear and unambiguous message will have been delivered: all partners in the Western Canadian oil and gas sector are committed to ensuring long-term Indigenous employment. Most of the tools are currently in place in the various pandemic-related federal and provincial government programs; coordinated and focused efforts are needed to protect and add to Indigenous jobs in the energy workforce in Western Canada.

- **Accelerating infrastructure development:** The most important short-term commitment needed from governments is an acceleration of infrastructure development. This appears to be well in hand, at present, with work under way on four major pipeline projects and vital production capacity. While opposition continues, recent court losses by critics of the pipelines suggest that the roadblocks may be coming down. By 2021, the projects will have passed the point of no return, ensuring that Western Canadian oil and gas can get to North American and international markets more reliably and at reduced cost. This is the most important industrial initiative required. The near-simultaneous completion of the Coastal GasLink, the Line 3 renewal, the Trans Mountain project, and the Keystone XL pipeline would end a long-term blockage of Western Canadian economic growth and sustainable prosperity.

Medium-term

Capitalizing on the emergence of Indigenous peoples as significant participants in the Western Canadian oil and gas sector has the potential to transform socio-economic realities in the region. If the industry works out as hoped – and this assumes a stable and profitable sector – the socio-economic conditions of Indigenous peoples would shift to become closer to the national norms as roughly measured in the Community Well-Being Index. Indigenous dependence on the Canadian government would decline, offset by a surge in "own-source revenues," Indigenous business development, and overall Indigenous employment. Enhanced Indigenous-corporate relationships would likely result in improved project approval processes and greater Indigenous engagement in remediation and reclamation efforts. The involvement of the Haisla, Fort McKay, Fort Chipewyan, and the Mikisew Cree First Nations (Mikisew Cree First Nation Undated) would become more the norm

than the exception. The energy sector and the communities would become increasingly well-known for the quality of their relationships and for the integrated and cross-cultural nature of the oil and gas industry.

The path from 2020 to the fulfillment of the potential for cooperation and integration in the Western Canadian oil and gas sector is sure not to be straightforward or easy. It will require hard work, active negotiation, tolerance, and experimentation. But even then, there are no assurances. Indigenous leaders and company officials have made it clear that progress is possible and that corporations and Indigenous communities are prepared to be collaborative and mutually supportive, but external influences (such as interventions by environmentalists, dramatic changes in government policy, and the unpredictable and largely uncontrollable nuances of global markets) have become more disruptive and worrisome. Western Canada has the potential to become a globally relevant model for Indigenous engagement in the natural resource economy. Getting there, however, will require significant changes in current arrangements.

Some of the medium-term considerations include:

- **Building Indigenous economies of scale:** Most Indigenous communities are too small and, to be clear, too poor to engage extensively with the energy sector. It took Fort McKay decades to build the financial resources needed to invest substantially with corporations. The Haisla First Nation is only now on track to develop a comparable commercial presence. Specific steps have to be taken, led by Indigenous communities, to build partnerships and collaborations that allow Indigenous companies to become major players in the energy sector. The Fort McKay-Mikisew Cree collaboration is the best example to date of the potential.

  The First Nations Major Project Coalition (FNMPC), an organization of some 75 First Nations, demonstrates the potential of large-scale cooperation, and the challenges of not having access to sufficient money to make sizeable investments. FNMPC identifies commercial opportunities in the sector and then invites coalition members to join, or not, in the investment opportunities. This allows small communities to build economies of scale and engage as partners in larger projects. If they act alone, Indigenous communities can participate in small-scale business operations and local initiatives. But if they work together – and the Project Reconciliation collaboration between numerous Indigenous communities focused on the Trans Mountain Pipeline is a good case in point – they have the potential to make industry-changing investments. These collaborative efforts should be strongly supported for they hold the potential to equalize the balance between Indigenous peoples and the oil and gas industry.

- **Transforming Indigenous education and training:** At the opposite end of the commercial effort, Indigenous peoples have to be prepared to accept their expanded participation in the oil and gas workforce. Major improvements have been made over the past decade, although relatively few Indigenous workers have progressed to hold supervisory and management positions. Although training institutes, colleges, universities, and corporations have made substantial efforts to preparing Indigenous women and men for work in the sector, major problems remain. The flow of well-prepared Indigenous peoples coming out of the K-12 and post-secondary systems is far from full and transitions to advanced learning and the workforce have been less than ideal. Governments, companies, and First Nations themselves must radically rethink the pathway from community education to training to workforce. Continuing to invest in a system that falls well short of expectations is not a good use of funds or collective efforts.

  Where Indigenous communities decide, the education system can be more extensively integrated into the regional workforce, making for better and easier transitions from training to paid employment (Coates, Finnegan, Hall, and Lendsay 2015). Changing the education and training system will not be easy; it will require participants to agree on the shortcomings of the current system, on the changes that need to be made, and on the process for transforming education and training. The status quo will have its defenders, but the reality is that the overall education and training of most Indigenous people currently falls well short of requirements. The review and reinvention of Indigenous education and training is going to require Indigenous leadership, corporate involvement, and a willingness by governments, institutions, and service providers to innovate in the interest of meeting the long-term needs of the Indigenous people in Western Canada.

- **Financial support for major Indigenous investments:** For an Indigenous community to invest in a major oil, gas, or infrastructure project requires several things: a commercially viable project, community support, willing and capable commercial partners – and money, lots of money. Pipelines carry multi-billion dollar price tags, tanker farms cost more than $800 million, and LNG processing plants range from several hundred million to several billion dollars; the "price of admission" is not cheap.

  Indigenous communities are consistently among the poorest in the country. They have few financial resources, save through the resolution of major court cases, land claims settlements, and the billions of dollars held by Ottawa in First Nations trust accounts. Few community members have much capital; in most instances, the majority are

unemployed and/or rely on government transfer payments. If Indigenous communities are to benefit from the long-term advantages of equity ownership, they require access to significant amounts of capital. At present, most do not have the track record or access to bank financing required to make major investments. This funding cannot be provided as an act of charity or as an extension of social programming, but rather should be done solely on a business-case basis. There are multiple avenues, including:

- A government-sponsored loan fund committed to the sector. Alberta's Aboriginal Business Investment Fund is a good example of such an initiative (Alberta 2020). Canada's federal government could provide a much larger allocation into a National Energy Investment Fund for Indigenous Communities that could support many Indigenous projects. Requests for support must be accompanied by a very strong business case and would have to be repaid in full at near-commercial rates.

- Expanded private sector support, to compensate for the current shortcomings in current patterns of commercial lending. Canada's generally risk-averse banks, investors, and financial institutions have not rushed to support Indigenous commercial ventures. Some firms, with Bridging Finance and the First Nations Bank of Canada being strong examples (Bridging Finance 2019), are now specializing in Indigenous investments. But the Canadian private sector remains distant from Indigenous business development. When that changes, and it is obvious that it will, the availability of investment capital will result in a sustained expansion of Indigenous economic development.

- A subscription-based Indigenous equity fund, allowing individual investors, pension funds, and others to provide capital for Indigenous community investments. This model has been used successfully in the "green economy" and in the "social economy" more generally. Allowing Canadian and international investors to contribute to the economic renaissance of Indigenous communities would be a solid way to expand the web of engagement and support for Indigenous economic renewal. The success of Indigenous businesses in recent years and the healthy track record of collaboration with the energy sector provides a strong foundation for personal and institutional investment decisions and could help launch a substantial effort to support Indigenous commercial activities.

- **Continued improvements in corporate-Indigenous relations:** Over the past 20 years, corporations and Indigenous communities have established an enviable track record of engagement and achievement. But nonetheless, as corporate officials and Indigenous leaders can attest, the arrangements remain sub-optimal. The passage of time and the substantial achievements are improving relationships and demonstrating that sustained collaborations can and do work. This effort has to continue, to the point where intense engagement is built into corporate DNA and where Indigenous communities no longer see corporations as competitors or distant partners.

  The integration of interests, which are plainly on display with Imperial Oil, Suncor, LNG Canada, Coastal GasLink, Seven Generations, and others, portend stronger and more extensive partnerships in the future. The participation of 20 First Nations in the Coastal GasLink project, Fort McKay First Nation's continued participation with multiple partners, the defence of the Kitimat LNG project by the Haisla First Nation, and the Indian Resource Council's leadership in the sector show that a growing number of First Nations and Indigenous leaders see their economic future closely connected to corporate aspirations in the oil and gas sector.

> *Corporations and Indigenous communities have established an enviable track record of engagement.*

- **Indigenous-led environmental and social assessments:** The passage of Bill C-69, despite opposition from the National Council of Chiefs and the Indian Resource Council, made it clear that the Canadian government's expanding regulatory frameworks are far from uniformly popular among Indigenous peoples. Similar concerns have been expressed about the introduction of the *United Nations Declaration on the Rights of Indigenous Peoples*. While the regulatory processes have some attractive features and some unnecessary complications, the reality is that they are not likely to be changed soon. The processes and procedures have, since the days of the Mackenzie Valley pipeline debates, been used as weapons against the oil and gas industry, supplemented by regular use of the courts to delay and even prevent major projects from proceeding.

With a collaborative approach, Indigenous communities and corporations can limit the undue interference of regulatory processes while ensuring that the full benefits of careful review and oversight are preserved. The problem with the current regulatory regime lies in the length of time, complications, and expense involved with answering important and legitimate questions, ones that Indigenous communities and companies equally need to have addressed (Noble 2017). By internalizing the imperatives of the regulatory system and by handling and addressing many of the issues between the community and the companies, the cooperative approach could become best practice in project evaluation, social assessment, and project oversight.

The current difficulties rest with frequent and aggressive use of the courts, which prolongs debate about government decisions to the point where the economic viability of a project is undermined. If – and when – Indigenous peoples and corporations work out assessment systems that unmistakably meet government requirements and that demonstrate a clear meeting of minds around a proposed project, issues of over-regulation could fade into the background. This happened after 2004 with the legal requirement related to the "duty to consult and accommodate" decisions, which Indigenous communities and companies adapted to quite quickly; it could happen again with regulatory oversight and project approval.

- **Fostering Indigenous economic diversification:** Indigenous communities with large commitments to the oil and gas industry appreciate that their long-term economic future requires diversification away from dependence on a single sector. When money comes into the coffers of Indigenous communities, and despite the overwhelming pressure to use the funds immediately on pressing local needs, Indigenous governments and Indigenous economic development corporations have to invest in the future. This entails a careful consideration of two elements: external investments that hold the promise of a substantial return to the Indigenous communities and local or regional investments that will create jobs and opportunities outside of the often-dominant oil and gas sector. This could mean expansion into tourism, government services, local manufacturing, health care, or any other sector that would broaden the community's economic base.

  As with the earlier discussion about collaborative ventures, and following the successful models adopted by such diverse groups as James Bay Cree (Quebec), Inuvaluit Regional Corporation (Northwest Territories), English River First Nation (Saskatchewan), Vuntut Gwitchin (Yukon), Membertou First Nation (Nova Scotia), Tahltan First Nation (British Columbia), and Osoyoos First Nation (British Co-

lumbia), communities should consider a wide variety of businesses, focusing on activities that fit with local strengths and that provide solid, sustainable employment and promising business opportunities.

Long-term

Whatever strategies are adopted in the oil and gas sector, Canadians must have a positive and inclusive vision of the country's energy future. The collaboration of Indigenous communities, governments, and corporations are pointing in this direction; Canada is not stuck in the starting blocks. But it is important that the country build toward a productive, collectively beneficial approach to energy and natural resource development. The measures suggested above would improve Indigenous outcomes and sustained industry viability. But some larger initiatives, aimed at producing broader sustainable benefits, should also be undertaken.

Some of the long-term ideas include:

- **An Indigenous Sovereign Wealth Fund:** The way Norway manages its oil and gas resource and the finances that flow from it is often cited in Western Canada – including the idea of creating a sovereign wealth fund, which is something that Alberta partially instituted when the resource economy was booming (Pretes 1988; Murphy and Clemens 2013), and that the Saskatchewan government considered seriously (Warick 2017; Wilson, Penner, and Demyen 2012). Many Indigenous communities have embraced the concept of setting aside a sizeable portion of energy revenues for long-term reinvestment, particularly those that result from the operations of their economic development corporations.

  Individual Indigenous communities can and have managed their financial resources with care. But, as noted earlier, community-by-community approaches rarely build economies of scale that enable them to have real impact. An Indigenous Sovereign Wealth Fund, available to all Indigenous communities and managed for the collective good, could assemble billions of dollars in assets in the coming decades. With large-scale funding, Indigenous investors could assemble projects of sizeable scope and impact: major urban residential developments, infrastructure projects, large retail operations (if these remain commercially attractive), manufacturing plants, health care services, and other initiatives that require substantial funding. There is a purpose behind this large-scale vision. Indigenous peoples have a deep commitment to this country, one that is rooted in their attachment to their traditional territories. With their business profits collectively merged into an Indigenous Sovereign Wealth Fund, Indigenous communities could embark on a history-altering journey of "buying back" big parts of the Canadian economy.

At this juncture, Indigenous economic development corporations and communities have several tens of billions of dollars in investable assets. Imagine a future – entirely plausible based on the scale and speed of Indigenous entrepreneurial growth – when Indigenous communities and companies own hundreds of billions in assets, strategically invested across the country, making the Indigenous collective in Canada a major player in the prosperity of the national economy. To the degree that this dream has substance, it will be based in the natural resource sector, of which oil and gas is a prominent and important part. The development of an Indigenous Sovereign Wealth Fund would be a valuable first step in his promising journey.

- **Completing the Canadian energy infrastructure network:** As of 2020, with several major infrastructure projects under active construction, Canada's oil and gas infrastructure is potentially starting to catch up with production and current and medium-term market needs. But there are significant gaps in a truly national energy infrastructure network. Imagine a future when and if the following projects are completed (on top of the Trans Mountain Pipeline, Enbridge Line 3 redevelopment, Keystone XL, Coastal GasLink and TMX pipeline, all currently under construction):

    - Energy East, connecting Canada's oil fields with refinery production in the Maritimes, liberating Eastern Canada from much of its current reliance on imported oil (although the completion of the other pipelines would absorb most of the current and planned energy production);

    - A railway to Alaska, providing a multi-modal outlet in the Northwest that could spur economic development in Yukon and other parts of the North;

    - An oil pipeline to Churchill, Manitoba, which would involve in the energy economy more than two dozen First Nations in Nunavut;

    - The Eagle Spirit oil pipeline to Prince Rupert, BC, if federal regulations are changed to accommodate the project or, if they are not, in what would be a uniquely Canadian act of spite, through Hyder, Alaska, to circumvent Canadian rules;

    - Natural gas pipelines to southern British Columbia, which would require the revival of several now-stalled LNG plants proposed earlier for that province.

It is unlikely that all these projects would or should be constructed. Market forces will dictate development plans after the disruptions of

2020 are worked out. Critically, the most interesting of the projects – LNG in southern British Columbia, the railway to Alaska and, potentially, the pipeline to Churchill – are led by Indigenous proponents and would have strong backing and ownership positions from Indigenous governments along the route.

If several more of these projects were to proceed, with Indigenous ownership and with benefit agreements with communities along the infrastructure corridor, the collective Indigenous position in the oil and gas economy would escalate dramatically. These measures could make the Indigenous entrepreneurs and companies prosperous and could bring millions of dollars in annual returns to the Indigenous peoples along the route, to say nothing of expanded employment and business opportunities. The combination of assets and yearly revenues would, in turn, give Indigenous peoples across the country formidable economic clout and create a truly national infrastructure network that would allow the country to serve oil and gas markets around the world as the transition to renewable and alternate energy sources continues.

- **Strategies for managing Indigenous prosperity:** If and when Indigenous peoples gain a greater and sustained foothold in the oil and gas sector, they will find themselves with substantial incomes. Communities that secure a decent level of resource revenue face the enviable challenge of determining how to share the wealth. There are options at opposite extremes: the annual distribution of profits to members on a per capita basis or the reinvestment of profits in community-owned businesses or projects. The former provides politically gratifying immediate returns for members; the latter holds the potential for long-term economic growth, employment, and business development.

  Where the first strategy has been implemented, the community economic benefits have been limited; where communities have focused on building an asset base while creating greater local and regional opportunities, long-term economic impacts have been positive and substantial. Some communities dealing with financial windfalls, from a specific claim settlement, say, have taken a mixed approach, providing immediate support for elders, most of whom will not benefit from long-term financial strategies, a per capita distribution of a sizeable portion of the funding, and carefully planned investments of the rest.

  One element stands out in determining the use of financial resources: it is best to have the discussions well before the money arrives. As Indigenous communities contemplate starting or expanding their investments in oil and gas, they need to internally discuss their plans for

the use of the collective revenue. Funds distributed to members, save for crucial and much needed payments to elders, are generally used for personal material benefit, with most of the spending leaking out of the local economy. Done properly, in contrast, a community investment strategy can build a shared vision for the future and strengthen members' commitment to collective economic development.

- **Indigenous and energy sector involvement in a national climate change strategy:** For too long, opponents of oil and gas development in Canada have drawn a portrait of a nation divided, between those that "care" about the environment and those that support the aggressive use of the country's oil and gas resources. This over-simplification distorts the reality, particularly Indigenous realities. First Nations and Métis peoples care deeply about sustainability and the environment. Based on decades of living alongside pipelines and working with petroleum-producing firms, they have come to appreciate that environmental impacts can be anticipated, addressed and, where necessary, remediated.

  Carbon-based energy production can coexist alongside an aggressive climate change agenda, as Norway has demonstrated (the country ranks 12th on the Climate Change Performance Index, despite its large oil and gas industry (Climate Change Performance Index [CCPI] 2020)). If Canada is to have an effective climate change policy – and a successful and widely accepted plan is urgently needed – the oil and gas sector must be seen as allies and collaborators in the development of that policy. The oil and gas sector is already committed to aggressive emissions controls; LNG could be a major contributor to the reduction in the global use of coal for industrial and electrical purposes. Indigenous communities are unalterably committed to the long-term protection and improvement of their traditional territories. The values and ideas of First Nations, Métis, and Inuit – including those that support oil and gas development and those that oppose it – are essential to the development and implementation of a viable long-term climate change plan. This strategy must consider employment and economic benefits from the oil and gas sector and the coordinated, multi-sectoral transition to a sustainable energy future which, incidentally, includes a long-term role of carbon-based energy production.

Final thoughts

Canada's discussion about the future of its oil and gas industry will not benefit from a continuation of the false dichotomies of the present: Indigenous peoples opposed to development and energy corporations in favour. The future is not a simple choice between a vibrant oil and gas economy or a sustainable, renewable energy model that eliminates many of the current energy uses people take for granted. What Canada needs is a strategy that respects Indigenous interests in the sector and that recognizes the commercial and societal benefits of a strong and well-managed Canadian oil and gas sector. Canada must build toward a future that finds a mix of carbon-based energy production and use, conservation, and alternative energy systems. And it must define and defend a system that has broad societal acceptance. This does mean over-reacting to or acquiescing to the deeply held and strongly expressed views of a minority of Canadians opposed to oil and gas.

The current approach to the discussion about our energy future is based on battles in the media, aggressive public condemnation of the oil and gas sector by some assertive environmentalists, and a serious misreading of Indigenous involvement in the oil and gas economy. This approach does not provide a pathway to the future. Instead, it incubates discord and anger and leaves many Indigenous communities worried about their economic future. The road forward both requires and benefits from a strong Indigenous presence, one that accommodates and recognizes current and projected Indigenous involvement in the oil and gas industry. It is also clear that Indigenous engagement, managed properly, will rebuild the vitality of Indigenous communities, create a stronger industry with greater control over socio-economic and environmental outcomes, and allow the country to benefit from an internationally-relevant oil and gas industry while contributing to the development of a sustainable environment strategy for Canada and the world.

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Ken contributes regularly, through newspaper pieces and radio and television interviews, to contemporary discussions on northern, Indigenous, and technology related issues.

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Endnotes

1 The complicated legal and political situation is summarized in Jang (2020) and Canadian Press (2020).

2 Vivian Kruse has led the investigation of foreign critiques of the Canadian oil and gas sector. See, for example, The Narwhal (Undated) and Krause (2019). See also Hunt (2019).

3 See also the conference organized by the Indian Resource Council, Indigenous Peoples and Major Projects, held in Calgary in February 2020 (Indian Resource Council 2020a, 2020b).

4 Good examples of this are the Osoyoos First Nation (http://oib.ca/), Inuvialuit Regional Corporation (https://www.irc.inuvialuit.com/), the Nunavut Development Corporation (https://ndcorp.nu.ca/), Des Nëdhë Group (https://desnedhe.com/), and the Membertou First Nation (https://www.membertoucorporate.com/).

5 On small modular reactors, see Atomic Energy of Canada Limited (2018).

6 The Canadian wind energy association (www.canwea.ca) provides excellent background material on the sector. For more information on run on the river/smart river, see Natural Resources Canada (2016).

7 In the run-up to the 2011 provincial election, for example, residents of Liberal ridings in southern Ontario protested the planned construction of two gas powered electric plants. In a series of moves that ultimately cost him his premiership, McGinty cancelled the plans to preserve the Liberal Party's hold on the seats, at a cost to the province of well over $1 billion. See Morrow (2015).

8 Cenovus Cenovus Energy CEO and President Alex Pourbaix has been particularly vocal about the industry's commission to emissions reduction. As he noted, responding to the decision of Norway's sovereign wealth fund to withdraw support for the oil sands, "Pulling investments from the oil sands and claiming it's for climate change reasons is more about publicity than fact. Our company is committed to finding solutions to the global challenge of climate change while continuing to be a significant contributor to the Canadian economy through taxes, employment and buying goods and services from businesses across this country" (Morgan 2020b). Cenovus had cut its emissions intensity by 30 per cent in the past 15 years and planned to duplicate this strategy in the next decade.

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former Canadian Prime Minister Paul Martin on MLI's project on Aboriginal people and the natural resource economy.

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About the Macdonald-Laurier Institute

What Do We Do?

When you change how people think, you change what they want and how they act. That is why thought leadership is essential in every field. At MLI, we strip away the complexity that makes policy issues unintelligible and present them in a way that leads to action, to better quality policy decisions, to more effective government, and to a more focused pursuit of the national interest of all Canadians. MLI is the only non-partisan, independent national public policy think tank based in Ottawa that focuses on the full range of issues that fall under the jurisdiction of the federal government.

What Is in a Name?

The Macdonald-Laurier Institute exists not merely to burnish the splendid legacy of two towering figures in Canadian history – Sir John A. Macdonald and Sir Wilfrid Laurier – but to renew that legacy. A Tory and a Grit, an English speaker and a French speaker – these two men represent the very best of Canada's fine political tradition. As prime minister, each championed the values that led to Canada assuming her place as one of the world's leading democracies. We will continue to vigorously uphold these values, the cornerstones of our nation.


SIR JOHN A. MACDONALD


SIR WILFRID LAURIER

Working for a Better Canada

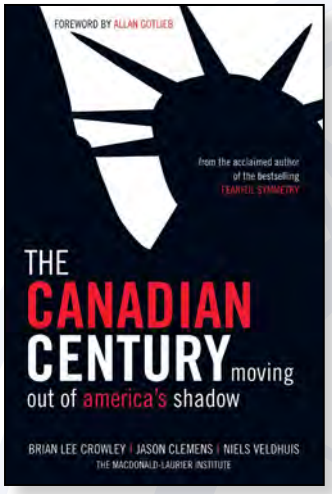
Good policy doesn't just happen; it requires good ideas, hard work, and being in the right place at the right time. In other words, it requires MLI. We pride ourselves on independence, and accept no funding from the government for our research. If you value our work and if you believe in the possibility of a better Canada, consider making a tax-deductible donation. The Macdonald-Laurier Institute is a registered charity.

Our Issues

The Institute undertakes an impressive program of thought leadership on public policy. Some of the issues we have tackled recently include:

- Aboriginal people and the management of our natural resources;
- Making Canada's justice system more fair and efficient;
- Defending Canada's innovators and creators;
- Controlling government debt at all levels;
- Advancing Canada's interests abroad;
- Ottawa's regulation of foreign investment; and
- How to fix Canadian health care.

Macdonald-Laurier Institute Publications



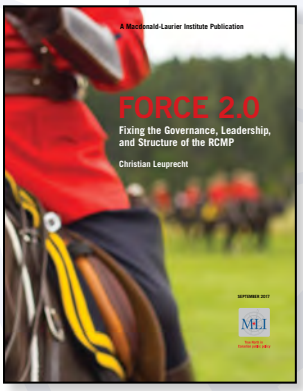
Winner of the Sir Antony Fisher International Memorial Award BEST THINK TANK BOOK IN 2011, as awarded by the Atlas Economic Research Foundation.

The Canadian Century
By Brian Lee Crowley, Jason Clemens, and Niels Veldhuis

Do you want to be first to hear about new policy initiatives? Get the inside scoop on upcoming events?

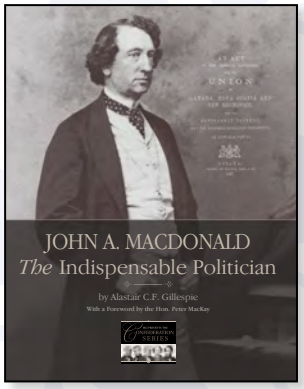
Visit our website www.MacdonaldLaurier.ca and sign up for our newsletter.

RESEARCH PAPERS

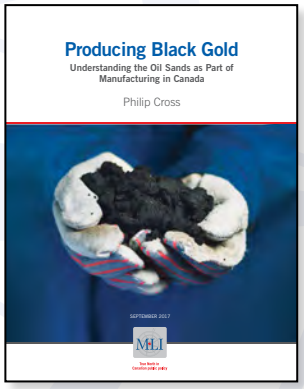


Force 2.0
Christian Leuprecht

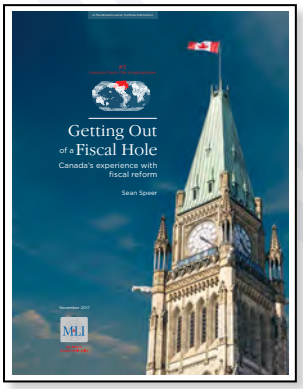
The Unkindest Cut
Wayne Critchley and Richard C. Owens



John A. Macdonald: The Indispensable Politician
Alastair C.F. Gillespie

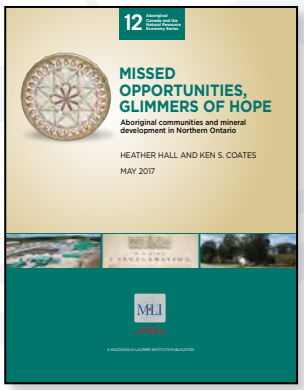


Producing Black Gold
Philip Cross



Getting Out of a Fiscal Hole
Sean Speer

Getting the Big Picture
Bram Noble



Missed Opportunities, Glimmers of Hope
Heather Hall and Ken S. Coates

Running Out of Time
Brian Ferguson, Sean Speer, and Ariel Freeman-Fawcett

For more information visit: www.MacdonaldLaurier.ca

constructive important forward-thinking excellent insightful high-quality active

Celebrating 10 years

WHAT PEOPLE ARE SAYING ABOUT **MLI**

The Right Honourable Paul Martin

I want to congratulate the **Macdonald-Laurier Institute** for 10 years of excellent service to Canada. The Institute's commitment to public policy innovation has put them on the cutting edge of many of the country's most pressing policy debates. The Institute works in a persistent and constructive way to present new and insightful ideas about how to best achieve Canada's potential and to produce a better and more just country. Canada is better for the forward-thinking, research-based perspectives that the **Macdonald-Laurier Institute** brings to our most critical issues.

The Honourable Jody Wilson-Raybould

The **Macdonald-Laurier Institute** has been active in the field of Indigenous public policy, building a fine tradition of working with Indigenous organizations, promoting Indigenous thinkers and encouraging innovative, Indigenous-led solutions to the challenges of 21st century Canada. I congratulate **MLI** on its 10 productive and constructive years and look forward to continuing to learn more about the Institute's fine work in the field.

The Honourable Irwin Cotler

May I congratulate **MLI** for a decade of exemplary leadership on national and international issues. Through high-quality research and analysis, **MLI** has made a significant contribution to Canadian public discourse and policy development. With the global resurgence of authoritarianism and illiberal populism, such work is as timely as it is important. I wish you continued success in the years to come.

The Honourable Pierre Poilievre

The **Macdonald-Laurier Institute** has produced countless works of scholarship that solve today's problems with the wisdom of our political ancestors. If we listen to the **Institute**'s advice, we can fulfill Laurier's dream of a country where freedom is its nationality.

MACDONALD-LAURIER INSTITUTE

10 MLI
A DECADE OF TRUE NORTH IN CANADIAN PUBLIC POLICY

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