

Doing Business with First Nation

Some Background and Insights



- A major obstacle to the economic development of reserve lands has been the historic absence of private ownership of property. Under the Indian Act, title to reserve lands is held by the Federal Government on behalf of the First Nations. Since on-reserve property could not be assigned as security or pledged as collateral, the usual accessing of capital or credit was not possible
- During the latter part of the last century, some First Nation leaders across Canada led the way in gradually moving forward, within the confines of the Indian Act, to gain a measure of management control over their tribal land bases in the pursuit of economic opportunities. Every step forward was hard-fought and each success story of today can be directly attributed to the courage and sacrifice of visionary leaders in past years
- First Nations continue to assert a growing influence in the economy as more and more control is gained in accessing land and resources. Business opportunities will increase significantly in future years due to the greater legal certainty of aboriginal rights and titles. A general objective is to engage in those project undertakings that enhance the economic well-being of First Nations peoples through the creation of wealth
- Non-aboriginals do not always understand the aspirations of many First Nation leaders in matters of aboriginal economic development – an overriding focus is the need to mesh the prospects of a proposed economic development project with the values of First Nations history and aboriginal culture. Only those undertakings that are economically viable, socially responsible and environmentally sustainable can be considered to have merit.
- Non-aboriginals also do not always understand the length of time required when aboriginal economic development projects are proposed for any reserve lands. The process involves regulatory review [from INAC and possibly other Departments of the Federal Government such Environment Canada and Justice] – the process is complicated and length (up to 24 months or longer) with no short-cuts permitted
- Moreover, most First Nations are guided by the *Seven-Generation Principle* [or a time horizon of 100 years] whereby decision-making done

in the present must carefully weigh possible implications up to the seventh generation that will follow.

- First Nations already are or aspire to become significant partners in the mainstream provincial and national economy. On Vancouver Island, First Nations have shown a strong appetite for green energy ventures [like small hydro run-of-river projects] that generate profits into perpetuity – such projects offer the potential to serve as catalysts for the building of sustainable economic bases for First Nation communities. One such example is Hupacasath First Nation who, as the majority owner, operates the 6.5MW small hydro facility at China Creek (Port Alberni – west coast of Vancouver Island) which began operations in December, 2005.
- Another example is the Orca Sand and Gravel quarry project with reserves of 121 million metric tonnes and an estimated operating life of 25 years or more. Project location is near Port McNeill [east coast of Vancouver Island] – ownership of the project is shared between Polaris Minerals Corporation (at 88%) and 'Namgis First Nation (at 12%). Operations began in 2007
- Yet another major development commenced in March, 2008 with the signing of the Memorandum of Understanding between K'omoks First Nation and Sage Hills Developments Ltd with regards to a proposed 2,083- acre sustainable living community project known as the Sage Hills project located on the east coast of Vancouver Island

Push towards Aboriginal Self-Government

- “In August 1995, the Government of Canada adopted an approach to negotiating practical and workable arrangements with Aboriginal people to implement their inherent right to self-government. The Federal approach to Aboriginal self-government ... will ... give Aboriginal communities the legitimate tools they need to exercise greater control over their lives. Self-government arrangements will recognize Aboriginal people's right to make decisions about matters internal to their communities, integral to their unique cultures, traditions and languages, and connected with their relationship to the land and resources” [Source: www.ainc-inac.gc.ca/ai/pubs/ywtk/ywtk-end.asp]
- In recent years, the Federal and Provincial governments concluded the first treaty on Vancouver Island of this century – this treaty is with the five **Ma-nuulth First Nations** [Huu-ay-aht; Ka:'yu:'k't'h' / Che:k'tles7et'h; Toquaht; Uchuckleshaht and Ucluelet] whose combined band

membership total less than two thousand people. The treaty provisions take effect April 1st 2011.

- Some of the beneficial aspects associated with the general nature of treaties are highlighted below:

[1] "... Treaties reconcile the interests of First Nations, Canada and British Columbia in a formal way"

[2] "... Treaties provide certainty over rights to land and resources"

[3] "... Treaties reduce conflicts over land and resources between First nations and others. When disputes do arise in future, treaties provide a process for timely and practical resolution"

[4] "... By establishing certainty over land ownership and resource management, treaties encourage investment and create new opportunities. Communities can expect economic benefits as First Nations establish new businesses, create jobs and participate more fully in the provincial economy. Total benefits from treaties, including cash settlements and increased investment, could reach \$ 50 billion - \$ 1 billion to \$2 billion each year for the next 20 to 25 years"

[5] "...Economic stability enables Aboriginal people to better protect and develop many aspects of their unique cultures – their languages, songs, stories, ceremonies, values, beliefs, and way of life"

[6] "...Treaties lead to greater self-reliance for First nation communities and help to close the social and economic gaps that exist between Aboriginal people and other British Columbians" [[Source:www.treaties.gov.bc.ca/overview_accomplish.html](http://www.treaties.gov.bc.ca/overview_accomplish.html)]

First Nations Business Links



Indigenous Corporate Training Inc. <http://ictinc.ca/>

Helping individuals and organizations work effectively with Aboriginal Peoples. They wrote the book! Working Effectively with Aboriginal Peoples™ is full of copyrighted information designed to increase readers aboriginal awareness and cross cultural understanding and more importantly take them a step beyond aboriginal awareness to practical hints tips and suggestions that can be applied everywhere.

Aboriginal Corporate Development <http://www.aboriginalcorporatedevelopment.com/>

Providing Aboriginal Awareness training sessions and consulting to individuals and organizations interested in working more effectively with Aboriginal Peoples.

Aboriginal Entrepreneur <http://www.abentre.ca/Welcome.html>

Community Economic Development training for First Nation, Inuit & Metis Economic Development Personnel, Development Corporations, Employment Councilors, and Community Leaders.

What's the Deal with Treaties? video http://www.bctreaty.net/files/video_whats-the-deal.php

BC Treaty Commission: <http://www.bctreaty.net/>

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. The Treaty Commission does not negotiate treaties-that is done by the three parties at each negotiation table. The Treaty Commission's primary role is to oversee the negotiation process to make sure that the parties are being effective and making progress in negotiations. In carrying out the recommendations of the BC Claims Task Force, the Treaty Commission has three roles: facilitation, funding and public information and education.

<http://www.absn.ca/index.htm>

You can access information, advice and referral services to meet the needs of potential and existing Aboriginal business people in BC.

The Industry Council for Aboriginal Business (ICAB) <http://www.icab.ca/>

The Industry Council for Aboriginal Business (ICAB) facilitates programs furthering dialogue and relationship-building between industry and Aboriginal communities in BC. ICAB brings Aboriginal and non-Aboriginal leaders together to create opportunities for business and pursues the vision of a vibrant BC economy where Aboriginal and non-Aboriginal people prosper together.

Doing business specifically on Vancouver Island

Doing business with Cowichan Tribes: <http://www.cowichantribes.com/contribution/Doing%20Business%20With%20Cowichan%20Tribes>

With over 4,000 members, the largest single First Nation Band in British Columbia.

Howutzun Development Corporation <http://www.khowutzun.com/>

Howutzun Development Corporation will initiate, develop and manage business opportunities available to the Cowichan Tribes which are compatible with economic and spiritual well being of the Cowichan; their land, its inhabitants and its economic resources. KDC shall strive to maximize the long term benefits to all Cowichan for training, employment, management and entrepreneurial opportunity in the social economic community of Canada and abroad. KDC will develop investment criteria with the following priorities: Social & Economic impact through ownership and strategic partnerships, Generate meaningful employment, Generate management expertise

Invest in Comox Valley http://www.investcomoxvalley.com/first_nation_opportunities/landofplenty/default.htm

The K'ómoks First Nation have long known the benefits of living in the comox valley and wish to welcome investors to mutually profit from the bounty of their original territory. Invest Comox Valley and the K'ómoks First Nation have joined together to form a unique partnership aiming to promote further economic development in the Comox Valley.