Indigenous relations and energy businesses: Building foundations for authentic and sustainable community partnerships

by

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Abstract

Community engagement in the energy sector is about recognizing Indigenous sovereignty and fulfilling reconciliation objectives, however the prescriptive nature of regulations on consultation generates the exact opposite outcomes. Subsequently, this research is meant to address how energy businesses can conduct more meaningful engagement through partnerships. The elements of a partnership are defined through interviews with engagement professionals in the energy sector. Such findings will be applied to a case example between two businesses called Rainforest Energy Corp. (RFEC) and the Touchwood Agency Tribal Council Economic Development Company Ltd. (TATC), an organization representing four First Nations groups in Saskatchewan, Canada. Both corporations have established a joint venture for developing a biofuel facility on the First Nations’ traditional territories. Board members from each corporation were also interviewed for this study. Using content analysis to examine the interview transcripts, six themes and four sub-themes were discussed broadly and applied to the case example.
Acknowledgements

I would first like to acknowledge that my research project is done in partnership with Nations from Treaty 4 territory. These are the territories of the nêhiyawak (nay-hi-yuh-wuk, Cree), Anihšināpēk (uh-nish-i-naa-payk, Saulteaux), Dakota, Lakota, Nakoda, and the homeland of the Mètis/Michif Nation. With renewable energy development expanding across the country, impacting the land, it is imperative that we honour treaties and engage Indigenous peoples with any project that concerns their rights and interests.

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Chapter 1: Introduction

In Canada, there is a lack of trust in energy businesses to develop energy projects in environmentally and socially responsible ways. From blockades to protests, many groups are taking extreme action against energy projects. It is commonly said within the industry that this country has some of the best environmental regulations in the world, but it may not be enough to protect vulnerable populations, like rural and Indigenous communities, from being exposed to environmental pollution (El Hachem & Kang, 2022; Hoover et al., 2012; Huseman & Short, 2012), and negatively impacted by the boom and bust of business cycles (Mahdiani et al., 2021; Ryser et al., 2014; Scheer et al., 2022).

Community engagement conducted by energy business are evolving and dynamic processes that can ensure more sustainable and responsible energy development. This research seeks to better understand how engagement can continue to progress in Canada, benefitting both energy companies and the communities they operate in. In recent years, many guidelines and resources are made available relating to engagement with Indigenous peoples, with tools spanning across academia (Boyd & Lorefice, 2018; Noble, 2021; Udofia et al., 2015), industry (BluEarth Renewables Inc., 2019; Canadian National Resources Limited, n.d.; Mining Association of Canada, 2019), governments (Dussault et al., 2010; Government of Alberta, 2020; Government of Canada, 2022; Government of Saskatchewan, 2013), and resources from the Indigenous communities themselves (Centre for First Nations Governance, n.d.; Métis Nation of Alberta, 2009).

From the perspectives of many Indigenous groups documented in literature, the engagement conducted by businesses is largely seen as a failure (Booth & Skelton, 2011a and b; Brock et al., 2021). Despite the availability of resources, some energy businesses
only conduct the required minimum engagement as outlined by regulations or regulators (C. O’Driscoll, personal communications, December 16, 2022; Boyd & Loreifice, 2018). Typically, businesses have engagement strategies within their company policies. Many of these strategies are influenced and guided by federal and provincial government policy and do not consider or integrate the customary law, protocols, and/or policies of the communities with which they wish to engage. Engagements are sometimes one-off meetings that, at best, consult the communities, and at worst, simply inform about project plans (Noble, 2021). In these scenarios, relationships are short-term and rarely developed or cultivated. However, not all engagements are insufficient, with some businesses ensuring that community groups, whether Indigenous or non-Indigenous, are not only consulted, but also have decision-making capacity in project development. Engagement, even today, is often seen as a regulatory barrier than a means to collaborate with communities to develop projects responsibly and improve the overall project plans. Consequently, many incidences of poor engagement have strained relationships between energy businesses, governments, and communities. It also further diminishes Indigenous voices and, in part, has led to increased distrust, protest and even violence against energy projects (B. Gaulin, personal communications, November 28, 2022; Jami & Walsh, 2017; Shaw et al., 2015). As a result, this research seeks to understand how businesses can shift beyond consulting or informing to collaborating and partnering with communities.

1.1 Research Question and Methodologies

The research seeks to outline the elements that define a meaningful and collaborative partnership between energy businesses and the communities they are engaging. The study is researching elements and characteristics found not only in
businesses but also in communities. To narrow the research scope, findings will be based on a case example between a start-up called Rainforest Energy Corp (RFEC), and an Indigenous corporation located in Saskatchewan called Touchwood Agency Tribal Council Economic Development Company Ltd. (TATC). Both companies have a joint venture to be implemented on the traditional lands of four First Nations communities in Saskatchewan, Canada, which are all member Nations to the Touchwood Agency Tribal Council. Since the venture is still at its beginning stages, the research is informed by the overall collaborative process between both companies and the engaged communities. Conversely, the research is also informing the partnership based on academically validated partnership principles, thereby optimally positioning RFEC as a partner to TATC and the involved communities. To further answer the research question, interviews were conducted with professionals in the field of community engagement who can speak to the elements and characteristics defining meaningful partnerships. Content analysis using NVivo Software (Version 14.23.0) was used to aggregate the interviews data into key themes.

1.2 Company Profiles

TATC and RFEC have a 50/50 joint venture that involves piloting a waste-to-energy technology. The former is an Indigenous corporation representing the economic interest of four First Nations from Treaty 4 territory in Saskatchewan, Canada: The Day Star, George Gordon, Kawacatoose, and Muskowekwan First Nations. The Touchwood Agency Tribal Council, itself, was created to combine limited resources and provide services, programs, and political representation for its nation members (Touchwood Agency Tribal Council, n.d.). As a result, the Tribal Council along with TATC have partnered with RFEC in hopes of implementing this waste-to-energy technology, assisting
with responsible energy growth, and developing energy sovereignty and security with the communities.

The counterpart to this partnership is RFEC, a start-up company with Indigenous and non-Indigenous membership and Board, who are passionate about generating lower emissions fuels and contributing to national and international decarbonization goals. After consulting the local Chiefs for each of the four member Nations, RFEC and TATC signed a Memorandum of Understanding in 2021 to build a $250 million dollars energy project on the traditional territories of the Touchwood Agency Tribal Council (Mayer, 2021). The goal is to convert Indigenous-sourced agricultural and forestry waste (like hemp, logging slash, and straw) into lower-emissions gasoline and propane substitute fuels, which will be facilitated by RFEC’s commercially demonstrated pyrolysis technology (Rainforest Energy Corp., 2023). The overall goal is to partner with TATC in initiating and operating a biofuel plant and related ventures that will benefit the communities associated with the Tribal Council.

The current partnership, as well as future partnerships developed with the four communities, is another example of the ongoing relationship between Indigenous peoples and energy development in Canada. It is a relationship that continues to morph and develop. RFEC is an energy company interested in involving communities continually through the entire planning, implementation, and decommissioning process of their technology and facilities. The strategies concerning involvement and engagement will depend partially on the findings of this study. Overall, this small business hopes to serve as a leader in this engagement space and prove that even small start-up energy
businesses, with relatively fewer financial resources, are capable of developing energy projects based in equity, reciprocity, and respect.

1.3 Research Pillars and the Sustainable Development Goals

The research conducted will be anchored in three pillars: energy, environment, and social. Today’s energy systems are vast and complex, and naturally, the environment and society are imbedded into the system. With an increasing push for reducing emissions in Canada, decarbonizing transportation fuels is a key aspect of reaching emissions reduction goals. This waste-to-energy technology created by RFEC is one of many tools to decarbonizing the transportation sector by producing gasoline from agricultural and forestry waste. As Canada implements more renewable energy technologies, there is also increasing awareness surrounding community engagement and involving the broader society in development planning and decision-making. Historically, many energy projects have poorly included members of society in their project planning, which has led to adverse impacts to communities (El Hachem & Kang, 2022; Hoover et al., 2012; Huseman & Short, 2012; Noble, 2021). As our country moves forward with ever increasing number of renewable energy projects, it is imperative to not recreate past harms and decarbonize with justice and equality in mind. Overall, this multi-disciplinary research will provide further guidance on developing more environmentally responsible and socially beneficial development in Canada.

This project further aligns with internationally recognized goals as outlined by the United Nations Sustainable Development Goals (SDGs), notably goal 10: reduced inequalities, goal 16: peace, justice, and strong institutions, and goal 17: partnership for the goals. At the basis of these three goals is the idea of building relationships based on mutual
respect and understanding, which inherently contributes to reconciliation of past and present relationships between settlers and Indigenous peoples in Canada. Canada has a unique story that few Canadians understand. Relationships between the Crown (including both the federal and provincial government) and Indigenous peoples have varied throughout centuries. The most recent atrocities occurred under the 1876 Indian Act. Assimilation was the goal however today, the outcome of the legislation is recognized as being genocide (Truth and Reconciliation Commission of Canada [TRC], 2015). The legislation continues to impact Indigenous peoples today and contributes to persisting social, economic, and political inequalities. As a result, the goal of this project is to address how engagement can reduce inequalities and strengthen the institutions that facilitate energy development. This project further supports these goals by defining pathways for Indigenous community autonomy and self-determination through energy development (Stefanelli et al., 2019). Biofuel energy projects is one of many methods in redressing how Indigenous groups have largely been excluded in energy development. By defining a way forward for RFEC and TATC, this case example can inform future partnerships to achieve these SDG goals.
Chapter 2: Background and Literature Review

2.1 The Historical and Legal Context for Engagement

The brief historical and legal contexts outlined in this section is an introduction to why community engagement with Indigenous peoples in Canada is considered a requirement, not only by law, but also reinforced by social and political pressures. Community engagement is good practice whether it is with an Indigenous or non-Indigenous community, however the primary rationale for engaging Indigenous communities is based on the concept of reconciliation. Reconciliation is about repairing the long-standing relationship between Indigenous peoples in Canada and settlers and reconciling the multi-generational impacts of colonial rule. In 2021, the federal government adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act (Department of Justice, 2021). It is still unclear how this Act will impact regulations on consultation, but it is a signal to businesses that working with Indigenous peoples is an expectation. According to the Truth and Reconciliation Commission of Canada, Calls to Action #92 “calls upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources” (See Appendix A). In other words, there is a recognition by the department of Crown-Indigenous Relations and Northern Affairs Canada that businesses should follow the frameworks as defined by UNDRIP however no comment is made about the UNDRIP Act. Whether this recognition is shared across government departments at the provincial and federal level is unclear.
The impacts of colonial rule can be traced back several hundred years to 1493 during the Doctrine of Discovery (Assembly of First Nations [AFN], 2018; Miller, 2019). In the 15th century, European countries were amassing land and forming colonies to supply resources to their empire. Countries like Spain, Portugal, England, and the Church subscribed to the Doctrine of Discovery, which clarified that all lands without Christians are considered terra nullius (empty lands) and therefore fit for colonization (AFN, 2018; Knight, 2020; Miller, 2019). As a result, this led to the British Crown colonizing much of modern-day Canada, bringing settlers to the shores of the Canadian coasts. Although Indigenous peoples were not considered people and were therefore not afforded any rights, colonization did not immediately eradicate Indigenous peoples from North America. The British Crown did not have the military forces to “conquer” Indigenous peoples and the Crown also had much to gain through continued military alliances, trading partnerships, and so on. After the British Crown secured the territories of North America (Fenge & Aldridge, 2015) and drafted The Royal Proclamation of 1763, some protections were written in place for Aboriginal lands (Borrows, 2017). The Royal Proclamation made it clear that lands owned by the “Nations or Tribes of Indians” can only be sold or ceded through agreements (like treaties) between the Crown and the Nation groups (B. Watts, personal communications, August 25, 2023). This institutionalized the process as well recognized that settlers could not simply take and occupy Nation lands. These provisions are often referred to upholding the honour of the Crown.

Additional protections were also written into the Canadian Constitution. In Section 35(1) of the Constitutions Act of 1982, Schedule B, it is stated that “the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” (Rights of the Aboriginal People of Canada, 1982). Here, Aboriginal refers to First Nations,
Métis, and Inuit people of Canada. To this day, court cases involving energy development continue to refer to the Royal Proclamation, Section 35, and the provisions known as “the doctrine of the honour of the Crown” when disputing Aboriginal land title and Aboriginal rights.

Many Indigenous peoples do not recognize Canada’s sovereignty as it is recognized that the Crown took *de facto* sovereignty, or assumed sovereignty, of lands and resources of the Aboriginal people (word used in Section 35 for Indigenous peoples in Canada) (*Haida Nation v. British Columbia*, 2004, para. 32). This assumption is asserted through Crown legislation and the courts. For example, in 1930 through the Natural Resource Transfer Acts (NRTA), the federal government transferred resource and mineral rights to the prairie provinces (Alberta, Saskatchewan, and Manitoba) to overcome political unrest (Hall, 2015). It was therefore assumed that these rights were owned by the Crown and therefore transferable to provincial governments. Unsurprisingly, Indigenous groups were not considered within this transfer (J. Cardinal, personal communications, May 31, 2023). To this day, First Nations continue to question the validity of the NRTA and the continued impacts it has on Aboriginal rights in the prairies (Sommers, 2023).

In an attempt to continue asserting the Crown’s sovereignty, the Crown began negotiations on a specific set of treaties beginning in 1871. According to Blackfoot Elder Wilton Goodstriker of Kainai Nation, many government commissioners sent to negotiate treaties had the intention of eliminating Indigenous people’s land title and placing them on reserves, thereby making way for continued settlement (1995). Indigenous peoples entered into treaties with the intention to protect their way of life and ensure continued access to resources. In the case of signing Treaty 4 in 1874, the Cree and Saulteaux entered
negotiations in hopes of regaining access to their lands, which were previously occupied by a corporate entity known as the Hudson Bay Company (Taylor, 1985; Stonechild, 2006). Conflicting agendas between Nations and the Crown paired with poor translation and miscommunication (Taylor, 1985) led to the ceding of 195,000 square kilometers of land by the Treaty 4 First Nations (Stonechild, 2006). In the perspective of the Crown, Indigenous peoples thereby “surrendered” the land to the Crown, which is not a concept understood by Indigenous groups as the land has no ownership and the terminology was foreign to Indigenous world view (Goodstriker, 1995; Sommers, 2023).

The surrendering of lands and abolishment of land title and rights were further debated by subsequent court cases and government policy. The Canadian legal system is predominantly based in common law, meaning that present-day legal decisions are made based on previous legal cases (Knight, 2020). The following discussion summarizes the progression of court cases in the last 100+ years in Canada’s courts.

2.2 Court Cases Defining the Duty to Consult and Accommodate

In the 1888 *St. Catherine’s Milling and Lumber Company v. The Queen*, the issuing of timber permits in Ontario on Saulteaux traditional lands was disputed. Previous to the court case, the signing of Treaty 3 in 1873 assumed that the land was “purchased” by the Crown and therefore Aboriginal land title no longer existed (Knight, 2020; McNeil, 2019). As a result, the Supreme Court ruled that the Ontario government was within its right to issue timber permits without needing to consider the Saulteaux people. The ruling was set as a leading decision for disregarding Aboriginal title, by both the Crown and developers, for many years. (McNeil, 2019).
The Calder v. British Columbia case interrupted the century-long legacy of the 1888 Supreme Court of Canada ruling involving the lumber company. The Calder case is the first recognition of Aboriginal title and recognized the inherent right of Indigenous peoples to their land and territories (Calder v. British Columbia, 1973; J. Frideres, personal communications, May 15, 2023). The Nisga’a First Nation and Hereditary Chief Frank Calder were attempting to prove title for 2,600 square kilometers of land in northwestern BC during the signing of the 1763 Royal Proclamation (Muldoon et al., 2020). Although the Supreme Court of Canada did not reach a unanimous decision on the case, there was and is a recognition that Aboriginal land title exists prior to European settlement, contrary to the Doctrine of Discovery’s claiming that the lands were “empty” and thereby conquerable (Borrows, 2017). This recognition inevitably led to future court cases dealing with Aboriginal land title.

The following court cases are two of the first to establish (Guerin v. The Queen, 1984) and reinforce (Sparrow v. The Queen, 1990) that the Crown has a fiduciary duty to Indigenous peoples and must act in the best interest of Indigenous peoples (J. Frideres, personal communications, May 15, 2023). In the Guerin case, the Supreme Court found the Crown to have breached its fiduciary responsibilities and awarded the Musqueam Indian Band $10 million for the breach. The Sparrow case similarly tested the fiduciary duty of the Crown and further defined Section 35(1) of the Canadian Constitution regarding Aboriginal and Treaty rights (Borrows, 2017; Sparrow v. The Queen, 1990). This case concerned a Musqueam Nation member (Ronald Edward Sparrow) who was charged with violating the Fisheries Act. Through this process, Sparrow argued that the requirements set by the Fisheries Act were unconstitutional with regards to Section 35. The Sparrow case is another
example of the Crown exercising *de facto* sovereignty through legislation, assuming that Indigenous peoples are required to adhere to resource legislation established by the Crown.

Often considered the Supreme Court Trilogy, the following court cases continued to provide more clarity on Aboriginal land title and rights as defined by the Canadian legal system. The Taku River Tlingit First Nation and the Haida Gwaii Nation both contributed to defining the Crown’s duty to consult and duty to accommodate Indigenous groups (Muldoon et al., 2020). In the *Taku River Tlingit* case, the Nation questioned the adequacy of consultation with regards to the construction of a road on their territories by a mining company (*Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004). Although the Nation lost the legal battle, the court case highlighted concerns around the adequacy and sufficiency of consultation by developers, which was not often considered before this case. With the Haida Gwaii Nation, their case involved challenging forestry permits within their traditional lands and the lack of consultation as well as accommodation made by the American forestry company Weyerhaeuser Co. (*Haida Nation v. British Columbia (Minister of Forests)*, 2004). According to Muldoon et al. the duty to accommodate signifies that the Crown should “take steps to avoid irreparable harm or minimize infringement of rights or title” (2020, p. 64). This responsibility also extends to the Weyerhaeuser Co. as they can be held liable for failing this duty.

In the third of the trilogy involving Mikisew Cree Nation, the Supreme Court further asserts the duty to consult definition established in the *Taku River Tlingit First Nations v. British Columbia* case (2004), which is to “[promote] negotiation and the just settlement of Aboriginal claims as an alternative to litigation and judicially imposed outcomes” (para. 24). In other words, there is a recognition by the courts that reconciliation cannot occur without
negotiations and conversations between settlers and Indigenous groups. These court cases are a strong signal to energy developers that not only is there a duty to consult but the best way to advance reconciliation is through negotiations.

The Yahey v. British Columbia case is a more recent court ruling that has greatly impacted land development in the province of B.C. Marvin Yahey, on behalf of Blueberry River First Nations in northeastern B.C., challenged the province on the cumulative development impacts to Blueberry River First Nation’s traditional lands and won their case (Yahey v. British Columbia, 2021). In other words, the government and companies developing and operating projects in British Columbia must consider the combined and cumulative impacts of present or potential future projects within an area (Government of British Columbia, 2021; Noble, 2021). As expected, Aboriginal law will continue to evolve and become more refined overtime. However, the rate of change is slow and costly to all parties and is unlikely to serve as the only basis for engagement.

The above is simply a sample of key legal decisions that helped defined the duty to consult and accommodate in Canada and is not definitive. Many of these legal cases have and will continue to impact engagement with Indigenous peoples. However, the Supreme Court now recognizes that reconciliation cannot be settled in the court rooms and that “negotiation and the just settlement of Aboriginal claims” are the best way forward (Taku River Tlingit First Nations v. British Columbia, 2004, para 24). Unfortunately, coming together in conversation is yet to be the dominant practices in community engagement.

2.2 Current Practices in Community Engagement

The framing and motivation for governments and businesses regarding engagement is largely defined by the regulations developed through case law described in the previous
section. This leads to a broader discussion of differentiating between consultation and engagement (Booth and Skelton, 2011a and 2011b; Boyd and Lorefice, 2018; Brock et al., 2021; Maclean et al., 2015; Kuokkanen, 2019). Consultation, in the legal system, specifically relates to the honour of the Crown and the duty to consult based on case law. Given that the judicial system is adversarial and inherently reactive (rather than proactive) in defining consultation, the nature of consultation is not conducive to a meaningful relationship between Indigenous groups, the government, and energy companies. Yet the complex relationship between settlers and Indigenous groups have been, and in many cases continue to be narrowly defined by the legal system. Governments are concerned about improving the regulatory consultation process while businesses are primarily concerned about minimizing economic risk to their projects (Boyd & Lorefice, 2018; Papillon & Rodon, 2017). Engaging Indigenous communities are therefore relegated to business negotiations (Papillon & Rodon, 2017) and prioritize process over relationships. Contrastingly, Indigenous framing of engagement seeks to address the political and historical issues between Indigenous peoples, the Crown, and energy businesses (Boyd & Lorefice, 2018). This research uses the latter framing for defining engagement and for describing some of the many elements characterizing meaningful relations-building, relationships formed not because of a legal requirement.

To move beyond consultation, some recent studies have drafted principles to follow to create a more collaborative engagement process. In a systematic analysis of 77 peer-reviewed articles, Robitaille et al. described five principles that were common across their findings. “These principles include: building respectful relationships; broad community engagement; bridging knowledge and value systems; flexible and holistic management systems; and clear and relevant measures of success” (2017). Building respectful
relationships is the first step to overcoming the barriers created by the differences in framing as described at the start of this section. In particular, starting early in the engagement process (Boyd & Lorence, 2018; Brock et al., 2021) is often cited as being important for relationship building and additionally allows time for enacting the other four principles. For example, Tahltan and Nisga’a Nations of northwest BC partnered with four mining companies, the province of BC, and a mining association to form the British Columbia Regional Mining Alliance. Indigenous peoples have mined for thousands of years in the region and many are interested in “working in collaboration to attract investment and mutually benefit from successful mineral exploration activities” (Day, 2019). This is one of many examples of what relationship building and trust building could entail.

“Broad community engagement” as the second principle involves including other leaders in decision-making, not just the Chief and Council and the Elders. For example, in Robitaille et al.’s research, they found that youth were often under-represented in development decision even though they are often said to be the ones benefiting from development (2017). One of the ways in ensuring broader engagement is not assuming that the labelled leaders should be the sole decision-makers on a project. Asking these leaders for direction on who in their community should participate and be engaged is another effective way in determining a list of collaborators.

The third principle, “bridging knowledge and value systems”, describes how systems need to be in place to bridge the differences in world views held by all parties. In conjunction with the fourth principle of having “flexible/holistic management systems”, all parties should establish a method for blending Indigenous and western knowledge and values into the project development. These two principles are greatly exemplified by
Community-based Environmental Monitoring (CBEM) approach or similarly, Ecosystem-based Management (EBM) approach, which was found to strengthen relations between Indigenous groups, industry, and government (Lertzman, 2010; Sidorova & Virla, 2022). This involves incorporating spiritual components to understanding development impacts that are not often considered in western approaches (B. Watts, personal communication, May 10, 2023; Sidorova & Virla, 2022). This approach also relates to the last principle: defining “clear and relevant measures of success” (Robitaille et al., 2017). According to the authors, this last principle concerns protecting Indigenous values and addressing impacts across the lifetime of a project. By using CEBM and/or EBM approaches, there is continuous monitoring of project impacts and a continuous assessment of whether the project align with Indigenous wants and needs. It is one thing to outline measures of successes in a contractual agreement but to truly ensure that these successes are real and tangible, consistent monitoring is required and often a failing of energy projects (Noble, 2021).

2.3 Energy Businesses and Tools at Their Disposal

There are numerous resources for businesses to use to engage more meaningfully with the communities they operate in, however, there is no “one-size-fits-all” approach given that each community is unique. Fortunately, businesses already have many tools at their disposal, and it is simply about reframing the approach. First off, engaging with communities is similar to developing business partnerships and alliances. Doing a simple internet search, business magazines like Harvard Business Review, Entrepreneur, and Forbes have numerous articles on building partnerships, with many insights relating directly to meaningful community engagement like getting to know your collaborators, respecting one another, aligning your objectives and priorities, explicitly defining roles, continuous planning
and communicating between parties, and taking responsibility for actions (Forbes Business Development Council, 2018; Hughes & Weiss, 2007; Key, 2015).

Second, engagement with Indigenous peoples should also follow these same guidelines as opposed to following consultation policies outlined by regulations. Many of these insights are similar to the principles outlined in academic papers described in the previous section. Evidently, effective policies will involve understanding the culture, policies, and protocols unique to the Indigenous groups, as well as recognize the historically relationship between groups and energy businesses and governments. Understanding and respecting your collaborators is arguably a necessary procedure for every partnership, regardless of whether partnerships are formed with communities or other corporations. Naturally, businesses are more proactive in relationship building with Indigenous communities relative to governments (Papillon & Rodon, 2017) and already have many of the tools to improve on their engagement strategies.
Chapter 3: Methodology

3.1 Positionality

Positionality is an exercise of reflection prior to conducting research. It allows academics to better understand their motivations, beliefs, and worldviews (Secules et al. 2021), which in turn, may help researchers better understand the motivations, beliefs, and worldviews of the groups interviewed in the research. Such an understanding will help academics limit biases that may “taint” the research. As a result, the authors’ positionalities are stated below.

The academic supervisor overseeing the project is Kinoozishingwak (Tall Pine in Ojibwe) or in English, Dr. Robert (Bob) Watts. He is a well-known Indigenous leader both in the community and in the policy realm. Adjunct professor at the Queen’s University School of Public Policy and former Interim Executive Director for the Truth and Reconciliation Commission, Bob is committed to furthering goals in reconciliation for not only his community at Six Nations Reserve but also for communities across Canada. Currently, he is Vice President Indigenous Relations for the Nuclear Waste Management Organisation in Ontario, Canada, and is involved with building partnerships between the organization and Indigenous groups. His many years of experience in both academia and industry has been invaluable to this research.

The industry supervisor on the project is Caroline O’Driscoll, LL.M., MSc. As a active member of the Law Society of Alberta since 2007, Caroline has worked almost exclusively with Indigenous peoples and in defending their interests. Learning from Indigenous peoples through her work, Caroline continues to learn and develop her understanding of consultation and engagement and the barriers faced by Indigenous groups in Canada.
Formerly a teacher and now a sessional instructor at the University of Calgary, her passion lies in education and educating her peers, colleagues, and community about issues faced by women, youth, and Indigenous peoples. This research is grounded in her experience standing up for discriminated groups.

The student researcher, Hanna Thai, is born and raised in Alberta and is proud to call this province home. She has spent her career engaging diverse groups of Albertans in conversation to better understand how we can contribute to more sustainable communities, despite the widespread polarisation on energy and environment within the province. Daughter to immigrants and refugees, she has always gravitated towards research that elevated the voices of people less represented in politics and media. Through her work and interests she has had many conversations with Indigenous peoples. The privilege of working and living in urban and remote communities have exposed her to diverse worldviews and perspectives, which colour the outcome of her work every day.

3.2 Ethics Approval and Engagement with the Community on Research

The University of Calgary Conjoint Faculties Research Ethics Board (CFREB) have approved this study (Research Ethics Board Study ID: REB23-0205). This project required ethics approval as the project fell under the definition in chapter 9 of the Tri-Council Policy Statement (Government of Canada, 2018). The Tri-Council Policy Statement (TCPS2) is a policy document authored by three research councils in Canada, and “promote the ethical conduct of research involving humans”. Chapter 9 of the TCPS2 is the section defining ethical research with Indigenous peoples. Based on the definitions, this research project required ethics review because recruitment criteria included Indigenous identity as a factor for the entire study; the research sought input from participants regarding a community’s
cultural heritage, traditional knowledge, and unique characteristics; and the interpretation of research results referred to Indigenous communities, peoples, language, history or culture (Government of Canada, 2018). Given that the research objective is to examine the partnership between TATC and RFEC, and will impact the members of TATC, the Touchwood Tribal Council, and the shareholder Nations, it is clear that this research required ethics approval and engagement with the community.

Engagement began when the researcher was approached and interviewed by RFEC and TATC about the project, where they shared their interest in partnering with a graduate student to help define their engagement strategy. Upon establishing a partnership, the student researcher met bi-weekly with RFEC and TATC to ensure the project is in line with the needs of both organisations and the Tribal Council. Through the process, the researcher learned about the Tribal Council and its shareholder Nations, namely Muskowekwan (Saulteaux), Kawakatoose (Cree), Day Star (Cree), and George Gordon (Cree and Saulteaux) First Nations. Additionally, the researcher learned about the governance structure of Touchwood Tribal Council and how they engage with their four member First Nations. Following their engagement processes, the Tribal Council determines the social and economic programs that are within the best interest of the member Nations. Rod Favel, the Economic Program Manager for the company TATC, leads the development of the economic programs for the Nations and reports to the Tribal Council, ensuring that his economic development programs are in line with community needs. Through this process, it was determined that a partnership between TATC, RFEC, and the researcher are in the best interest of Touchwood Tribal Council’s member Nations as per their engagement protocols.
As a result, it was not necessary for the researchers to go into the community and engage directly with the community members on this research.

Community engagement in research involving Indigenous peoples is a broad practice with varying degree of community involvement. Best practices can be found in the Chapter 9 of the TCPS2 (Government of Canada, 2018) as well as through other organisations like the Indigenous Research Level of Engagement Tool course offered by the First Nations University of Canada (n.d.). Although there are best practices outlined by research organisations, the level of community engagement within research is context specific and is dependent on the protocols of the communities themselves. The following engagement described above are therefore in accordance with TATC (the company) and the Tribal Council protocols. In respecting the governance structure of the Touchwood Tribal Council and their engagement processes with their member Nations, the researcher was advised by TATC to leave engagement responsibilities about this research with the Tribal Council.

3.3 Participant Information and Recruitment

3.3.1 Study Population

The population recruited and interviewed for this study reflect the community engagement needs of not only the partner companies (TATC and RFEC), but also reflect some of the engagement needs of Indigenous groups in Canada. To fulfill these requirements, the population recruited included board members of both TATC and RFEC as well as community engagement professionals within industry and academia who have practiced in Canada. Eight interviews were conducted given the time limitations of this capstone research. In following traditional protocol, honoraria of tobacco are offered to Indigenous participants recruited to demonstrate gratitude for their knowledge and time.
The results of the interviews provided a broad guide for how TATC and RFEC may conduct their engagement process but by no means replace the engagement protocols already in place by the Nations. This project is simply meant to inform. More work will be done by the businesses, beyond this research, to ensure that community engagement protocols are followed with regards to biofuel energy development. By no means will this research suggest to RFEC and TATC that the expertise of industry and academic professionals (and therefore non-community members) outweigh the protocols of the communities.

### 3.3.2 Benefits and Risks

Regarding research benefits to participants, participants had the opportunity to directly influence the partnership strategy between RFEC and TATC based on their responses. By sharing their expertise and knowledge, they contributed to the community engagement literature within the academic community as well as energy industry. There are also scholarly benefits to this research, which were described in the introduction of this paper.

As with any research, interview participants are subject to potential impacts to their health and well-being or potential confidentiality risks. Given that this research is about community engagement and Indigenous involvement with energy projects, there was a possibility that participants became distressed, emotional, or triggered by discussing their personal experiences. To address this risk, participants were made aware of the possible impacts to their health and well-being when they were recruited and again before the interview. Participants were advised that some questions could trigger emotions because of many historically insufficient and token relations building by energy businesses with
Indigenous peoples. Since all questions were voluntary, participants were free to withdraw from the interview at any time and were provided resources (websites, phone numbers, and organisations) that may assist in processing their distress (see Appendix B). In terms of confidentiality risks, measures were also taken to eliminate the use of personal identifiers in this research and related presentation material. These measures are described in the following sections. There will also be no economic or employment risks as employees will not be interviewed by the research team.

3.3.3 Recruitment and Informed Consent

Participants were recruited, by phone or email, based on their experience with community engagement in Canada, with specific emphasis on engagement with Indigenous peoples. These included professional contacts from RFEC and TATC but excluded employees of the companies to limit employment risks for the participants. Following a recruitment script (see Appendix C) the researchers respectfully inquired about participation, making it clear the potential risks, that participation is entirely voluntary, and that interviewees may retract their participation at any time. Interviewees may also withdraw their interviews up to a cut of date of August 1, 2023. This date sets a limitation to data withdrawal. Withdrawal after this time may impact the results of the study and impact the final report submission.

Subsequently, recruited participants signed a written consent form, which similarly detailed the interview topics, questions, and the potential risks involved (see Appendix D). If written consent was not possible or culturally appropriate, oral consent was obtained following specific steps. Both consent processes obtained CFREB ethics approval prior to use. A third-party consent will not be an accepted form of consent for this study. A participant who does not have the capacity will not be asked to give consent.
3.3.4 Data Privacy and Confidentiality

Additional steps are taken to ensure the confidentiality of participants and their responses. To ensure confidentiality:

- All collected data will be anonymized using codes.
- Participants were not asked gender, age, religion, or family information.
- Participants may withdraw their response up until a reasonable cut-off date.
- If information could potentially identify a participant, the participant will be contacted by email and phone and will be asked for consent for publishing their response. It is unlikely that the identifying data is sensitive in nature.
- Information collected is documented on a secure laptop (non-personal) and secure University of Calgary server (Share Point) to ensure data is only accessible by the student researcher.
- Once the project is complete, data is stored for five years on University of Calgary secure servers. After five years, the data will be wiped from the server.
- No identifiable data will leave the institution and shared with members of the research team outside of the University of Calgary. If members of RFEC or TATC request the raw data, all identifiable information will be removed prior to sharing the data.

3.4 CARE Principles

As with engagement in the energy sector, academia similarly struggles with community engagement and ensuring that Indigenous participation is meaningful in the research process. Much of the literature involves researching on Indigenous peoples rather than researching with Indigenous peoples. In other words, there is a lack of participation and data sovereignty over research done about Indigenous groups, resulting in the
misrepresentation and misinterpretation of knowledge (Smylie et al., 2020). Additionally, research is historically deficit-based (Hyett et al., 2019; Smylie et al., 2020), quantifying lack and deficit of a group. It is no longer considered ethical practice to use deficit-based approaches in research about Indigenous peoples as these studies are known to contribute to stereotyping and discrimination (Hyett et al., 2019). To promote more ethical research, many organizational bodies are now calling for the recognition of Indigenous self-determination (United Nations, 2007; TRC, 2015; Government of Canada, 2018); the right to “self-determine their economic, social, cultural and knowledge development” (Smylie et al., 2020). As a result, this study adheres to the CARE principles to ensure that TATC, the Tribal Council, and the member Nations are involved in the project and have ownership of the data generated from the interviews.

The CARE principles stand for collective benefit, authority to control, responsibility, and ethics (Carroll et al., 2020). Following the CARE Principles, the researcher promotes collective benefit by working with the research team (TATC and RFEC) to ensure that the research process is reflective of the Nations’ needs and protocols. Collective benefit is further reflected by ensuring authority of control, working alongside TATC, and inherently the Tribal Council, to define the research question, formulate the interview questions, recruit interview participants, analyse the data, and draft the final report. Results of the research was shared with TATC and the Tribal Council through a presentation format. A discussion followed the presentation to inform the final draft report, which was submitted with the informed sign off from TATC. TATC also own and have control of the raw data. The final data, with identifying information removed, was encrypted and sent via a secure channel to TATC and the Tribal Council. In ensuring responsibility and ethics of the CARE principles, the research project results will be used to hold RFEC accountable to the four
First Nations. The research will inform RFEC and TATC’s continued relationship as they move forward on their 50/50 joint venture, developing clean energy in the territories of the Nation members.

3.5 Interviewing Methods and Content Analysis

Interviews were conducted virtually through web-conferencing video or telephone. A handful of interviews were done in-person. Each interview took between 45-60 minutes to conduct and was audio-recorded and transcribed using Microsoft Teams. Individuals from TATC’s board of directors, RFEC management team, and professionals in the field were involved in the interviews. Participants from TATC and RFEC were Indigenous whereas the professionals interviewed were both Indigenous and non-Indigenous. Some professionals were in academia while others worked in Indigenous relations for small-scale energy start-ups or large energy corporation. 90% of participants had over two decades of experience in community engagement. The interview transcripts were analysed using NVivo Software (Version 14.23.0.). Through this software, six themes and four sub-themes were extracted from the interviews and word search frequency was conducted to form the results.
Chapter 4: Results and Discussion

The central theme extracted from the interviews is relationship building based on reciprocity (Figure 1). Throughout the interviews, participants identified three themes that could support relationship building: defining roles and responsibilities, defining common ground, and recognizing the supports that businesses and communities need to form meaningful partnerships. When the nature of engagement is founded on reciprocity, interviewees indicated occurrence of ripple effects, meaning that known and unknown benefits occur and impact the above three themes. Broadly speaking, the themes on barriers to engagement and the motivation to engage also impact and are impacted by relations building.
Figure 1

The Relationship Between Themes and Sub-Themes

Note. (Thai, 2023). This figure demonstrates the connections between all six themes (relationship building, supports to businesses and communities, common ground, roles and responsibilities, barriers, and business motivation to engage) and four sub-themes (ripple effects, five capitals, adaptive and flexible, and informal and formal agreements). All themes relate to relationship building. Two-sided arrows indicate simultaneous connections. The theme ripple effects indicate that a relationship based in reciprocity will have known and unknown positive impacts to three of the identified themes.
Every participant emphasized that energy businesses need to spend more time and resources on building relations with Indigenous groups. Half of all participants mentioned that developing relations takes time and should be done as early as possible. This contributes to the notion that engagement is a practice that goes beyond consultation, something that two participants agreed to as well. As described by numerous scholars (Booth and Skelton, 2011a and 2011b; Boyd and Lorefice, 2018; Brock et al., 2021; Maclean et al., 2015; Kuokkanen, 2019), consultation involves meeting the requirements of the law whereas engagement goes beyond fulfilling obligation and developing more of a relationship. This process is inherently slower and often requires getting to understand the motivations and values of Indigenous partners well before the project has been established (Booth & Skelton, 2011b; Kuokkanen, 2019; Noble, 2021; Papillon & Rodon, 2017). Understanding the Indigenous partners is at the foundation of reciprocity and is currently the gap in engagement practices conducted by energy businesses.

When engagement is based in reciprocity, a relationship is built on values rather than strict regulations and guidelines. Reconciliation is therefore a result as opposed to being the cause for relations-building (Figure 2). Too often, reconciliation objectives are the main driver for building better relations, which sometimes disregards the motivations and values of Indigenous partners. The essence of reciprocity is to therefore put the needs of Indigenous peoples before reconciliation objectives.

Reciprocity is a common practice in Indigenous cultures that go beyond western understandings. In western understanding, reciprocity is more about financial contributions and compensations. In other words, whatever financial contributions are afforded, the reward should match the contributions. However, in Indigenous cultures, reciprocity is
about different forms of contributions and extends to trading knowledge and experiences (Anonymous participant #5, personal communications, July 19, 2023). The focus is therefore about creating mutual benefit based on the unique needs of each Indigenous group.

**Figure 2**

*Comparison of Relationship-building Models*

![Diagram of Relationship-building Models](image)

*Note.* (B. Watts, personal communication, August 25, 2023; Thai, 2023). This figure demonstrates two different models of engagement. On the left is the proposed model that may be used by RFEC and TATC, which prioritizes the three “Rs” to reconciliation. To the right is a diagram exemplifying how businesses typically conduct engagement, which involves following reconciliation guidelines and policies drafted by institutions as the driver for building relations.

Such motivations and values are different between Indigenous groups. There are over 630 First Nations in Canada, making First Nations the largest Indigenous group in Canada (relative to Inuit and Métis). Although there are many commonalities between
Nations, each one is unique and distinct in culture, governance, traditions, history, and therefore values and motivations. Over half of all interviewees stressed that understanding this distinction is important to building a relationship. For example, one of the interviewees clarified that most Nation leaders do not see themselves as owning and possessing their traditional territories and resources because the idea of ownership is more of a Western notion (Anonymous participant #2, personal communications, July 26, 2023). Instead, most leaders believe that resources are shared and cannot be owned as they are gifts from Creator for current and future generations. Understanding this perspective can be integral in relationship building as any notion of a business wanting to own the land and take resources without consideration for future generations could cause conflict between partners.

The process of learning more about Nation partners is sometimes termed as pre-engagement research. Having base knowledge of Indigenous groups prior to meeting sets a good impression and demonstrates respect for the community (Indigenous Corporate Training Inc. [ICT], 2017). According to one participant, “you need a lot more background work than you think” (Anonymous participant #8, personal communications, July 12, 2023). Entering in conversations with background knowledge shows that the business has taken the time to learn about the communities and signals that a relationship will not just be transactional.

Broadly, this pre-engagement research can include Indigenous awareness training for staff to generally understanding the history and ongoing impacts of colonization, sometimes termed as post-contact history (ICT, 2017). More specifically, more research
should then be conducted about the Nations themselves. The Indigenous Corporate Training Inc. describes some factors to consider such as a Nation’s:

- Engagement protocols (e.g. what are insights to working with the community?);
- Cultural and traditional protocols (e.g. how is ceremony incorporated into a partnership (B. Watts, personal communication, May 10, 2023)?);
- Overall worldview (e.g. what is the Nation’s relationship to the land and therefore their perspectives on economic development?);
- Demographics (e.g. What is the community’s age structure, education level, etc.? What is the potential for community members to work on the project based on education and skill-level?);
- Governance structure (e.g. Who are the leaders to partner with on the project? Who are the obvious leaders and who are considered implicit leaders?);
- Extent of traditional territories and the relationship with other surrounding communities (e.g. Could there be further collaborations or is there conflict with other surrounding communities); and
- The relationship and outcome with past corporations and projects (e.g. what is the level of trust for energy businesses?).

Such research could address any interpersonal challenges with communicating with Indigenous peoples. Two participants noted that sometimes the fear of offending, or not being politically correct can deter corporations in communicating effectively with Indigenous peoples. Having some form of preparation is key to preventing misunderstanding and causing conflict.
Research can take the form of internet searches, learning from stories and historical archives, learning from previous businesses working with the communities, and speaking with community leaders and knowledge holders. Two participants stated that one of the best ways to demonstrate respect for communities is to have “chief-to-chief” meetings, with leaders in the corporations taking the time to meet with leaders in the Nation (Anonymous participant #3, personal communications, July 17, 2023). Especially with larger corporations, it is rare to find company CEOs and presidents invested in engagement. Overall, pre-engagement research will assist businesses in understanding the complexities and dynamics that exist within each partner group, which will facilitate further trust and relations building.

What does this mean for energy businesses interested in working in Treaty 4? In the case of TATC and RFEC, the engagement began many decades prior between a board member of TATC and the financial advisor from RFEC. Both parties have conducted business together prior to this biofuel project and have maintained a friendship throughout the years (J. Huot, personal communications, July 28, 2023). The relationship between TATC and RFEC is thereby founded on this initial relationship. With the RFEC team continuing to grow in size over the years, pre-engagement research is still highly relevant as all team members should have an understanding of TATC and the member Nations. For example, something that may be of importance to learn is that the member Nations of TATC are part of Treaty 4 territory. The history could provide insights to a Nation’s objectives in a partnership. In 1874, the Cree and Saulteaux within the region went into treaty negotiations with government officials (Stonechild, 2006). As with most groups, these Nations wanted support for accessing dwindling resources as a result of increased settlement and settler activity. However, they also wanted compensation for lands previously occupied by the Hudson Bay Company, lands
which were then sold back to the Crown. As a result, there is likely still a strong desire to access land that was previously taken by corporate entities and governments throughout the centuries. The making of this treaty is one aspect of TATC’s identity. Understanding the history of Treaty 4, along with other cultural protocols and Nation values, could serve RFEC in building and maintaining relations.

4.1 Business Motivation to Engage

In the business world, time is money and businesses may be reluctant to spend the funds necessary to build relations. According to over half of the interview participants, regulations concerning the duty to consult and minimizing risk to a project are the main motivations. Two stated that if the regulations did not exist, engagement would simply not occur. Such motivations are also documented in literature (Boyd & Lorence, 2018; Brock et al., 2021). Similarly, two participants indicated that fulfilling ESG (Environment, Social, and Governance) and corporate social responsibility objectives is another driver for engagement. This could further demonstrate that relations building is more transactional than meaningful as corporations are more focused on “checking a box” (Anonymous participant #5, personal communications, July 19, 2023). It also demonstrates that many Canadians lack understanding of relations-building and mutual respects as the basis for reconciliation. If a corporation is to enact more meaningful engagement, clearly new motivations are required.

Indigenous groups are highly entrepreneurial (Poyser & Daugaard, 2023) and according to two interview participants, have been entrepreneurial for time immemorial. Well before settlers arrived, trading goods between groups was a natural way of accessing resources from different regions. Farming was also common for some Nations who have
transitioned from a more nomadic lifestyle (J. Huot, personal communications, July 28, 2023). Seeing Indigenous peoples as entrepreneurs and partners who bring their own set of skills and capital to a relationship could serve as a new motivation for engagement. The majority of interview participants stated that businesses collaborating with Indigenous groups is more of an opportunity than a legal obligation. It is an opportunity for partners to bring their expertise to inform the project. For example, corporations are known for providing more of the financial capital within a partnership with Indigenous peoples. However, what is not often recognized is that Indigenous partners can provide much of the social and human capital to a partnership. In addition, Indigenous partners often contribute to corporate environmental and social objectives because of their worldview emphasizing the “maintenance of a harmonious relationship between humans and the natural environment” (Poyser & Daugaard, 2023). Based on an analysis of over 500 academic articles about Indigenous entrepreneurship and economic development, unsurprisingly, most of the literature addressed social and environmental issues in development (Poyser & Daugaard, 2023). As a result, there is a trading of not only finances but of knowledge and experience.

Beyond the business case for engagement, there is also the ethical case (Lertzmann & Vredenburg, 2005). Engagement is woven into the fabric of reconciliation. As described in the literature review, Indigenous peoples have been largely excluded from energy development and have not benefited from resources extraction as widely as most Canadians. Groups were involuntarily pushed out of their land by settlers and faced (and continue to face) unequal opportunities and discrimination across many institutions from education, the workplace, the legal system, the healthcare system, and so on (TRC, 2015). The effects are prevalent today as many statistics in these institutions demonstrate that
Indigenous peoples are worse off compared to other racial groups in Canada (TRC, 2015). In other words, the historical impact of colonization and assimilation spans many generations and Canadians are responsible for reconciling and redressing the impacts, especially since Canadians continue to benefit from colonization today. The energy sector is a perfect place to start as much of the wealth in this country derives from the land and its resources to produce energy.

In the context of RFEC, the company is strongly motivated by voluntary engagement. As described by Brock et al. (2021), companies are not legally mandated to follow Nation engagement protocols, or mandated to form partnerships. RFEC and TATC are therefore voluntarily following the Nations’ protocols in implementing this technology.

4.2 Common Ground

Two thirds of all interview participants stated that the relationship must come before the project. This is a well-known fact in the business world regarding any partnership, not just with Indigenous peoples. Therefore, what does it mean to put the relationship first? Defining common ground is a key theme described by interview participants when it comes to putting relationships first. As previously described, conducting pre-engagement research is one aspect to defining common ground. Another is determining how to work together. Businesses may be eager in proposing a project and devising business plans, but it is equally, if not more important, to determine how all parties will work together to communicate, solve conflict, and make decisions (Forbes Business Development Council, 2018; Hughes & Weiss, 2007). According to Hughes & Weiss, failing to define guidelines for working together is a failing in many business alliances.
For example, a Nation’s organizational structure, policies, procedures, cultures, and norms likely differ from corporations. One interviewer who worked on a pipeline project cited that one of the biggest failures was trying to formally integrate groups into the corporation’s business structures (Anonymous participant #8, personal communications, July 12, 2023). This could lead to the Nations developing distrust because, just as history has demonstrated, they are once again expected to adhere to western values and norms. However, this is not the case for all Nations. Some groups may have incorporated western values and norms into their community structure. Again, it is largely dependent on the Nation and up to the business to learn about how a Nation operates. Regardless, a guideline for aligning similarities and differences, based on previous research and continued learnings with the Nations, is an important aspect of building alliances. It demonstrates respect for Indigenous worldviews and acknowledges that their value systems are as valid as western systems.

Another example regarding the importance of defining a working relationship came from an interviewer who has experience negotiating contracts between community groups and energy corporations (Anonymous participant #3, personal communications, July 17, 2023). Acting as external legal counsel, they described having difficulties providing guidance on engagement simply because they did not intimately build relations with the Nations. Much of the guidance that was given was general and may or may not even apply to the Nations themselves. Currently as internal legal counsel, they have had much more success in negotiations and in understanding the objectives of their Indigenous partners. From trying to assimilate communities into corporate structures to hiring a legal counsel with only a generic understanding of the communities engaged, these two examples from the field illustrate how corporations continue to poorly define common ground with their partners.
In TATC and RFEC’s partnership, determining the financial structure of their partnership is a perfect example of defining guidelines for working together. It is common that when companies commit to a joint venture, they will get their revenue share relative to their initial contributions. Both companies have committed to a 50/50 joint venture, which traditionally signifies that both parties will equally contribute financial capital for a project and therefore, equally share the revenue. However, it is almost always the corporation that contributes the funding. The larger the contribution, the larger the revenue received by the business. What was initially a 50/50 venture is then “diluted” and the Indigenous partners end up receiving much less revenue then was initially promised (Anonymous participant #4, personal communications, July 28, 2023). Partnerships inevitably dissolve when one party benefits more from the party than another (Forbes Business Development Council, 2018), regardless of whether this is a partnership in business or with Indigenous groups. There is a recognition that although RFEC may be contributing a larger share of financial capital, TATC and its community members are providing other sources of capitals to the partnership meriting compensation. This is simply one example of how both companies are working together to define their working relationship.

4.3 Supports to Forming Meaningful Partnerships

Throughout the interviews conducted, participants described numerous ways in which the resources and knowledge held by corporations and Indigenous peoples contribute to supporting more meaningful partnerships. These resources are discussed in the context of the five capitals: natural, financial, manufactured, social, and human capital. For the purposes of this research, the five capitals are defined following the International Financial Reporting Standards (IFRS) Foundation (2022, p. 19) (Table 1).
Table 1

The Five Capitals as Defined by the IFRS Foundation

<table>
<thead>
<tr>
<th>Capital</th>
<th>Definition</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural</td>
<td>All renewable and non-renewable environmental resources and processes that provide goods or services that support the past, current or future prosperity of an organization</td>
<td>Air, water, land, minerals and forests</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Biodiversity and ecosystem health</td>
</tr>
<tr>
<td>Financial</td>
<td>Monetary funding</td>
<td>Debt, equity or grants, or finances generated through operations or investments.</td>
</tr>
<tr>
<td>Manufactured</td>
<td>Manufactured and man-made physical objects</td>
<td>Building, equipment, infrastructure</td>
</tr>
<tr>
<td>Social</td>
<td>The institutions, networks, and relationship between and within communities</td>
<td>An organisation has a trusted social network to facilitate the exchange of resources and information that benefit the organization</td>
</tr>
<tr>
<td></td>
<td>The ability to share information to enhance individual and collective well-being</td>
<td></td>
</tr>
<tr>
<td>Human</td>
<td>People’s competencies, capabilities and experience, and their motivations to innovate</td>
<td>Employees are motivated by company policies to engage with Indigenous groups</td>
</tr>
<tr>
<td></td>
<td>Includes people’s alignment with organizational work structures, values, and norms</td>
<td>Members of a community have the skills and capacity to implement a business plan</td>
</tr>
<tr>
<td></td>
<td>Ability to understand, develop, and implement an organizational strategy</td>
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(IFRS Foundation, 2019, p. 19)

Indigenous partners and businesses bring a combination of capitals to their relationship. As mentioned, it is primarily the corporations that provide the most financial as well as manufactured capital. Conversely, Indigenous groups bring their Aboriginal rights to natural capital and therefore their rights to the land and resources (B. Watts, personal...
communications, August 25, 2023). Additionally, many Indigenous groups are well-versed in managing natural capital as well as providing social capital to the partnership (C. O’Driscoll, personal communications, July 21, 2023). Although these rules are not hard and fast, the following sections will discuss the nuances of how either party have the resources in supporting meaningful partnerships. The discussion will conclude with other support mechanisms that are external to the partnership.

4.3.1 Financial and Manufactured Capital

How can corporations’ financial and manufactured capital be leveraged to support more meaningful relations with their Indigenous partners? 75% of interviewees noted that financing capacity building in communities is one of the best ways to involve partners throughout project development. Some Nations may be well-versed in dealing with energy projects and have the capacity for handling project development. However, others may have little experience and will require financing so they may have a direct role with project development in areas like negotiations, reviewing project plans and permits, conducting impact assessments, and even training community members to construct and operate the project.

One example that was given by interview participants addresses a community’s capacity to review project applications. Northern Alberta is an area highly developed by the oil and gas industry and much of the development exists on Treaty 8 territory. Treaty 8 Nations were so overwhelmed with engagement inquiries that they simply did not have the capacity to process. Nations operate similar to small towns and only have a small staff to handle project applications, yet they are expected to respond to different levels of governments and project proponents in a timely manner (Booth & Skelton, 2011b). Two
thirds of interview participants agreed that capacity funding is essential for advancing partnerships. Consequently, the Treaty 8 Nations demanded capacity funding and were able to secure support from Indigenous Services Canada (ISC). ISC then required businesses to pay a fee to fund community positions to review project applications. This greatly assisted with the backlog of applications and provided Nations with the capacity to be more involved in shaping the development on their lands. However, it is important to note that this is also an example of a more transactional relationship where communities are simply involved with project permitting but not in the planning and development of the project on their lands.

In terms of manufactured capital, it is also likely that the energy business will provide the financing for building project infrastructure. One interview participant noted that sometimes Indigenous groups will already have infrastructure in place from previous projects (Anonymous participant #7, personal communications, July 26, 2023). But for the most part, Indigenous partners will have an incredible amount of social and human capital to contribute to a partnership (C. O’Driscoll, personal communications, July 21, 2023). For example, capacity funds for training and hiring a workforce made up of community members is a way to give Indigenous agency in managing their economic development.

4.3.2 Natural Capital

As mentioned in the literature review, Indigenous peoples in Canada have specific land title and rights. Partnerships increase a corporation’s accessibility to such rights (B. Watts, personal communications, August 25, 2023). Additionally, considering that Indigenous peoples have traditional knowledge of the land that has been passed down from time immemorial, their knowledge of the land can greatly contribute to a business’
understanding of sustainable development. There are many examples of Traditional Environmental Knowledge, or TEK, being used to better understand development impacts to the land and its flora and fauna (Sidorova & Virla, 2022). Through the process of passing knowledge from generation-to-generation, some Indigenous communities have empirical environmental databases that can be highly useful for understanding the land and its interactions (Sidorova & Virla, 2022). This is one of many ways Indigenous peoples can use their expertise in contributing to sustainability goals set out by a partnership.

4.3.3 Human and Social Capital

Involving Indigenous peoples and their communities in energy development is one of many ways to reconcile the long-standing relationship between settlers and the first peoples. A third of interview participants stated that successful projects involved having community members be part of the workforce and having members construct and operate projects. Fortunately, Indigenous communities have high human capital. Seeing as Indigenous peoples are one of the fastest growing populations in Canada (Statistics Canada, 2022), young peoples make up the age structure of most groups. In other words, the human capital within communities is greatly beneficial for an energy project looking for a local workforce. It is similarly beneficial to communities, expanding the education and training of their members.

Indigenous peoples are also rich in social capital. Collaboration and community are important values in Indigenous cultures, which contrast to western cultures prizing competition and individualism. Through valuing collaboration and community, it is likely that the Nation being engaged has many ties to other communities and government (ß et al., 2021). These connections will prove invaluable to businesses and are often highly
undervalued in engagement (C. O’Driscoll, personal communications, July 21, 2023). For example, one study found that the level of social trust within Indigenous communities were higher relative to non-Indigenous (Kant & Vertinsky, 2022), which has important implications for reaching collective goals. Further, higher levels of trust and stronger community ties were also associated with displays of reciprocity and unconditional generosity. These two studies from Kant and Vertinsky and Yeung et al. demonstrate that communities not only have high social capital, but that social capital is further developed through reciprocal relationships.

On the business side, human capital like workplace culture is an important factor dictating whether a business can form meaningful partnerships. Over half the interviewees noted that workplace culture may not be conducive to more meaningful partnerships. For one, businesses may embody the notion of “it’s always done this way” and may not see the value of going beyond consultation and building reciprocal relations. This sentiment was said to be most common in leadership and management. A third of participants noted that some companies try to avoid engagement altogether. Additionally, prejudice towards Indigenous peoples is common in the workplace and can jeopardize partnership with Indigenous groups. If a business does not see the value of Indigenous partnerships, then little value will be derived from a partnership. According to an interview participant (Anonymous participant #2, personal communications, July 26, 2023) and scholars on Canadian education institutions, prejudice towards Indigenous peoples can be attributed to the education system failing to teach about colonization (Koleszar-Green, 2019; St. Denis, 2011). As mentioned, the struggles that Indigenous peoples face today are largely explained by multi-generational impacts of colonization and assimilation. Many Canadians attribute these struggles to deficiencies with Indigenous peoples as opposed to deficiencies within
institutions. As a result, corporations are now responsible for fulfilling this education gap by developing out their human capital. Businesses must develop competencies and experiences to motivate employees in valuing Indigenous partnerships. One third of the participants agreed that providing Indigenous 101 courses are the first steps to combatting prejudice and provide a basic understanding of reconciliation. However, awareness courses are not always sufficient. Changing the workplace culture may involve meeting and learning from Indigenous peoples themselves. One interviewee highlighted that having Indigenous peoples come into the workplace or having employees go out on the land to learn from them has made a difference in workplace attitudes (Anonymous participant #5, personal communications, July 19, 2023). Their colleagues started to realize that many of the barriers faced by Indigenous peoples are more often systemic problems rather than individual. In addition to awareness training, another also noted that their corporation also receives cultural training directly from Indigenous groups they wish to engage (Anonymous participant #3, personal communications, July 17, 2023). This is highly beneficial in learning first-hand from the groups and understanding their development objectives and challenges. Overall, businesses must address gaps in human capital within their own organisations to ensure that employees understanding the importance of engagement.

**4.3.3 Supports External to the Partnership**

Governments can also be of support by providing financial capital to projects with Indigenous partners. For example, the Alberta Indigenous Opportunities Corporation was often cited by interview participants as a government program supporting projects on Indigenous lands. The program provides $1 billion in loan guarantees for low-risk projects like natural resources, agriculture, telecommunications, and transportation projects. Indigenous groups from outside of Alberta can also access funding.
Regulations and policy can further be of support in forming partnerships but not in
the typical coercive sense. Although most interviewees agreed that engagement would not
occur without regulations, one participant explicitly disagreed with the notion of having
more regulations governing engagement (Anonymous participant #6, personal
communications, July 21, 2023). They explained that the extensive and costly court battles
between Indigenous peoples and energy businesses has done more harm than good.
Inherently a combative and adversarial process, the interviewee argued that economic
incentives is more motivating and encourages collaboration. Incentives would act as a policy
signal to corporations that engagement is a necessary part of development. This could
involve incentivizing partnerships with Indigenous groups through subsidies or tax benefits.
One of the potential challenges of implementing economic incentives is that governments
still have troubles defining adequate engagement. This will be elaborated further in the
section discussing barriers to engagement.

Engagement gaps can be filled and barriers can be mitigated through non-profits are
organisations. The First Nations Major Project Coalition (FNMPC) is an example given by an
interviewee on how Indigenous peoples have come together to advance economic
development across Canada. The non-profit’s objective is to assist First Nations in
negotiations and securing long-term revenue; in providing capacity support and access to
funding; as well as in technical support in infrastructure development (First Nations Major
Project Coalition, n.d.). Their support levels the playing field and provides Indigenous groups
with the opportunity to participate in the energy sector. The TC Energy’s Coastal Gas Link
project is a current project where the FNMPC has assisted 12 First Nations with an
opportunity to secure equity in TC Energy’s pipeline project. For one, they helped create a
management committee that allowed the Nation to have a larger decision-making role in
the project as well as helped build the Nations’ business capacity. Unfortunately, the Nations were not able to raise the capital required to secure equity in the project, which raises questions about the validity of the agreement and whether Indigenous groups were truly able to participate in the project. That being said, the FNMPC was critical in supporting capacity building and business governances for the Nations, meeting a gap unfulfilled by the energy company.

Collaboration amongst energy companies is a support that is not often considered by the energy sector given that it is counter to the competitive nature of corporations. A third of interview participants agreed that collaboration and pooling of resources could improve the overall industry’s ability to engage with Indigenous peoples. One example is the oil and gas businesses collaborating to achieve environmental objectives and improve the reputation of the industry (Radnejad & Vredenburg, 2015). Although the industry was motivated more by mitigating environmental risk than ethical practice, the example is still pertinent to demonstrating collaboration with mounting political and social pressures. Scholars have coined this the open innovation approach, originally defined by Henry Chesbrough. Open innovation is where businesses use both internal and external ideas to advance their business and are therefore not limited to internal expertise to further their goals (Chesbrough, 2006). For example, if several businesses were interested in developing partnerships within a particular area, resources can be pooled together to benefit all parties. The collaboration would have many benefits. From capacity building to community investments, businesses can share engagement costs. Such collaboration would also bring economic diversity to Indigenous groups, ensuring they are not over reliant on one single corporation for revenue generation. Collaboration would also mitigate cumulative impact concerns. Considering the court case involving Blueberry River First Nations, the combined
impacts of projects in the area are now more of concern in the legal system. Having developers plan together could mitigates such impacts. Taking an open innovation approach to engagement may be counter-intuitive to competing corporations but may be a solution benefiting the energy sector as a whole.

4.4 Defining Roles and Responsibilities

Unclear roles and responsibilities of all parties engaged is one of the barriers to meaningful engagement and partnerships (Forbes Business Development Council, 2018; Key, 2015). As cited directly and indirectly by two thirds of interviewees, Indigenous groups coming to the table may not understand their purpose. Businesses run the risk of conducting token engagement because Indigenous groups are at the table with little to no role in decision-making. As described previously, clear roles can be defined through a guideline for a working relationship. In this guideline, businesses and Indigenous groups define the resources and capitals they bring to a partnership. Contributions should be explicit as well as recognized. One interviewee mentioned these contributions should even be celebrated (Anonymous participant #5, personal communications, July 19, 2023). Without recognition, businesses will not realize the expertise and experiences brought by Indigenous peoples.

Guidelines can be outlined through formal and informal agreements and half of the participants noted that this is one of the best ways to keep things fixed and fair. Some examples include a memorandum of understanding (MOU), letter of agreements, and impact benefit agreements (IBAs). Upon assessing all the interviewees’ responses, it was noted that these agreements should have governance, environmental, social, and economic components (Table 2). Being explicit and specific for each area is key. For example, if it is
determined that the Indigenous partners have direct decision-making capacity on the project, at what stage of the project will they exert this capacity? Will it be all stages or a few? Ideally, the partners should have a say in all stages of the project. However, as with all components of the agreement, it will largely depend on the Nation and their objectives for the project.

There must also be a process for monitoring success for each component. Often times it is unclear whether there are tangible project benefits to the communities after the project is developed (Kuokkanen, 2019). Are benefits widespread to the communities? Are there new and unforeseen impacts? Similarly, there should also be a process for evaluating whether the agreement has been violated and if so, clearly detailing actions for the violation.
Table 2

Components of Agreements

<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
<th>Examples</th>
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| Governance              | Structures, systems, and practices of a partnership                         | • Level of decision-making  
                          |                                                        | • Structures for decision-making  
                          |                                                        | • Communication guidelines between partners  
                          |                                                        | • Protocols for solving conflict               |
| Environmental and Social| Project impacts and mitigations to the environment and community.            | • Environmental Impact Assessment (EIA) - Impacts and mitigations measures of biofuel project on the land and traditional territories  
                          |                                                        | o Soil contamination  
                          |                                                        | o Ground and surface water contamination  
                          |                                                        | o Facility and vehicle emissions  
                          |                                                        | o Noise and light pollution  
                          |                                                        | o Cumulative impacts (includes future projects in the area as a result of biofuel plant)  
                          |                                                        | • Social Impact Assessment (SIA) - Impacts and mitigations measures of project on the community  
                          |                                                        | o Limit impacts to lands used for traditional purposes  
                          |                                                        | o Considerations for community interactions with staff and contractors during lifetime of project  
                          |                                                        | • Community investments  
                          |                                                        | o Training and employment through local talent  
                          |                                                        | o Training and hiring process – internal or sub-contracting?  
                          |                                                        | o Investing in ways unrelated to project (health, education, infrastructure, and community programs etc.)               |
| Economic                | Financial Capital: Debt, equity or grants, or finances generated through operations or investments | • Financial investment  
                          |                                                        | o Equity and ownership  
                          |                                                        | o Revenue sharing  
                          |                                                        | o Community trust fund  
                          |                                                        | • See section 4.3 for further discussion on five capitals |

(Thai, 2023)
Regarding governance, a few examples were described in interviews that are not often considered by businesses. For example, management structures are necessary to ensure that Indigenous partners have decision-making capacity in the project plans and implementation. On a pipeline project example, one interviewee discussed how the energy company had to creatively include 23 different First Nation groups in the decision-making process for the project (Anonymous participant #3, personal communications, July 17, 2023). It was described that in other business partnerships, typically the partner would have a single board member with decision-making capacity on the Board of Directors. However, it was inappropriate for a board member to represent the interests of 23 different Nations. As a result, the company organized a consortium of representatives with each of the 23 Nations and met with the consortium a few times a year to gather input. In TATC and RFEC’s partnership, it may not be necessary to have a consortium as TATC and their board member liaise with the four Chiefs of the Touchwood Agency Tribal Council. In turn, the Tribal Council have their own protocol with engaging with their community leaders. Governance within a partnership will depend on the governance structure unique to the community. As mentioned in previous sections, each community is unique and using mechanisms that following the Nations’ protocols will provide the most success. This aligns with the literature where “flexible and holistic management systems” are necessary for broad community engagement (Robitaille et al., 2017).

With environmental and social impact assessments, the first goal is to limit the overall impacts (Noble, 2021). For example, considerations should be taken to limit impacts when siting the biofuel facility like potential impacts and encroachments on hunting grounds or cultural sites. Considerations include limiting cumulative impacts, meaning taking into account for other projects in the area that could exacerbate impacts of the
biofuel facility build by TATC and RFEC. What is the combined impact of the facility and its associated infrastructure (e.g. roads, increased traffic, noise, etc.)? The second goal with impact assessment is to be upfront with all possible impacts and clearly delineate mitigation measures across the life span of the project, from construction to operation to project end-of-life. Cumulative environmental and social impacts are also part of this assessment therefore the combined impacts must be considered for present and future projects (Noble, 2021). This could include an expansion of the biofuel facility or other related ventures that would be developed in the area because of the existing biofuel facility. The third goal of assessments is to monitor these impacts across the life span of the project. Monitoring verifies the legitimacy of mitigation measures and is an important step for detecting other unforeseen impacts (Noble, 2021). Community-based Ecosystem Monitoring and the Ecosystem-based Monitoring approaches are demonstrated methods for evaluating and resolving impacts (Lertzman, 2010; Sidorova & Virla, 2022). Having a monitoring program provides additional employment opportunities and is part of maintaining a trusting and transparent relationship.

A third of the interview participants discussed the importance of community investment as another component of agreements, particularly through training and employment. This could look like hiring internally through TATC and RFEC or contracting out the hiring process. The types of jobs are also important to consider. Are community members in more technical roles that require a higher level of training? Or are the members occupying most of the blue-collar positions relative to non-community members? This discrepancy was noted by two interviewees.
Flexibility and adaptability were also common themes when discussing community investments and further aligns with Robitaille et al. fourth principle for effective engagement (2017). Investments may not always relate to the project itself. Some Indigenous groups are dealing with much bigger issues. The reality is that some communities are more concerned about community health and struggle with the lack of mental health services, “substance abuse, suicide rates, [physical] health issues, food security, education, and intergenerational trauma” (Anonymous participant #6, personal communications, July 21, 2023) all of which are linked to over a century of colonization and assimilation. One example that was given by an interviewee related to the lack of understanding of Indigenous realities, which involved an Indigenous employee who was dismissed for taking excess bereavement leave (Anonymous participant #5, personal communications, July 19, 2023). Bereavement leave is granted to employees who have lost close family members, and the definition of close family members does not always extend to non-relatives. However, as discussed regarding high social capital in Indigenous communities and strong community ties, family is a broad definition. Additionally, considering the community health struggles listed like substance abuse and suicide, it is no surprise that this gentleman lost many community members in a short time span.

Another example of exercising flexibility for Indigenous realities is that, compared to most Canadians, fewer Indigenous peoples have a driver’s license (Miller, 2021). As one interview participant stated, “In this country, we assume everybody has access to get a driver’s license. It’s just simply not true and without a driver’s license you don’t have freedom. You can’t get a driver’s license if you don’t have an eye doctor, that will come and give you a prescription for glasses. You can’t go look for your daughter who’s gone missing on the highway of tears if you don’t have a driver’s license because the RCMP are
In other words, community investment may be more nuanced and complex than simply providing jobs to community members. Adaptability and flexibility are characteristics that ensure jobs provided by the project get occupied by community members.

In terms of economic components within agreement, ownership is considered the gold standard. A third of participants noted that the way forward is through equity and ownership seeing as Indigenous groups historically had few opportunities for ownership (e.g. the Indian Act preventing First Nations from owning their reservation lands). Lower impact commitments include revenue sharing or donating to a community trust fund and allowing the community to determine where the funding will go. Revenue sharing, historically, has not greatly benefited communities as revenue would get diluted through the process. Revenue is also not a guarantee, depending on the success of a project. With a community trust fund, capacity remains a challenge in planning and building infrastructure as well as attracting talent. Overall, equity and ownership are higher impact commitments and are key in giving Indigenous peoples agency over Canada’s shared resources.

To further provide agency to communities, these agreements should evidently be drafted with the community leaders. In one interviewee’s experience, they had the most success when leaders were at the negotiating table (Anonymous participant #3, personal communications, July 17, 2023). Previously, the participant worked on projects where the legal counsel for both the businesses and the communities did most of the negotiations and drafting of the agreement. Leaving it to the legal counsels did not fully capture the needs of the communities as ideas were lost in translation. Again, adaptability and flexibility are required for drafting agreements. The formalities of the business model may be
inappropriate for partnerships with Indigenous groups. If legal documents are to be drafted, there should also be some process for ensuring that community leaders can have their ideas articulated into the legal documents. Half of the participants noted that negotiations may flow smoother if there was an Indigenous person representing the business. Even more advantageous is having an Indigenous person with connections to the community represent the business. By leveraging their social capital, it may be easier and quicker to build trust and establish common ground.

4.5 Continued Barriers to Engagement

Shifting from discussing barriers and solutions in the energy sector, this section, will focus on barriers caused by governments. When asked about the role of governments in engagement, two interview participants expressed that there are overall sentiments of distrust for governments by Indigenous groups. An interviewee stated that "As indigenous people, we have lived under [the government] since the Europeans came. Making assumptions about who we are and what's good for us, and then setting up programs, which in most cases I see as another mechanism of control". This quote demonstrates that there is still a disconnect between governments and Indigenous peoples, which is unsurprising given how governments continue to conduct poor engagement with Indigenous communities (Brock et al., 2021). For one, the Indian Act continues to cause barriers for First Nations in accessing resources because there is an over reliance on governments to create economy as opposed to relying on community entrepreneurship (Flanagan, 2022; J. Cardinal, personal communications, May 13, 2023). Two interviewees similarly noted that the Indian Act limits energy development on Indigenous lands through limited access to property rights. First Nations reserve lands are primarily owned by the federal government. Inherently, the lack of ownership limits the possibility of economic development (Flanagan, 2022; National
Aboriginal Economic Development Board [NAEDB], 2013). The Act also enforces highly bureaucratic and long procedures and processes, causing projects delays and impeding on Indigenous peoples’ ability to follow a cost-effective timeline (NAEDB, 2013). Overall, the National Aboriginal Economic Development Board appropriately summarized the continued impacts of the Act: “the largely static Indian Act leaves on reserve communities with outdated and paternalistic rules and procedures which have not kept pace with the modern economy.”

Additionally, governments continue to make policy decisions that negatively impact Indigenous peoples. A third of participants noted gradual cuts to capacity funding for Indigenous groups to access. Considering that this is one of the largest limitations for economic development as cited by 75% of interviewees, these cuts further demonstrate the disconnect between government policy and what Indigenous peoples need for economic development. Another example that was given involved the Clean Fuel Fund, a policy commitment at the federal level to encourage renewable energy development in Canada. Initially, it was clear that little engagement was conducted with Indigenous peoples as funding was not set aside for Indigenous-led projects. Once funding was set aside, the amount was simply notional. It appears that only after getting feedback on the program, the Clean Fuel Fund changed its process to accommodate Indigenous groups (Natural Resource Canada, 2022), further demonstrating government’s reactive (rather than proactive) nature to engaging with Indigenous peoples. Increased engagement with different Indigenous peoples across Canada as well as having more Indigenous participation in government positions were recommended by interviewees to encourage more proactive policy-making.
Another challenge is that government officials treat the duty to consult as separate from engagement. In Brock et al. research, they interviewed the government of Saskatchewan to better understand public servant perspectives on engagement (2021). Such findings fall in line with RFEC and TATC’s experience working with governments.

Government officials main concern is about upholding Section 35 of the Canadian Constitution and upholding the duty to consult requirements. As explained in the literature review, consultation is a small aspect of engagement and is unlikely to yield meaningful partnerships between Indigenous peoples and energy businesses. The paper also demonstrated that there are conflicting opinions and definitions about consultation versus engagement across different government ministries in Saskatchewan. Although it is no surprise to RFEC and TATC, both corporations will face some challenges with governments while working in the province and there may be opportunities to educate public servants on the challenges they pose to partnerships.
Chapter 5: Conclusion

Indigenous relations and energy businesses continue to be an evolving process in Canada. Currently, much of the engagement done by energy businesses and authorized by governments are prescriptive in nature. On the business side, engagement objectives is to mitigate legal and economic risk. On the government side, the objective is to ensure engagements meet the requirements of the law, laws written based on an adversarial relationship between Indigenous groups and energy developers. These objectives result in businesses simply fulfilling the authorized community engagement requirements set out by governments instead of acknowledging the jurisdiction, authority and expertise of Indigenous communities themselves. Although engagement is not a new concept, the findings demonstrate that the energy industry is inconsistent. The extent of engagement ranges from simply informing communities to, on the more significant end, forming long-term partnerships. By focusing on the latter, this multidisciplinary research will contribute to the broader community engagement conversation in Canada.

The overall community engagement process and building of meaningful partnerships between TATC and RFEC addresses many of the key themes and elements found across interviews. Although the partnership is still in the early stages, the corporations have drafted an MOU and RFEC is currently raising financial capital for the project. This research project, informed by Indigenous and non-Indigenous engagement professionals and the board members of both corporations, will serve as a template for their partnership moving forward.

Future research could involve reporting on the application of the themes and elements defined by the research. When the nature of the relationship between TATC and RFEC is based on reciprocity, how does this approach differ from current approaches where
the nature of relations is based on regulatory requirements? Additionally, future research could document the ripple effects that occur and its impact on the other themes and elements like establishing common ground or defining roles and responsibilities.

Understanding the application of these themes will address whether these elements align with the reality of a partnership. The partnership may not perfectly line up with findings and theories as priority is given to Touchwood Agency Tribal Council’s processes and procedures. Following their protocols is a major component in building trust in the relationship, because a “project will only move at the speed of trust” (B. Watts, personal communications, August 25, 2023). It further demonstrates respect for community structures, especially since much of western society have disrespected and overwritten Indigenous protocols.

Additionally, there are still barriers imposed by governments that may interfere with the partnership. Further research on how TATC and RFEC’s relationship is hindered by governments could provide additional recommendations on reforming government processes and procedures. From this paper alone, interview participants recommended that increasing Indigenous representation in governments could assist with overcoming such barriers. Addressing the historic gaps in education about Indigenous peoples, about post-contact history, and about the differences between consultation and engagement is another recommendation to combat prejudice and misunderstandings in government institutions. Such recommendations can also be extended to addressing barriers to engagement imposed by the energy sector.

A paper is not complete without a comment on the limitations of the research. The major limitation is that the short academic timeframe of the Master’s program paired with a lengthy ethics approval process has made it difficult to thoroughly learn more about TATC
and RFEC’s current relationship. More time could have been spent getting to understand the relationship so that the researcher could provide better recommendations on how the partnership could move forward. This could also be an area of further research.
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Appendix A: Truth and Reconciliation Commission of Canada – Calls to Action #92

Below is a description of the TRC of Canada’s Calls to Action #92, which pertains to businesses and reconciliation. This Call to Action demonstrates recognition that businesses in Canada must adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework but makes no reference to the more politicized United Nations Declaration on the Rights of Indigenous Peoples Act brought in by the federal government in 2021.

“92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects;

ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects; and

iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training
in intercultural competency, conflict resolution, human rights, and anti-racism”

Appendix B: Resources for Managing Risks and Discomforts

Given that we will be talking about community and Indigenous involvement with energy projects, there is a possibility that participants will be distressed, emotional, or triggered by their own personal experiences with energy projects in their community. This appendix describes some general resources and Indigenous-authored resources for Indigenous participants that could be accessed to mitigate distress.

Mental Health Help line (Alberta wide)

- Services provided 24/7 by nurses, psychiatric nurses, social workers, occupational therapists, and psychologists
- Provide general information about mental health and information about local service options
- Phone: 1-877-303-2642 (Toll free)

Destress Centre

- Services: Professional counselling, crisis lines (phone, text, live chats), public education
- Website: https://www.distresscentre.com/
- Email: info@distresscentre.com
- 24-Hour Crisis Line
  - Calgary and area: 403-266-HELP (4357)
  - Edmonton and area: 780-482-HELP (4357)
  - Lethbridge and area: 403-327-7905
  - Southern Alberta toll free: 1-888-787-2880
  - Northern Alberta toll free: 1-800-232-7288
Figure A. Wide range of services that can be accessed by calling 211 in Alberta

(211 Alberta, n.d.)

**First Nations and Inuit Hope for Wellness Help Line:**

- **Services:** Experienced and culturally competent Help Line counsellors can help if you want to talk, are distressed, have strong emotional reactions, and/or may be triggered by painful memories.

- **24/7 free and confidential contact:** 1 (855) 242-3310 (toll free across Canada)

- **Live chat:** [www.hopeforwellness.ca](http://www.hopeforwellness.ca)
• English, French, Cree, Ojibway and Inuktitut

**Indian Residential School Crisis Line**

• Services: 24-hour crisis support to former Indian Residential School students and their families

• 24/7 free and confidential contact: 1-866-925-4419 (toll free across Canada)

**Alberta Indigenous Virtual Care Clinic**

• Services: Mental health, therapy and counseling, group therapy, and psychological assessments

• Phone to book appointment with doctor: 1-888-342-4822
Table A. Literature by Indigenous authors about healing

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<thead>
<tr>
<th>Title</th>
<th>Book Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decolonizing Trauma Work: Indigenous Stories and Strategies, by Renee Linklater</td>
<td><img src="image1" alt="Decolonizing Trauma Work" /></td>
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<tr>
<td>Braiding Sweetgrass, by Robin Wall Kimmerer</td>
<td><img src="image2" alt="Braiding Sweetgrass" /></td>
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<tr>
<td>Activating the Heart: Storytelling, Knowledge Sharing, and Relationship, by Julia Christensen, Christopher Cox, and Lisa Szabo-Jones</td>
<td><img src="image3" alt="Activating the Heart" /></td>
</tr>
<tr>
<td>Becoming Rooted: One Hundred Days of Reconnecting with Sacred Earth, by Randy Woodley</td>
<td><img src="image4" alt="Becoming Rooted" /></td>
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(Thai, 2023)
Appendix C: Recruitment Scripts

In this appendix, there are two scripts used to recruit participants. The first part delineates a script used for email communications and the second is used for telephone communications. Depending on the audience, telephone communication is preferred over email.

Sample Email Script

Dear ____,

My name is Hanna and I am a Master’s student at the University of Calgary conducting community engagement research with a start-up energy business and Indigenous company. The study aims to improve community engagement practices between energy businesses and communities.

This work is conducted between the University of Calgary and under the direction of Rainforest Energy Corp (RFEC, a start-up based out of Calgary, Alberta) and Touchwood Agency Tribal Council Economic Development Company Ltd., (TATC, an economic development business for four First Nations near Punnichy, Saskatchewan on Treaty 4 Territory).

We would like to conduct an interview and ask questions about your expertise in community engagement. Responses from the interview will inform a partnership strategy between RFEC and TATC.

The University of Calgary Conjoint Faculties Research Ethics Board has approved this study (Research Ethics Board Study ID: REB23-0205).

We highly appreciate the time you take to take part in an interview! For the interview we will likely need 45-60 minutes to complete it. Interviews will be conducted over videoconferencing or telephone, and they will be audio recorded. We will be asking
open-ended questions about community engagement and partnerships. Example questions include:

- What is your experience in rural and Indigenous community engagement and energy businesses in Canada?
- What contributed to successful engagement? What could have been done differently?
- From your experience, what elements found in an energy business are essential to creating collaborative and equitable partnerships?
- From your experience, what elements found in a community are essential to creating collaborative and equitable partnerships?

Your response will be anonymized, no names or other identifying details will be released, and your participation is optional. Participants can object to answering any of the interview questions and can withdraw from the interview at any time.

Furthermore, I would request you to review the attached consent form before our interview. The consent form entails specific information about the research study, its purpose, and confidentiality. If there are any questions or concerns, I would be more than happy to answer them.

Sincerely,

Hanna Thai, MSc. SEDV Student, hanna.thai@ucalgary.ca

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Sample Telephone Script

Hi ______,

My name is Hanna and I am a Master’s student at the University of Calgary conducting community engagement research with a start-up energy business and Indigenous company. Given your experience in this field, we are asking for your support to provide answers about improving engagement practices between energy businesses and communities. Would you like to hear more about this research?

[If yes, continue with below script]

The work is conducted under the direction of two companies: Rainforest Energy Corp (which is a start-up based out of Calgary, Alberta) and Touchwood Agency Tribal Council Economic Development Company Ltd., (TATC, an economic development business for four First Nations near Punnichy, Saskatchewan on Treaty 4 Territory).

We would like to conduct an interview and ask questions about your expertise in community engagement. Responses from the interview will inform a partnership strategy between RFEC and TATC). Would you be interested in supporting this research by sharing your expertise in an interview?

[If yes, continue with below script]

Wonderful, we highly appreciate your time. The interview will take anywhere between 45-60 minutes to complete. Just so you are aware, the response will be anonymized, meaning no names or other identifying details will be released. Your participation is entirely optional, which means that you can object to answering any of the interview questions and can also withdraw from the interview at any time. This study has also gone through an ethics review and our interview questions are approved by the Conjoint Faculty Research Ethics Board (ID: REB23-0205).
Do you have any questions about the research? [Answer any remaining questions about research and book a time to chat with participant either over phone or web-conferencing].

[If the answer is no at any point or to end the conversation]

Before we interview, I will email you a consent form, which includes more information about the research study, its purpose, and confidentiality. Please have that signed and returned to me when possible!

If there are any questions or concerns, I would be more than happy to answer them by email or phone.

Thank you so much for your time. Enjoy the rest of your day!
Appendix D: Participant Consent Procedures

All participants signed a written consent form prior to being interviewed. The consent form details the purpose of the study, what participants are expected to do, what information is collected by the participant, the risks and benefits associated with participation, and finally, how the information provided will be used. If written consent is not possible or not culturally appropriate, oral consent procedures were followed. This appendix outlines the written consent form in addition to the procedures followed to obtain verbal consent.
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Title of Project:
Indigenous relations and energy businesses: Building foundations for authentic and sustainable community partnerships

Sponsor: Univ. Of Calgary
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This consent form, a copy of which has been given to you, is only part of the process of informed consent. If you want more details about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

The University of Calgary Conjoint Faculties Research Ethics Board has approved this research study (ID: REB23-0205).

Participation is completely voluntary and confidential.

Purpose of the Study
For this study, we are gathering information about how community engagement can be improved upon by energy businesses in Canada, with specific emphasis on how energy businesses can better form partnerships with rural and Indigenous communities. This research seeks to define the elements found within businesses and communities that create authentic and sustainable partnerships.
Findings from the study will inform a community engagement strategy for two companies: Touchwood Agency Tribal Council Economic Development Company Ltd. (TATC) and energy business Rainforest Energy Corp. (RFEC).

What Will I Be Asked To Do

You were identified as a possible participant in this study because of your role and expertise in community engagement research. Your participation in this research study is voluntary.

Questions asked in the interview will be open-ended and will involve your experience in community engagement. It will also include questions on how meaningful partnerships can be developed between energy businesses and rural and Indigenous communities. Example questions include:

- What is your experience in rural and Indigenous community engagement and energy businesses in Canada? What contributed to successful engagement? What could have been done differently?
- From your experience, what elements found in an energy business are essential to creating collaborative and equitable partnerships?
- From your experience, what elements found in a community are essential to creating collaborative and equitable partnerships?

The interview duration can take anywhere from 45-60 minutes, and you will be audiotaped so that we may review your responses after the interview. Only researchers on the project have access to your responses. Your response is entirely voluntary, you may refuse to participate altogether, you may refuse to participate in parts of the study, you may decline to answer any or all questions, and you may withdraw from the study at any time without penalty.

What Type of Personal Information Will Be Collected

Should you participate, you will be asked to provide your name, email address, telephone, and professional title.

If you consent to being audiotaped, note that only the researchers will have access to the recording, and it will never be released publicly. The file will be stored on the secure University of Calgary server and data will be destroyed after 5 years following the University’s protocol.

There are several options for you to consider if you decide to take part in this research. You can choose all, some, or none of them. Please review each of these options and choose Yes or No:

I grant permission to be audio-taped: __________________________ Yes: ___ No: ___

Are there Risks or Benefits if I Participate?

There is low risk to participating in this study as information collected will be confidential. Any results published in a report will be anonymized and no identifying information will be used. Interviews may last anywhere from 45-60 minutes so please be prepared to speak for that length of time. Given that we will be talking about community engagement, there is a possibility that you may experience emotional distress by your personal or work experiences with energy projects. Since all questions are voluntary, you are free to withdraw from the interview at any time and we will provide resources (websites, phone numbers, and organizations) that may alleviate your discomfort.
The benefits of your participation greatly outweigh the risk as your response will inform not only research literature on community engagement, but directly influence a partnership strategy between an energy start-up and Indigenous economic development company.

**What Happens to the Information I Provide?**

The information that we obtain from you will be kept confidential. No one except the researchers and supervisors will be allowed to see or hear any of the answers to the interview tape. Your interview responses are kept in a locked cabinet only accessible by the researchers and supervisors. The data will be stored for five years on a computer disk, at which time, it will be permanently erased. Data will be stored on secure UofC servers.

Information will be protected for confidentiality by assigning a non-identifying code for each participant. This code will be used during analysis of the interview and within the final report. The final report and analysis will also be shared with the two companies, Touchwood Agency Tribal Council Economic Development Company Ltd. and Rainforest Energy Corp.

Participants are free to withdraw their response until August 1, 2023. If you withdraw your response, all your data will be destroyed and removed from the study.

Would you like to receive a summary of the study’s results? Yes: __ No: ___

If yes, please provide your contact information (e-mail address, or phone number)

Are you interested in being contacted about a follow-up interview, with the understanding that you can always decline the request? Yes: ___ No: ___

**Signatures**

Your signature on this form indicates that 1) you understand to your satisfaction the information provided to you about your participation in this research project, and 2) you agree to participate in the research project.

In no way does this waive your legal rights nor release the investigators, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from this research project at any time. You should feel free to ask for clarification or new information throughout your participation.

Participant’s Name: (please print) ____________________________

Participant’s Signature: ____________________________ Date: __________

Researcher’s Name: (please print) ____________________________

Researcher’s Signature: ____________________________ Date: __________

**Questions/Concerns**

If you have any further questions or want clarification regarding this research and/or your participation, please contact:
Oral/Verbal Consent Procedures

When Interviewing Participants over the Phone or via video-conferencing

1. We will provide the participant with a written copy of the consent form in advance of the interview (via email, fax, or regular mail). The interview session will only be scheduled when the participant indicates that he or she is satisfied with the information described in the consent form.

2. At the beginning of the interview session, the participant will be made aware that the researchers will be audio/video recording the consent process. Once the participant has confirmed the consent form is in front of them, we will indicate the time, date, and name of the participant on our version of the consent form to document the consent date.

3. During the recording, we will:
a. Ask the participant to state his or her name for the recording. Ask the participant to confirm that he/she has read and understood the consent form.

b. Ask the participant if he/she has any questions about the information in the consent form. These questions will be addressed before the interview begins.

c. Ask the participant if he/she is willing to participate under the conditions described in the consent form (and note responses to the check box choices on the form, if applicable). Once the participant’s oral consent is recorded, we will announce the ending of the recording of the consent process.

4. Audio/video recordings documenting the consent process will be stored securely on password protected devices (computers, USB keys, etc.). These forms will be stored for the same time period as the data collected.

When Interviewing Participants Who Will Not Be Signing a Written Consent Form

1. We will provide the participant with a written copy of the consent form in advance of the interview (via email, fax, or regular mail), unless doing so will jeopardize the individual’s anonymity and/or the confidentiality of their participation.

2. We will read over the consent form with the participant and answer any questions they may have. When it is clear that the participants understand the information and can provide fully informed consent, we will document their consent by recording the date and time on the consent form. To anonymize the data, we will use a code for identification purposes. Finally, we will add our own signature(s) on the form and store it in a secure University of Calgary server.