



Presentation to the IRWA Annual Conference

Edmonton, Alberta
June 25, 2018

Siksika Consultation Office
Perspective on First Nation Consultation

Siksika Nation's Traditional Territory is one of the largest in Canada, shared with two other First Nations that comprise the Blackfoot Confederacy,



In Canada, it extends from SE British Columbia to about Regina, SK and from the North Saskatchewan River in the north to the border with the USA in the south.

In the USA, it extends south to the Yellowstone River.

Siksika's traditional use of sites and resources in its Traditional Territory are protected by the Constitution of Canada, as are those of all other First Nations



Blackfoot people and non-Native people have different views of the World.

Non-Native people's understanding of the world is that of a "Transforming" society.

Blackfoot people's understanding of the world is that of a "Conforming" culture.

Transforming

- Purpose is to create and possess material wealth
- Society is progressing toward a better life
- The world has been given to man by God to transform as we see fit to suit our needs and purpose
- Resources need to be "developed" or an opportunity for wealth creation will be lost

Conforming (Adapting)

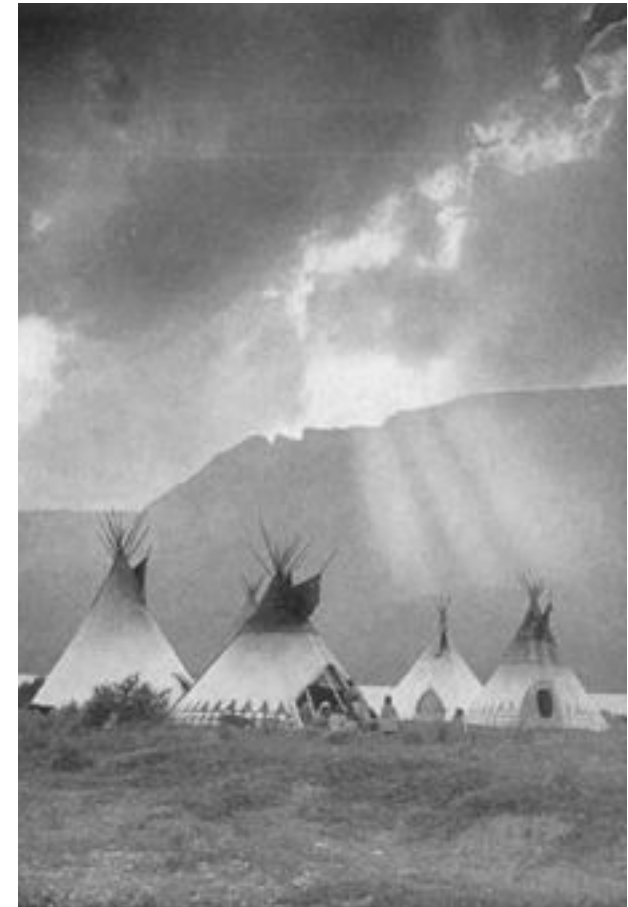
- Purpose is to live within and worship what the Creator has provided
- All things belong to the Creator, but humans may take what they need to survive
- Resource "development" destroys what belongs to the Creator, and often what is sacred to humans as well
- There is a sacred pact between humans and animals, by which humans have promised to the Creator to act as their stewards.



The two Worldviews can come into conflict. In some ways they are the opposite of one another.

The conflict between them has played out dramatically in the Canadian courts since about 1990 (Sparrow).

The Supreme Court of Canada has said the Crown (both federal and provincial) must consult with First Nations if they contemplate any action that may impact First Nations traditional use rights (ie. talk to one another and work it out).



In brief, governments' "Duty to Consult" is the means by which Blackfoot people can protect and use what is sacred and important to them in their Traditional Territory.

Previously, the Crown would impact or permit private parties to impact important traditional uses and sites, without prior discussion.

Now there must be "meaningful" consultation of the Blackfoot by the Crown in order to:

- avoid, mitigate, offset impacts of proposed actions and project
- accommodate Blackfoot traditional use



Going forward, if conflicts between the two societies end up in court it means the Consultation process has been ineffective and has broken down.

Non-Native

- Blackfoot people are an impediment to development and growth (wealth creation) and should be marginalized
- Consultation processes are inconvenient rather than an opportunity to bridge our differences.

Blackfoot

- Expectations are unrealistic, that there will be a complete return to pre-contact ways
- The non-Native way is selfish and manipulative to get what they want, rather than to be sincere and share the use of sites and resources

The truth is that neither Blackfoot people nor non-Native people are unrealistic or unreasonable. Both want bright futures for their children.

The talking is usually unsuccessful, and the open conflict arises, when one or both parties has pre-conceived ideas about the right way to proceed and the motives of the other, before the talking starts.

There is a need for a genuine openness on both sides, for Consultation to be successful.



What does this mean for IRWA professionals in future?

- since you're on the front lines of the situation you can expect to get an earful from time to time, from both sides; there is a lot of history and frustrations to be worked through



- there are business opportunities for ROW companies in Canada that can deliver on the Crown's "Duty to Consult", to expedite projects while including First Nations
- ROW professionals will need much different skills in the next 50 years than they did in the previous 50; more empathy, better listening and communicating skills, an understanding of the value of cooperation as well as competition
- People will differ about the details, but essentially First Nation Consultation in Canada is most productive when it is seen by all parties as a vehicle by which First Nations and non-Natives can define their working relationship and get along.

