



# Working Effectively With Aboriginal Peoples®





Welcome

Facilitator Biography

Background information

Questions comments

Don't have all the answers

Breaks

Cell Phones



## Royal Proclamation of October 1763

“It is just and reasonable, and essential to our interest, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been **ceded to** or purchased by us, are reserved to them, or any of them, as their **hunting grounds**”







## Canada's Constitution

35 (1) The existing aboriginal and treaty rights of the aboriginal people in Canada are hereby recognized and affirmed.

(2) In this act “Aboriginal Peoples of Canada” includes the Indian, Inuit, and Métis Peoples of Canada.

(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

# Working Effectively With Aboriginal Peoples

## Major Court Cases



- Calder
- Meares Island
- Delgamuukw
- Guerin
- Sparrow
- Haida & Taku





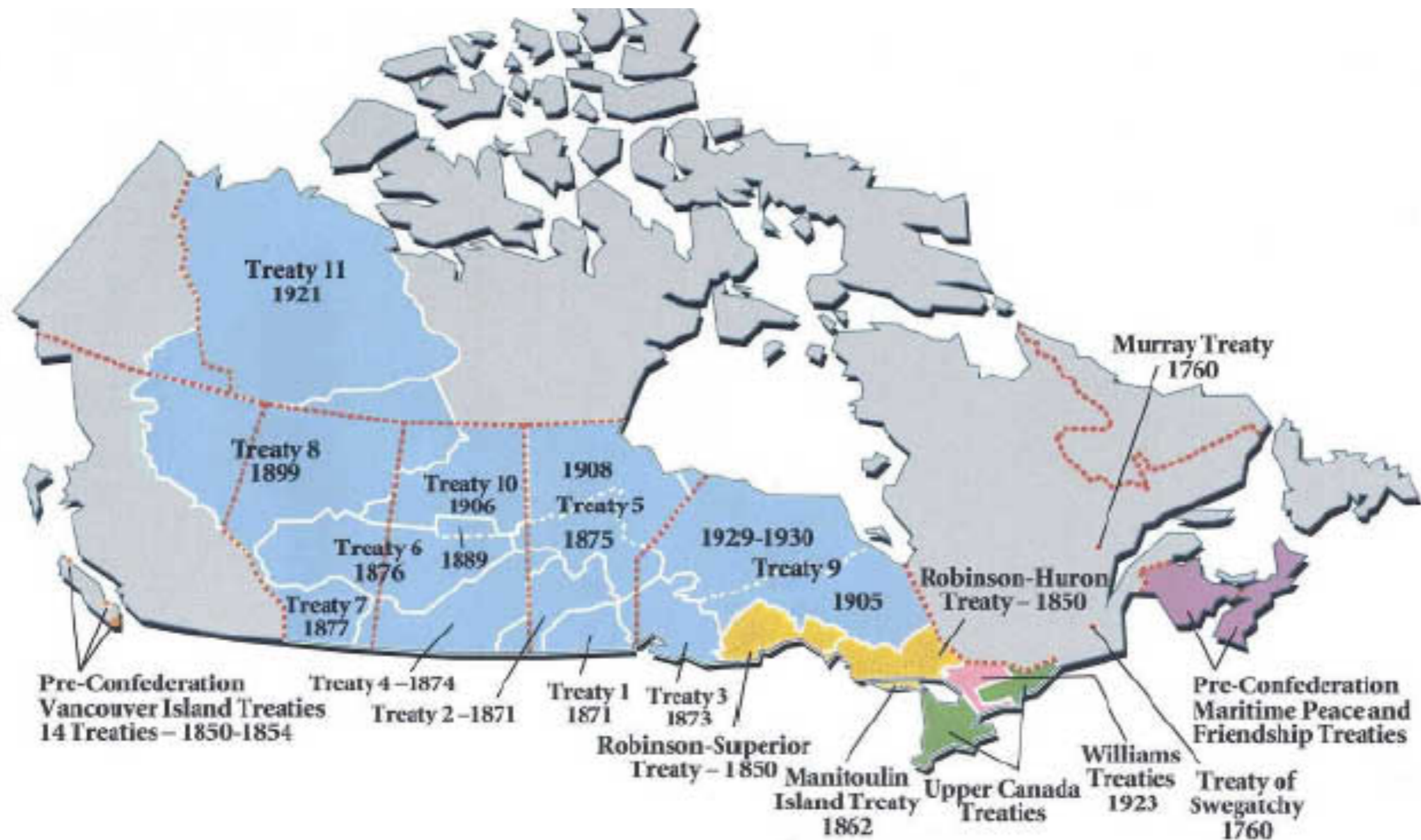
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Delgamuukw - Supreme Court of Canada 1997



# Treaties

- What is a treaty?





# First Nation Languages of Canada



- Ojibway
- Cree
- Other Algonquian Families
- Inuktitut
- Athapaskan
- (Siouan) Dakota
- Salish
- Tsimshian
- Wakashan
- Iroquoian
- Haida
- Tlingit
- Kutenai

Source: [www.atlas.gc.ca](http://www.atlas.gc.ca)



# Working Effectively With Aboriginal Peoples

## Business Case for Working Effectively with Aboriginal Peoples

- Risk Management
- Reward Enhancement
- Social Responsibility







## Business Case for Industrials

### Risk Management

- Past land and resource use
- Present land use and acquisition
- New Nation to Nation treaty arrangements
- Indian reserve land access
- Taxation of assets on band lands





## Business Case for Industrials

### Risk Management

- New Nation to Nation self-gov't arrangements
- Legal requirements for consultation
- Maintenance of existing plant and equipment
- Regulations - consultation on new developments



## Business Case for Industrials

### Reward Enhancement

- Continued access to lands and resources
- Address long term employment challenges
- Take advantage of changes in Nation to Nation treaty arrangements
- Deal with emerging Aboriginal self-government structures



## **Business Case for Industrials**

### Reward Enhancement

- Avoid costly legal challenges
- Protect and enhance organizational reputation
- Protect shareholder value
- Take advantage of social responsibility values
- Meet the requirements of financial organizations



## **Business Case for Industrials**

### Strategies

- Consultation programs
- Training for employees
- Build capacity
- Develop business relations
- Workforce development
- Co-management, Revenue Sharing, Equity Partnerships





## Aboriginal Consultation

- What is meaningful consultation?
- What is enough consultation?
- What is accommodation?
- Is it safe or wise business practice to rely on the Crown to conduct adequate and meaningful consultation?



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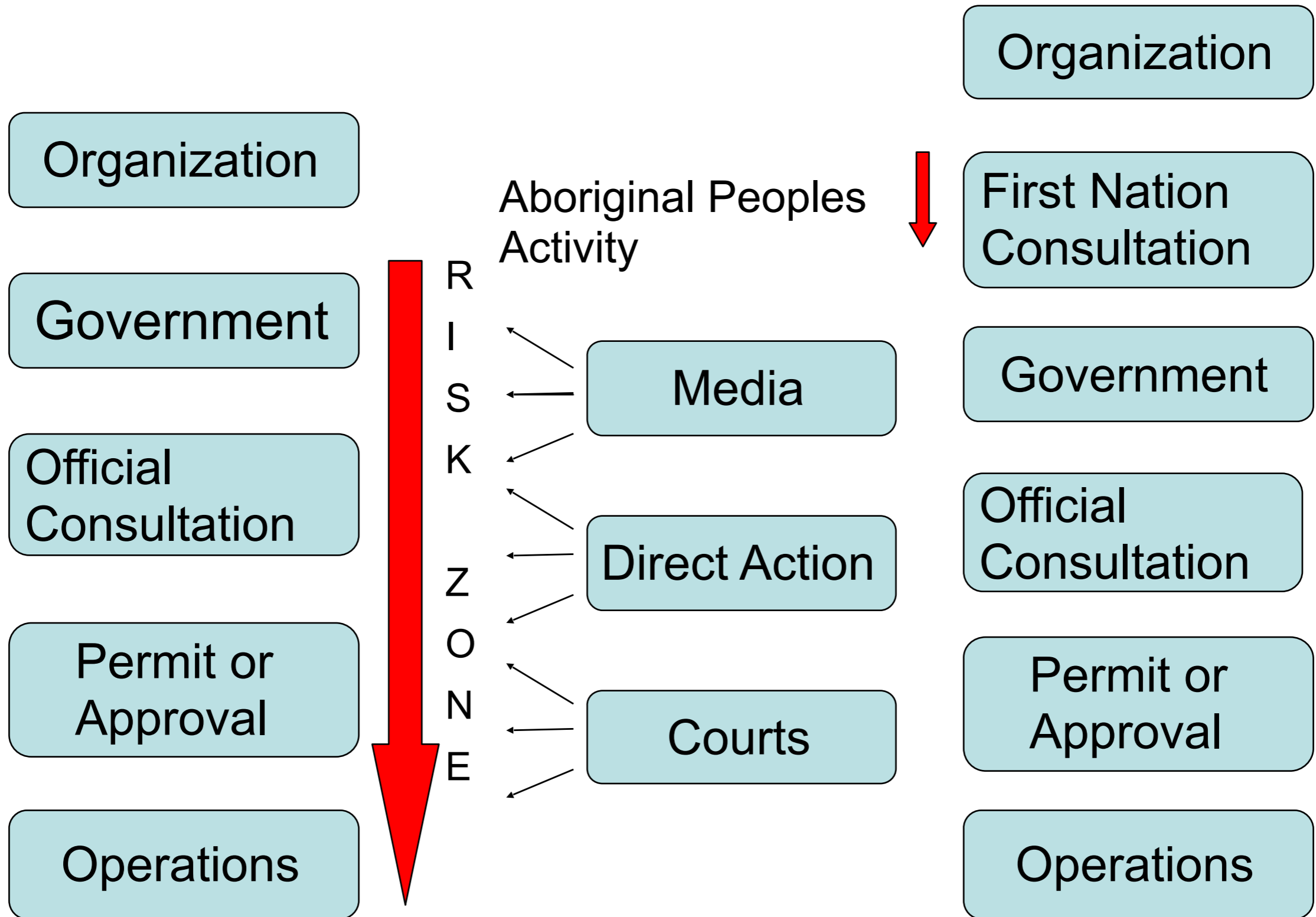


**What is the goal of consultation?**



What is the difference between consultation and engagement?

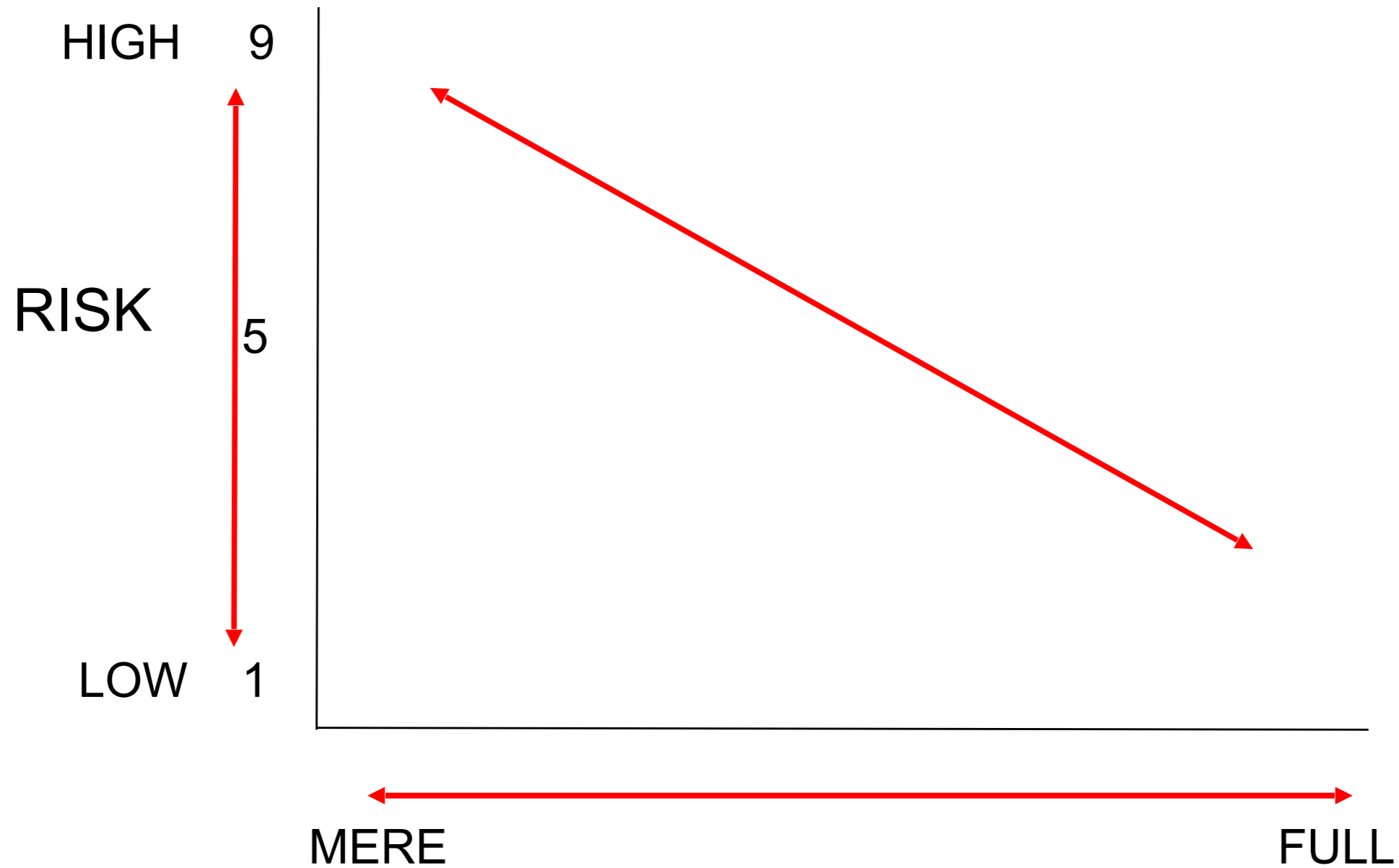
# RISK ZONE







## Risk, Consultation, and Accommodation Model



CONSULTATION and ACCOMMODATION

# Working Effectively With Aboriginal Peoples

## RISK ASSESSMENT:

### View of Consultation

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

- 1 A process of reconciliation
- 5 Administrative process that includes accommodation
- 9 An administrative approach to be followed



# Working Effectively With Aboriginal Peoples

## Decision Makers

1

2

3

4

5

6

7

8

9

- 1 Consult widely through elected council, hereditary chiefs, and community
- 5 Try to reach broader community
- 9 Only deal with the Chief and Council



# Working Effectively With Aboriginal Peoples

## Legal Action

1

2

3

4

5

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8

9

- 1 Community has never threatened legal action
- 5 Community, in the past, has threatened legal action
- 9 Community, in the past, has commenced legal action



# Working Effectively With Aboriginal Peoples

## Approach to Consultation Policy

1

2

3

4

5

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7

8

9

1 Timelines not an issue, community approves before permit sought, involved in your business and/or benefiting from your activities

5 Send letter, make follow up calls, and visits if appropriate. Address issues raised

9 Send letter wait 30 days, if no response proceed to permit

# Working Effectively With Aboriginal Peoples

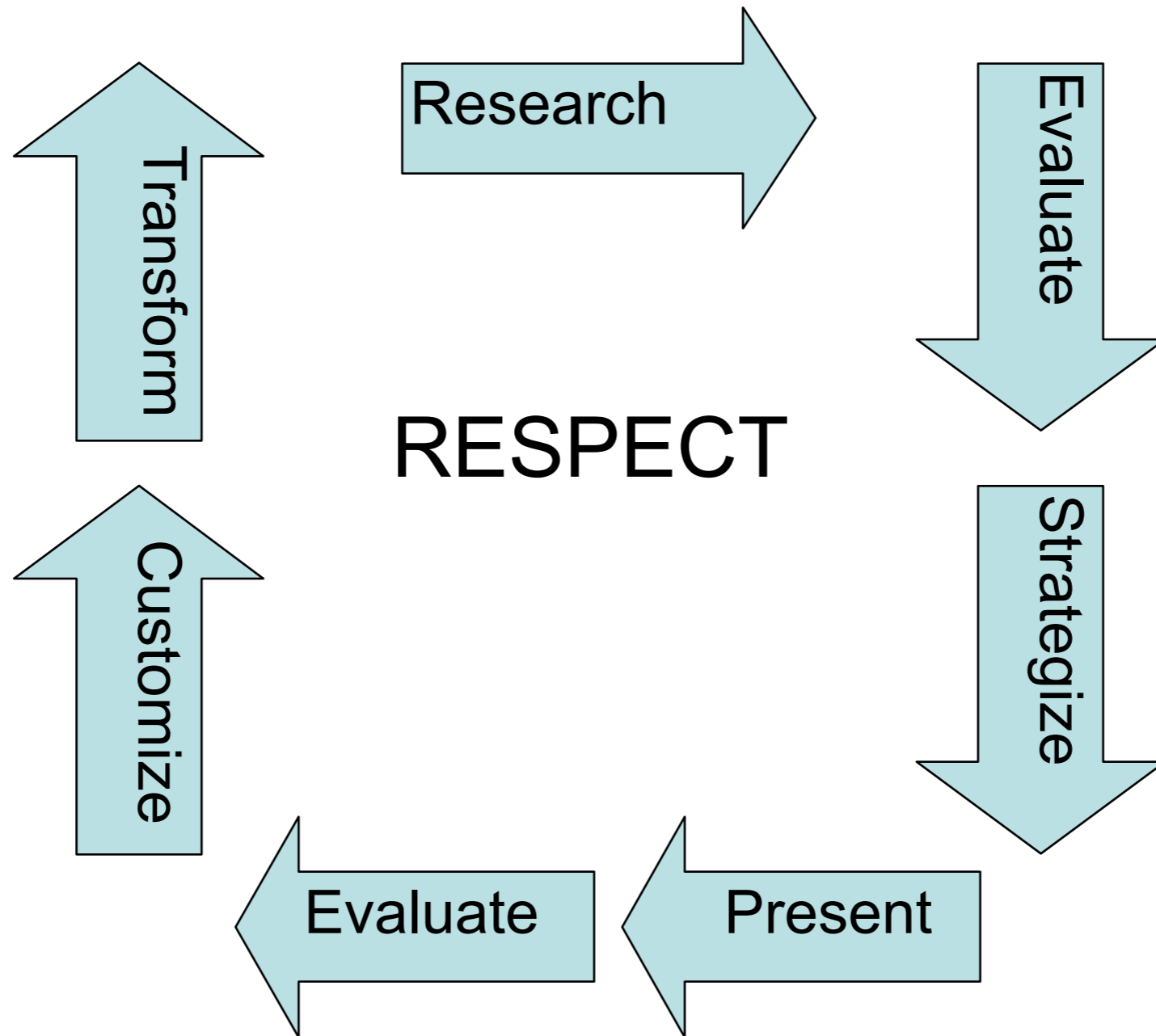
## Community Benefits

1	2	3	4	5	6	7	8	9
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- 1 Co-management and revenue/resource sharing
- 5 Business and workforce development
- 9 Little or no discussion of community benefits



# Working Effectively With Aboriginal Peoples





# Working Effectively With Aboriginal Peoples

## Research

- You
- Your Colleagues
- Your Organization
- Cultural Background Information







# Working Effectively With Aboriginal Peoples

## Research

- People to Consider Talking To
- Information to Look For
- Learn and Stay Up to Date on Issues





# Working Effectively With Aboriginal Peoples

Evaluate

Timing is Everything







# Working Effectively With Aboriginal Peoples

## Strategize

Cultural Survival

Connectivity Principle

Urban vs. Non-Urban or Band

Your Timelines

A Place On The Agenda

Authority Figure





# Working Effectively With Aboriginal Peoples

Present

Protocol



I would like to thank the First Nation(s) for agreeing to meet with us and inviting us into your traditional territory.

I would like to thank the Dene Tha and Beaver people for agreeing to meet with us today and for welcoming us to their treaty territory.





# Working Effectively With Aboriginal Peoples

**Present**

**Eye Contact**





# Working Effectively With Aboriginal Peoples

**Present**

**Hand Shake**





# Working Effectively With Aboriginal Peoples

Present

Acronyms -

WUPP

ARD

PP

OP





# Working Effectively With Aboriginal Peoples

Present

Colloquialisms





# Working Effectively With Aboriginal Peoples

Present

Technical Terms





# Working Effectively With Aboriginal Peoples

Present

Terms to Avoid

Oral Societies

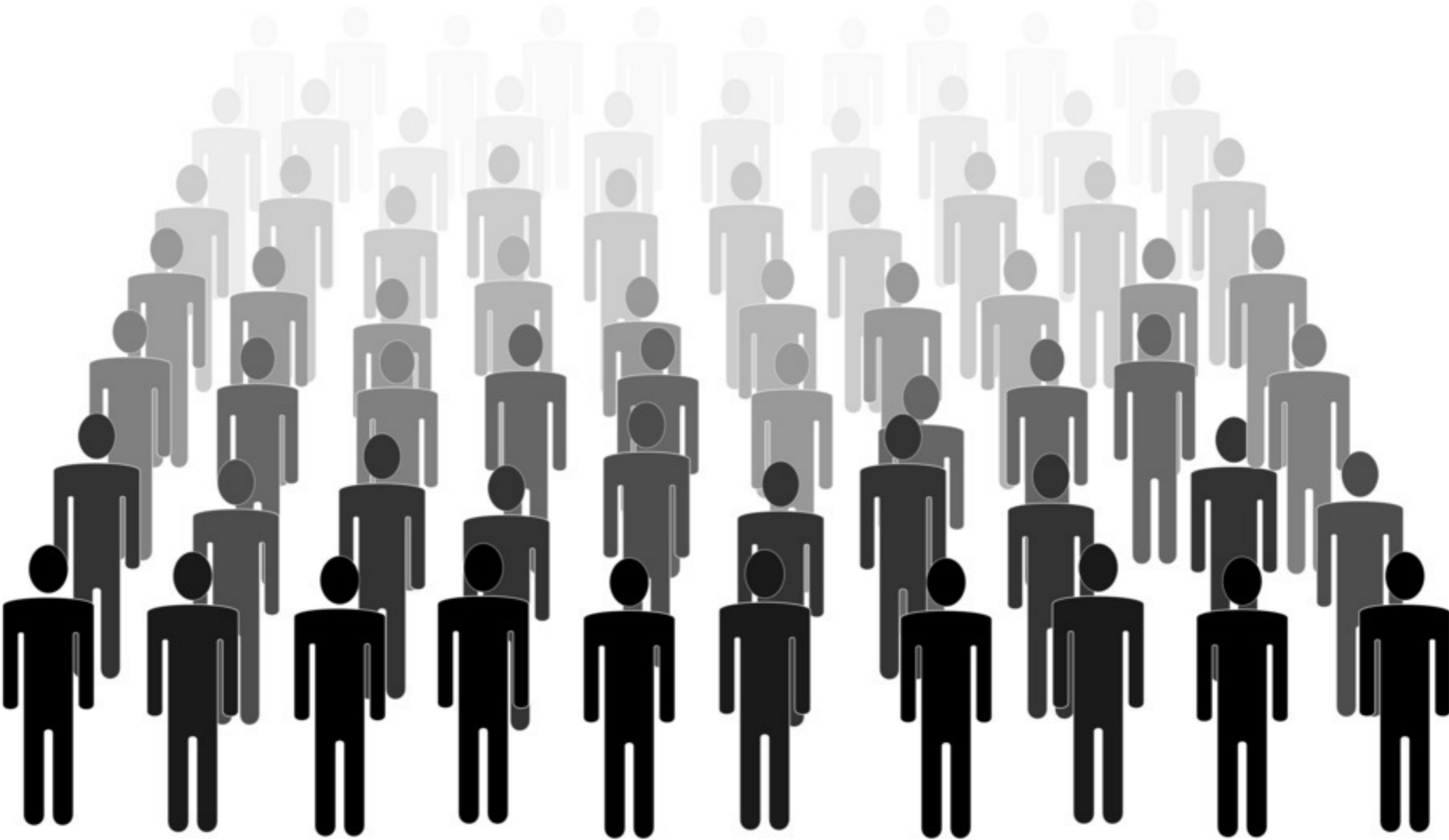




Have they really  
finished speaking?



# Communal Thinking



## Free Stuff:

27 Working Effectively Must Do's

<http://goo.gl/kt0kEv>

23 Tips on What not to say and Do

<http://goo.gl/PamNfP>

## Deal:

**25% discount** for EMA of BC attendees.

WEWAP - October 27th in Vancouver

Code: **EMABC**

ACE - October 28th in Vancouver

## Contact Me:

Bob Joseph

Toll free: 1 (888) 986-4055

Website:

[\*\*www.ictinc.ca\*\*](http://www.ictinc.ca)