

# Straight Talk



NOVEMBER 2020

## First Nations decisions on energy projects need to include community members

With Karen Ogen-Toews

Indigenous leaders and entrepreneurs are on the frontline of economic reconciliation, often by way of securing meaningful partnerships for their communities in the natural resource economy. To discuss the challenges facing First Nations in the energy sector, this Straight Talk features Karen Ogen-Toews, CEO of the First Nations LNG Alliance. This publication is based on a transcript of a recent discussion between MLI Munk Senior Fellow Ken Coates and Karen Ogen-Toews.



**Karen Ogen-Toews** is the CEO of the First Nations LNG Alliance, a society of First Nations in support of responsible LNG development in BC – with a priority on the environment, and on First Nations consultation and engagement. Karen brings extensive experience to her role, having served as elected Chief of the Wet’suwet’en First Nation for six years. She currently is an elected council member for that nation, holding the portfolios of Natural Resources, and Energy & Economic Development.

**MLI:** MLI has been involved for many years with the study of the impact of Indigenous people on the natural resource economy. We see this as being the frontlines of reconciliation – an area where Indigenous people are playing a very important economic, social, political and cultural role in redefining the natural resource economy.

I am delighted today to be here with Karen Ogen-Toews, CEO of the First Nations LNG Alliance. Could you start by giving us some information about your background? How did you personally get involved in the energy economy?

**Karen Ogen-Toews:**

I'm the former chief of the Wet'suwet'en First Nation from 2010 to 2016 and at that time, we had a couple of pipelines that we had to deal with. One was already negotiated: the Pacific Trails Pipeline, which was signed off before my time. Then we had the Coastal GasLink Pipeline. We started negotiations on the latter pipeline and we all had a great learning curve just to understand what liquified natural gas (LNG) was, what it wasn't, how it would impact our territory, and what benefits it will bring back to the community. So I got thrown into the deep end of the pool in relation to LNG.

**MLI:** Could you describe for me how the community made a decision to support the pipeline. These are really important and difficult conversations, aren't they?

**Karen Ogen-Toews:**

Yes, they are. What we did was build a strategic plan – a three-year strategy and our legal, business, and political team went forward and began these negotiations with Coastal Gas Link. We had a lead negotiator that attended every meeting. One of the things that we did was to have monthly community-members meetings and we would have the company come in and give information. We go in and talk about what LNG is, what it isn't, what this agreement means, etc. It was quite the process to ensure that we had these meetings.

One of the documents that we produced while doing these negotiations for this agreement was a traditional land use and occupancy study. We had the company pay for that. We hired a company

to bring our elders out on the land. They would show us what sites were not to be touched, sacred sites, where there were culturally-modified trees or berry picking sites. We made sure that these areas were no-go zones for the company and we involved the community as much as we could. The elders were out on the land in the territories. They knew full well what we were doing. I can say that at every meeting, we always get the question – is this oil? And we would need to explain the difference between oil and LNG because there was great concern that companies would turn these LNG pipelines into oil pipelines. People saw the devastation of oil spills when pipelines ruptured, so it was quite the process to ensure that we were inclusive of our members. We made sure they were educated so that they could make an informed decision to say yes or no to this LNG pipeline.

**MLI:** How do you in the end go about making an informed decision? Is there a vote or a survey or a referendum? Or do people just show up at these meetings and indicate that they are in favour of working with the pipeline company?

**Karen Ogen-Toews:**

We brought it to the community members. I think, at that time, we weren't as well organized as we could have been – by holding a whole Wet'suwet'en First Nation nation-wide referendum, for example, which would have been more ideal and would cost money. The majority of our members live outside the community. So it would mean making sure that we emailed them, phoned them, found ways to involve them, gave them information and then had them do a vote, and all the while making sure that we do our due diligence to get a hold of members that live outside the community and get their input on the matter. Because our community is quite small, we figured it was sufficient to have monthly community member meetings and to do our best to ensure that they were informed on the LNG issues.

**MLI:** It's a long and arduous process. How do you deal with the situation now in British Columbia, where particularly people who aren't from your First Nation and who aren't even from your region are protesting against the decision of a First Nation community in the north to support the pipeline? You must have an odd reaction to that.

**Karen Ogen-Toews:**

I think in a lot of ways these groups have perpetuated the division and the fracturing of our Wet'suwet'en people. Now that there is a calm, as the province calls it, we see that the protestors are not

anywhere around and our people are fractured. So, I don't have a lot of good things to say about these groups because we are the people that have to live within our communities and work for our communities and these nongovernment organizations are out of the picture now. It was well-funded. They put on a good show but at the end of the day it's our people that are left having to make a way forward for ourselves. It's almost like a bomb has hit our community and we are left with the devastation, left with the cleanup, left to pick each other up and find a way forward. It's been a tough year all the way around.

**MLI:** That's a very evocative way of describing it. I think the country as a whole really needs to understand that that's the kind of impact these external interventions have on the community. Let's talk about this from the community point of view. You held monthly meetings and in fact you have been involved with other organizations since you left as chief, but in these meetings, what were the main arguments people were using in favour of being involved with the natural gas industry?

**Karen Ogen-Toews:**

I think that a lot of people use the term UNDRIP (*United Nations Declaration on the Rights of Indigenous Peoples*) very loosely. What does it mean to us? I guess there is a couple of things. A lot of people learned what UNDRIP means and what it means to us. But I think there were a lot of people who jumped on the bandwagon not knowing the full issues on why there was such controversy with UNDRIP. I think that was one of the issues.

**MLI:** What would you get when the community sat down and said, okay, we are going to sign an agreement with Coastal Gas Link?

**Karen Ogen-Toews:**

What we did with our community, we went over the project agreement. Because it's confidential, we had our lawyer sit at our community-members meeting and go over the project agreement. One of the things that our community has been receiving is payment upfront, one final investment decision and one when the pipeline will be in the ground. After that, we will have legacy payments for the next 25 years that will be coming to our community. The piece that is still on the table is the whole notion of equity ownership and what that looks like. So there is that piece. Along with signing that project agreement, nations could get joint partnership with the prime contractors, which would enable us to have companies working with the First Nations in order to get work and revenue coming back to the community. That was a

benefit to the community.

What we are finding now is that the companies are looking for loopholes just to have straight contracts with businesses that don't have a joint venture partnership with the First Nations. Because we supported this pipeline quite significantly, we are saying this is not what we agreed to – you are finding loopholes to not involve us, which was not what we were told. So we are holding them to the fire, making sure that everything that the project agreement says comes to pass. We are just making sure that they are doing their due diligence and that First Nations are benefitting across the board. The company has monthly or bimonthly meetings with the First Nations where we share our concerns or where issues come up. I think that's really important in finding ways to address them.

I think their biggest hurdle was the blockades and they made sure that they signed the benefit agreements with the elected councils, the legal jurisdiction with whom people must sign agreements. For now, as we speak, the province and Canada are having discussions regarding the affirmation agreement. What's happening here is that Canada and BC are leaving out the elected council. I don't know how they are moving forward. They are treaty-like negotiations and I don't know how they are getting away with it. There is more to come as far as I'm concerned.

One of the things that the minister had told us was that we have a calm now and that was his intent. It wasn't to ensure the Wet'suwet'en interests were kept in mind here. Regardless of being the elected council of the Wet'suwet'en, we are being left out of the conversation. So it remains to be seen how these agreements are going to be ratified because not a lot of the Wet'suwet'en are being informed and kept in the loop in relation to these ongoing negotiations.

**MLI:** I've never seen a situation as unusual as this, the sort of pushing the elected Wet'suwet'en officials to the sidelines. It has been very unusual and there is lots more to be said. Let's go back and look at the other part of your life. You are also the Chief Executive Officer of the First Nations LNG Alliance. Can you tell me how the alliance came into existence?

**Karen Ogen-Toews:**

When we started the First Nations LNG Alliance, it was to educate people on what LNG was. Like I said, when we had our monthly community member meetings, a lot of the members asked if this is oil. We have to really differentiate what it is. The whole notion

of starting the Alliance was to help our people be educated on this pipeline. We gave them all the information there is, due to concerns over fracking, pipeline bursts, and what happens in the ocean. You hear about oil spills, tanker spills, etc. So we tried to make sure that we were very inclusive and gave sound information. A lot of it was on social media channels because that seemed to be the way to go. Everybody is using social media now. So that was one of the avenues that we were using to educate people. I would give a lot of presentations in relation to LNG, how we got involved, why we got involved and what are the benefits to the community.

One of the biggest pieces that I think we can attach to this is the whole notion of economic reconciliation. Not a lot of people know about our history and what the term economic reconciliation means and how we want to make sure that it is implemented in a way where we can say we've done our job. To this day I continue to give talks about what economic reconciliation is and how meaningful it needs to be on the ground. Just by signing off on a project agreement to appease the company is not economic reconciliation. To exclude us on joint ventures partnership and finding loopholes in the project agreement is not economic reconciliation. It's still a learning curve, not only for Indigenous people but for the rest of Canada. When you use economic reconciliation as a guiding principle in these agreements, I think we will get far better results.

The Alliance was basically started to educate people so they can make informed decisions. That way, you can say yes, I full understand LNG now and I understand why the First Nations leadership are agreeing to this and a lot of it was for the benefit of our people on the ground. One of the things that I say in our community is that we still have porch and tea water, we still have poor housing, we have mold issues, we have overcrowding. Until those issues are addressed, we can't say that we have economic reconciliation.

For me, the telltale signs are when we have better drinking water, when we have better housing, when the education rates in our communities go up and the health conditions of people are better. Then we can start to say we are moving in the right path, in the right way, where people are benefitting from all of these agreements across the board.

**MLI:** Too often we think that signing an agreement with an energy company is the goal. But it's clear from your comments that you and the Wet'suwet'en basically see the energy agreements as a way to get to the goal and the goal is about helping communities.

The energy agreement is only part of the process of getting there. I'm also struck by the fact that you describe this process as very complicated and ongoing. You are clearly having to keep working on these things, day after day.

**Karen Ogen-Toews:**

Doing this work has been very tough on me because I'm a Wet'suwet'en and this is where the controversy started – as there are some other Wet'suwet'en who are opposed to it. But, at the end of the day, in my heart I knew that we were making the right decision for our people. We are doing our due diligence and ensured that our territories are being protected, e.g., the sacred sites, culturally modified trees, all of those pieces, and adhering to our traditional land and occupancy study. The question that I always ask myself is: does it benefit our people?

We could have just kept on with the status quo, where I say I'm the Chief and we are just going to run our affairs by the *Indian Act* and that's it. Do the bare minimal. Or we can find a way forward for our people, to have better housing, to have better drinking water. So it's been tough, but I'm hoping at the end of the day when the pipeline is in the ground, we can say yes, our people are employed, they have been trained, some of them have careers. We have a better quality of life and a better standard of living. That's the proof in the pudding right there. Then the company, the First Nations, the businesses can all say yes, we have done our best to really achieve economic reconciliation for Indigenous people.

**MLI:** I know how hard you work and that you are fighting a very complicated battle. How do you remain so positive and optimistic? You are clearly driven by the needs of the community. This is hard work. What is it that keeps you going?

**Karen Ogen-Toews:**

This has been a pivotal point for me. Right after we signed our provincial agreement for LNG, our community and our council on social media were just overcome with extreme lateral violence. That evening my council member phoned me and she was crying, she was really upset. She said: Karen, did we do the right thing? When our elders go to town, they are getting treated badly. Our community members are telling us that they are being treated badly, calling us names, being put down, and that saddens me to no end.

As a leader of my nation I just thought we didn't sign up for this part. I went to bed very sad that night. It was really hard. The question I asked myself was whether we did the right thing. The

next morning, I woke up and I felt it in my heart and in my spirit, that yes, I did do the right thing because this is about benefits to our people. So ever since then, since that night, I have never second-guessed myself. I have never gone back and said we never should have signed it.

I think sometimes when you pave a new trail, the hard part is having to cut that trail and that's what we have done. Against all odds we said yes. We can say no to these projects and nobody wins. Or we could say yes to these projects and find ways that our people are benefitting every step of the way. The results for me is knowing that this is a benefit to our community.

We have the four pillar system – education and training, health and wellness, language, and culture and housing. These are the four pillars in our community. Once we fill those with our own-source revenue, we will be able to have better housing. We have five speakers of our language in our communities and if we start that language revitalization now, then we are on our way. Those four pillars are our telltale signs that we are on our way. Yes, our community is benefitting. For me it's meaningful because I have a spiritual life and I believe I am on the right path and doing right by our people.

That's where it sits for me and I just can't be bothered if there are people that want to continue on with the lateral violence. I won't engage. I will just keep moving forward believing in my heart that this is for the people. So that's sort of what keeps me grounded.

**MLI:** Well, that's a marvelous way to summarize your life and your spirit and your commitment and I admire it greatly. What can other Canadians do to support you in the work that you are doing?

**Karen Ogen-Toews:**

I always say that for every bit of controversy there is two sides to a coin. For me I always allude to this because, back in my university years, I was too scared to argue and debate. Then one of my professors set up a debate in social work school. I firmly believed that this land belonged with Aboriginal families and he came to me and said if you strongly believe that then argue the other side. So that just totally changed my frame of mind. Instead of being very positional and just not moving, not wanting to move from my position, it helped me to relax and realize that there are two sides to a coin. Learn both of them and take that stance and understand why people are opposing this.

I think that's very wise and there is always going to be two sides to



an argument and I think that once we've learned the other side, then we are going to be creating an understanding of why we find disagreements and why people are opposing this line. A lot of it has to do with I think that whole notion of undisputed territories and wanting that right to title back.

Even though these elected councils are colonial construct of the *Indian Act*, they are still the legal jurisdiction on the ground in our community. Until that changes, until we start making those changes, it's going to remain the same. But we have to realize that's just the way it is right now. We can make those changes. We must ensure that we are being inclusive with all of our people no matter what position they hold within their communities because we are all Wet'suwet'en at the end of the day and we all have to live with each other within our territories and we have to co-exist.

**MLI:** I really appreciate your frankness, your passion, your enthusiasm, and your dedication to the Wet'suwet'en and to positive and construct relationships. I love the fact that you talk about economic reconciliation in a positive way. This has been a wonderful conversation. Thank you very much for speaking to us today.



## Critically Acclaimed, Award-Winning Institute

**The Macdonald-Laurier Institute fills a gap in Canada's democratic infrastructure by focusing our work on the full range of issues that fall under Ottawa's jurisdiction.**

- One of the top five think tanks in Canada and No. 1 in Ottawa according to the University of Pennsylvania.
- Cited by five present and former Canadian Prime Ministers, as well as by David Cameron, the British Prime Minister.
- First book, *The Canadian Century: Moving out of America's Shadow*, won the Sir Antony Fisher International Memorial Award in 2011.
- *Hill Times* says Brian Lee Crowley is one of the 100 most influential people in Ottawa.
- The *Wall Street Journal*, the *Economist*, the *Globe and Mail*, the *National Post* and many other leading national and international publications have quoted the Institute's work.



"The study by Brian Lee Crowley and Ken Coates is a 'home run'. The analysis by Douglas Bland will make many uncomfortable but it is a wake up call that must be read."

FORMER CANADIAN PRIME MINISTER PAUL MARTIN ON  
MLI'S PROJECT ON ABORIGINAL PEOPLE AND THE NATURAL  
RESOURCE ECONOMY.

## Ideas Change the World

Independent and non-partisan, the Macdonald-Laurier Institute is increasingly recognized as the thought leader on national issues in Canada, prodding governments, opinion leaders and the general public to accept nothing but the very best public policy solutions for the challenges Canada faces.



# 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.



## 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.

*constructive* *important* *forward-thinking*  
*high-quality* *insightful*  
*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 21<sup>st</sup> 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.

## M A C D O N A L D - L A U R I E R I N S T I T U T E



323 Chapel Street, Suite 300,  
Ottawa, Ontario K1N 7Z2  
613-482-8327 • [info@macdonaldlaurier.ca](mailto:info@macdonaldlaurier.ca)



[@MLInstitute](https://twitter.com/MLInstitute)



[facebook.com/MacdonaldLaurierInstitute](https://facebook.com/MacdonaldLaurierInstitute)



[youtube.com/MLInstitute](https://youtube.com/MLInstitute)



[linkedin.com/company/macdonald-laurier-institute](https://linkedin.com/company/macdonald-laurier-institute)