



Getting to 'Yes': Aboriginal Canadians and the Next Wave of Nation-Building in Canada

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Check against Delivery

Elders, Chiefs, Delegates, Ladies and Gentlemen:

I welcome the opportunity to speak with you today. It is both an honour and a pleasure to be invited to address the annual general assembly – and to be welcomed once again to the territories of KwanlinDün First Nation and Ta'anKwäch'än Council.

Many of you know a bit about my history. You know that I served as Canada's Minister of Indian Affairs. You may know that as a younger man, I worked on the Indian Claims Commission and negotiated land claim settlements across northern Alberta. You may also be aware that for almost a decade, I was Co-Chair of Canada's Indian Claims Tribunal.

I raise all this in part because I am proud of whatever small measure of progress I helped achieve while in these positions.

But primarily, I mention it because I have recently found myself thinking back on how, many years ago, we would talk – in tones of optimism and hope – about how a day would eventually come.

A day of promise and potential for Aboriginal Canadians.

My own family history can be traced back to Scottish Highlanders of the 18th century, who fought alongside the Iroquois and Mohawks. They joined together as allies in the Revolutionary War, and later came together as partners to help create a new country – our country.

I have always believed that without the contributions of our First Nations, there would be no Canada.

And along with so many others, I have always believed that a day would come when Aboriginal Canadians would be true partners in building out this country.

A day when resource and energy projects would hold for First Nations, Inuit and Metis the promise of economic benefits – such as employment, revenue sharing and equity participation. A day when Aboriginal Canadians would be central to the discussion of how Canada can best make use of its resource bounty, now and in the future.

Across this country, that day has arrived.

I believe it is yours if you choose to seize it.

A Pivotal Moment

Last month, I was in Prince Rupert, on the traditional lands of the Allied Tsimshian Tribes. I spoke of the significant progress that's being made toward the construction of liquefied natural gas facilities along the B.C. coast.

A world-scale LNG export industry would represent a long-term economic advantage for British Columbia and for our country. And if done properly, it would also mean jobs, business opportunity and investment for the First Nation coastal communities that ultimately play host to these LNG facilities.

The real issue now is whether B.C.'s First Nations are going to participate in all of this in a meaningful way, or simply observe it as bystanders.

I'm going to come back to LNG as a critical example of the kind of potential that exists and that opportunity that awaits – but let me first step back and speak more broadly about the factors that are shaping this pivotal moment in our country's history.

A Volatile Marketplace

The effects of growth in continental energy production, and the evolving nature of the domestic and global marketplace, have reverberated across Canada.

As a country, we are confronted by the need to secure west coast access, through which we can reach new international markets for our oil and natural gas.

This imperative has created a number of important development opportunities. So too has the urgency to improve continental pipeline capacity, to expand hydro production for domestic use and international sale, and to make the most of the mineral bounty that exists in pockets scattered across Canada.

Opportunity of this kind, of this scale, will not exist in perpetuity. When it comes to oil, for instance, the fact that we are beholden to a single customer – the United States – is costing us billions because we have no option but to sell our oil at a discount to international prices.

Meanwhile, natural gas production in Canada has over the past five years declined more than 15 per cent. Industry revenues are down sharply. Government revenues have been adversely affected. And with key plays in the U.S. expected to result in even higher production south of the border, the threat to – and impact on – Canadian gas producers is likely to continue.

Unfortunately, as with oil, we currently have no facilities in place that will allow us to export to overseas markets at higher international prices.

We have therefore reached a crucial juncture. We must access new and growing markets in Asia if we want to collectively take advantage of these Canadian resources. And we must move forward in a timely fashion, because around the world there are competitors seeking to enter the very same markets.

The Building of a Nation

As a country, we tend to think of “nation-building” as a relic of the past. We reflect on the great achievements that helped drive economic growth and foster national unity: the CPR, the St. Lawrence Seaway, the TransCanada highway. That time is passed, but the building of our country continues.

Today, thanks to our abundance of natural resources, we stand on the verge of a new era of growth and development. It is national in nature. It is substantial in scope. And in many cases it represents a game-changing opportunity for First Nations.

No other country in the world is bringing on energy projects at the pace or on the scale of Canada. We are talking about hundreds of billions of dollars in major resource developments that are currently – or will be – taking place on or near Aboriginal communities.

To cite just a few:

The Haisla First Nation is a partner in the new LNG facility being built at Kitimat.

The Moose Cree First Nation is an equity partner in the Ontario’s Lower Mattagami hydro project, and one of the primary beneficiaries in terms of construction employment.

Quebec’s massive northern resource development plan was created with – and will benefit – the Cree, Innu, Naskapi and Inuit.

Further east, the Innu of Labrador will be key players in unleashing the remaining generating capacity of the Churchill River. As the Innu chief put it when the agreements were signed, and I quote: “This will change the course of our history. The benefits will be felt in our communities for literally hundreds of years to come.”

That’s not mere rhetoric. We’ve already seen the kind of positive impact that major resource projects can have. One of the unheralded benefits of the Canadian oil sands has been the extent to which the Aboriginal people of northern Alberta have been included – and have benefited. There are similar success stories here in the North.

But at the same time, it is important not to exaggerate the potential benefits of resource-based partnerships. They are not a cure-all. A new LNG facility will not sweep away the social and economic challenges that every community confronts. And the workers of today – and tomorrow – will still need to be well educated and well trained.

Over the years, I’ve heard National Chief Atleo and other leaders stress the critical importance of education to Aboriginal progress. I can tell you that CIBC could not agree more. For two decades now, we have been closely involved as a partner in the National Aboriginal Achievement Foundation, recently rebranded as “Indspire,” contributing some \$2 million in scholarships – and supporting young Aboriginal people in their pursuit of academic success in colleges, in universities, in law and business schools.

Young Aboriginals represent the fastest-growing segment of our country’s population. The median age among Aboriginals is 28 years, compared to 41 years among non-Aboriginals – a striking difference, and one that brings a degree of challenge, but also an element of hope.

Over the decade ahead, some 400,000 Aboriginal youth will enter the job market. This is the very definition of potential – not only for Aboriginal communities, but also for Canada. Their success in greater numbers could define the beginning of a new age and a new way of life for Aboriginal Canadians.

It is therefore important that we invest in their future, and in their ability to succeed.

That means working to increase high school graduation rates, which are currently half that of the non-Aboriginal population – and post-secondary graduation rates, which are current no better than one-third. This is how economic progress is made, and how greater numbers of Aboriginals will come to thrive as skilled workers, professionals, entrepreneurs and business leaders.

It is also important that we find opportunity in our country’s skills shortage, and help equip young Aboriginals with the expertise they’ll need to get ahead.

This isn't wishful thinking. We're already seeing industry and Aboriginal groups come together to achieve this goal. Earlier this month, the Matawa First Nations signed a memo of understanding with Aecon Group to expand training and development programs in remote areas of Ontario's north – using technology to give residents access to trades and apprenticeship training.

Some time ago, I heard Chief Louie of the Osoyoos First Nation remind people that I used to say: "I like being Minister of Indian Affairs. But I'd much prefer to be Minister of Aboriginal Inc."

During my time as minister, I took the greatest pleasure in watching as Aboriginal businesses began to play a more prominent role in powering the local and national economies. And since then, I've followed along closely as further progress has been made.

Today, across the country, Aboriginal people are writing new business stories every day. They are playing a greater role in the Canadian economy – creating jobs, uplifting communities and changing lives. It has been estimated that the GDP of Aboriginal households, businesses and government will reach \$32 billion by 2016 – that's more than the nominal GDP of Newfoundland and Labrador and Prince Edward Island, combined.

The development of Canada's resource and energy potential presents Aboriginals with the opportunity to write still more success stories, and in so doing to script a brighter future for themselves, for their people and for their communities.

As I have said in other venues, our governments have constitutional obligations to consult and to accommodate – and the courts will measure their success in fulfilling those duties. But as First Nations, you will always be the real guardians of your own future.

Do you want to take advantage of energy and resource opportunities and get involved as partners? Or are you prepared to let them happen without your participation? This is, and always will be, your choice. Call it a strategic choice.

Personally, I favour getting to 'Yes.' That has been my own history. That is why I negotiated the Sturgeon Lake Treaty Land Entitlement settlement in 1986. That is why, in 2006, I negotiated the Residential School Agreement – and, with the Tsawwassen First Nation and Premier Gordon Campbell, the first Lower Mainland Final Agreement under the British Columbia treaty process. And, that is why I negotiated the GwaiiHanas Marine Conservation Area agreement with the Haida in 2009.

Getting to 'Yes' isn't always easy. But the opportunity inherent in these substantial and varied energy and resource projects may not present itself again – not in my lifetime, nor in yours.

Let me be clear: I'm not talking about irresponsible development. This isn't a tradeoff. It's not about securing short-term economic benefits at the expense of our natural heritage.

Rather, we must place environmental issues at the very centre of what we do. As a former Minister of Environment, I know better than most that First Nations have for centuries stood as proud defenders of our environment. I would never counsel, and you would never consider, a short-sighted approach in which the principles of safety and sustainability would be sacrificed for fleeting financial advantage.

For any and all energy and resource projects, especially those involving First Nations and other indigenous groups, environmental standards must be strong – and remain strong over the life of the project. Growth and jobs must be achieved not merely with a nod to environmental safety and protection, but with an unblinking focus and commitment.

If, within this context, your choice is to pursue opportunity, it is important that you move forward with common purpose. There is a hard lesson that has come to me over 35 years as a lawyer, a politician and a banker: "You don't get what you deserve. You get what you negotiate."

I have been around a long time. There are some advantages to age. I have witnessed the very creation of the duty to consult and accommodate.

But this needs to be said: The duty to consult and accommodate was created as a way to get to 'Yes,' not as a way to get to 'No.'

It was created by judges to ensure that First Nations had a seat at the table in decisions involving resource development. It was created to assist First Nations in extracting meaningful economic participation from those decisions.

It was meant to carry us forward. It was not meant to serve as a mechanism to block projects, veto development or leave First Nations in continuing poverty.

I think this is sometimes lost today by those, on both sides of the table, who see these duties as a legal game of cat and mouse.

So, what does getting to 'Yes' look like? How does it happen for First Nations?

First, it means moving expeditiously – getting to the negotiating table with industry to represent your own interests.

Second, it means understanding the need to move beyond consultation. Once you sit down, the objective is to achieve sustainable economic participation. Consultation must progress to negotiation, and negotiation must maintain a meaningful direction and a positive momentum. It's important to secure gains, but it can be counter-productive to insist on too much all at once. Above all else, to achieve real economic benefits you have to keep moving forward. The duty to consult is not an end, but a beginning.

Third, in some cases, getting to 'Yes' means working together. The LNG example is instructive. Given the nature of these specific projects, it is likely that First Nations along the B.C. coast would achieve more by negotiating as a single voice. On its own, any one First Nation there is relevant. But collectively, they are a force.

Fourth, it means retaining good advisors. In any major project, the people on the other side of the table will represent some of the world's most successful, best capitalized and most sophisticated corporations. You need tough-minded bankers, commercial lawyers and negotiators. I know we all look forward to a time when more of these advisors are themselves Aboriginal.

A moment ago I mentioned the Matawa First Nations, and it's worth noting that they have retained Bob Rae to guide their Ring of Fire negotiations with industry and with the Ontario government. And I thought Bob framed the issue well when he said: "It's a question of what are the conditions under which this kind of development can work to the benefit of First Nations people."

Finally, getting to 'Yes' will in some cases mean pursuing equity ownership in addition to Access and Benefit Agreements. There are advantages to being an owner. Owners, for example, have more say in the many decisions surrounding the project, including those relating to the environment.

In the past, First Nations have been unable to secure the capital to participate as an owner in major energy and resource projects. The concept of 'ownership' has been one of 'gifted' or perhaps 'earned' equity and not surprisingly, there have been limits on the availability of that.

Today, there are other ways to finance First Nation collective interests in projects of major scale. With LNG, for instance, some relate to the facilities themselves. Others relate to associated power or transportation opportunities. Some involve international investors. Some involve Canadian capital markets. All require deep considerations about partnership and equity ownership.

Conclusion:

I purposely wore this jacket today. It was a gift from the Sturgeon Lake Indian Band in 1989 after I negotiated a Treaty Land Entitlement Settlement Agreement in northern Alberta. I was the government's lawyer.

That agreement wasn't perfect. But we did get to "Yes" and it did become the precedent for all other TLE settlements across western Canada.

In the case of some, like the Fort MacKay Indian Band, it opened up resource development opportunities that have elevated those First Nations out of poverty forever.

I suppose that Sturgeon Lake, or Fort MacKay could have elected for "No". I suppose that they could have decided to let the judges sort it all out. But instead, they decided to get to "Yes".

And in the days ahead, many of the First Nations in this room are going to be called upon to make that same choice – "Yes" or "No".

An economically prosperous future, or not.

Economic benefits or no economic benefits.

Being an owner or not being an owner.

These won't be easy choices, but years ago, we said that this day would come...and it has.

The choice of whether to seize it or not will be yours.

I hope that you will grab it because long ago, your ancestors and mine - faced with an opportunity to create this country, seized it.

And we are all a long way from finishing that work.