

Alberta's Relationship with Indigenous Peoples:

A path to reconciliation

Alberta has one of the largest, youngest, and fastest-growing Indigenous populations in Canada. Nearly 250,000 First Nations, Métis, and Inuit people play an important role in the social, cultural, environmental, and economic fabric of the province. Alberta's relationship with Indigenous peoples has

Indigenous population in Alberta in 2016

- Represented 6.5 per cent of Alberta's population
- Increased by 37 per cent from 2006 to 2016, 15 percentage points more than the growth of the non-Indigenous population
- Median age is 27 years, compared to the median age of 37 years for the rest of the population
- Increasingly urban – 48 per cent reside in 3 urban areas (Edmonton, Calgary, and Lethbridge)

evolved during the decades of oil, natural gas and oil sands development and is rooted in the numbered Treaties signed in Alberta between the 1870s and 1906. As a result of these Treaties, First Nations peoples in Alberta gained Aboriginal and Treaty rights in exchange for transferring all land title in the province to the Crown. These rights were formally recognized and affirmed by Section 35 in the *Constitution Act 1982*, and later court decisions have extended some Aboriginal rights to Métis peoples.

The existence of constitutionally protected Aboriginal and Treaty rights is the basis for Indigenous peoples' participation in land management and consultation.

Indigenous peoples participate in setting the framework for land and resource management and development, ensuring effective consultation in Alberta. Indigenous perspectives and values are considered in the decision-making process, while there are also opportunities for Indigenous communities to be part of responsible resource development.

Indigenous communities are increasingly seeking opportunities for ownership and business development in the energy sector, alongside jobs and socio-economic benefits.

A commitment to reconciliation

Truth and Reconciliation Commission of Canada

Established by the federal government in 2008, the Truth and Reconciliation Commission aspired to guide and inspire Indigenous peoples and Canadians in a process of reconciliation and renewed relationships that are based on mutual understanding and respect. In its final report presented in 2015, the commission recommended that federal, provincial, and territorial governments undertake to adopt the principles of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation in Canada. Alberta welcomed the Truth and Reconciliation Report and is working to implement key recommendations from the report.

Visit indigenous.alberta.ca for more information

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United Nations Declaration on the Rights of Indigenous Peoples

In 2015, the Alberta government committed to the goal of reconciliation and endorsed the principles and objectives of the *United Nations Declaration on the Rights of Indigenous Peoples* consistent with the Canadian constitution and Alberta law. This has fundamentally impacted the way in which many organizations within Alberta work and engage with Indigenous peoples. Under these principles, the province works with Indigenous peoples to:

- improve outcomes where there are social and economic gaps between Indigenous peoples and non-Indigenous Albertans;
- support responsible resource development; and
- enable meaningful participation in decision-making and respect self-governance.

Alberta's efforts to enhance Indigenous engagement

- June 2018 launched Indigenous cultural awareness training for all government staff
- Gender-based Analysis Plus and diversity and inclusion training for all government staff
- Mandatory incorporation of Indigenous engagement and perspectives and Gender-based Analysis Plus in Cabinet Reports for decision-making
- Recruiting specialized coordination staff to support engagement
- Partnering with Indigenous peoples in land stewardship initiatives such as the Integrated Resource Management System
- Indigenous women's initiatives such as the First Nations Women's Economic Security Council and Métis Women's Economic Security Council

The foundation for reconciliation has been set through formal recognition and apologies for past actions. In summer 2015, Alberta apologized for not taking a stand to stop children from being taken

from their homes as part of the federal residential school system. In summer 2018, Alberta also apologized to the survivors of what is known as the '60s Scoop, for the province's part in seizing Indigenous children from their families and alienating them from their culture.

At the heart of reconciliation is Alberta's shift in communication and engagement with Indigenous communities.

The province focuses on establishing long-term frameworks and Protocol Agreements with Indigenous communities to undertake meaningful discussion, information sharing, and the exploration of issues of mutual concern. Alberta signed a Protocol Agreement with Treaty 8 First Nations in 2016 and a ten-year framework agreement with the Métis Nation of Alberta in 2017.

The province supports reconciliation through developing local self-governing Indigenous authorities. For example, the Maskwacis Education Authority and Kas Tee Kee Now Tribal Council Education Authority enable First Nations to receive education in a culturally-relevant environment in their community, while benefitting from improved educational supports similar to those of other students in Alberta such as curriculum development and technology.

Duty to Consult

Legal context

A succession of judicial decisions confirmed a legal duty to consult with Indigenous peoples when a proposed land or resource development may affect their constitutionally protected rights.

The legal duty to consult rests with the government; however, legal decisions provide the opportunity for government to delegate certain procedural aspects of consultation to project proponents. In doing so, Alberta enables industry and Indigenous peoples to work together and build relationships directly. Many Indigenous communities are supportive of development, especially when done in an environmentally responsible way. Communities are seeking investment in their businesses, and

participation in the economy through socio-economic benefits and ownership.

Alberta policy and procedures

Project proponents must adequately meet the Crown's legal duty to consult with potentially impacted Indigenous communities before their project application is approved.

Alberta's Consultation Policy and Guidelines set out the processes to be followed to meet the duty to consult, and the requirements that must be met by project proponents. The policy and guidelines promote predictable processes and timelines for Indigenous communities, government, and industry, and help Alberta meet its legal obligations to consult.

Each year, Alberta provides \$7.33 million in funding to First Nations and Métis Settlements to support their participation in the consultation process with project proponents.

Aboriginal Consultation Office

The Aboriginal Consultation Office, housed in Alberta's Indigenous Relations Ministry, guides project proponents through their consultation obligations. The consultation office supports the Indigenous consultation activities of proponents on projects of all sizes and in all sectors – including forestry, water, and oil sands – when rights may potentially be impacted. Each year, the consultation office processes well over 10,000 consultation files with a wide range of project proponents.

The consultation office is aligned with other regulatory bodies to ensure that First Nations' Treaty rights and traditional land uses, as well as Métis Settlements members' harvesting and traditional land use activities, are respected in all matters regarding land and natural resource management in Alberta.

Indigenous knowledge in policies and regulatory processes

Alberta incorporates Indigenous perspectives and knowledge into transparent regulatory oversight and monitoring. For example, the Alberta Energy

Regulator, which regulates the life cycle of conventional oil, oil sands, natural gas, and coal projects in Alberta, is actively incorporating Indigenous knowledge and practices into its work as guided by the agency's *Voices of Understanding* document.

Alberta is also part of the industry-funded Joint Oil Sands Monitoring Agreement, which was updated in 2017 to pave the way for greater Indigenous involvement in community-based monitoring priorities and decisions. Alberta's Indigenous-led Community Based Monitoring in the oil sands regions also enables Indigenous environmental monitoring in 14 communities.

Alberta is actively strengthening the role of traditional Indigenous knowledge in policy making. For example, Indigenous perspectives were included in the 2016 Oil Sands Advisory Group, which convened to advise government on the oil sands aspects of Alberta's Climate Leadership Plan.

Under proposals related to the *United Nations Declaration of the Rights of Indigenous Peoples*, Alberta is developing a strategic Indigenous knowledge policy. Alberta is also part of the federal Indigenous Community-Based Climate Monitoring Program, which is funded by industry for up to \$50 million annually. The program enables Indigenous involvement, including traditional knowledge, in transparent environmental monitoring.

Land stewardship

Alberta understands that ongoing collaboration with Indigenous peoples fosters a more stable and predictable land and natural resource management environment.

Alberta is phasing in a comprehensive land management approach as part of the province's holistic Integrated Resource Management System, which takes into account the potential cumulative impacts of development on the environment and communities as a whole to achieve the environmental, economic, and social outcomes

expected by Albertans. The approach uses regional plans, which are being collaboratively developed with Indigenous working groups to enhance opportunities for engagement, address cumulative impacts from an Indigenous perspective, and better incorporate traditional knowledge, perspectives, and values.

Alberta is also engaging with Indigenous communities to cooperatively address land conservation. The province is working with Athabasca Chipewyan First Nation, Fort McKay First Nation, Mikisew Cree First Nation, and Chipewyan Prairie Dene First Nation to develop cooperative management strategies for five new and expanded wildland provincial parks in northeast Alberta. This innovative work acknowledges and better protects traditional land use, cultural practices, and the *Section 35* Treaty rights of First Nations in their traditional territories, and seeks to reconcile the rights and interests of First Nations with those of developers.