

**An Evaluation of Aboriginal, Government, and
Mining Industry Relationships and Policies in
Manitoba: Accessing Land for Mineral Exploration
and Mine Development**

by
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Abstract

The thesis focused on evaluating how provincial policies have framed and informed the development of relationships among Aboriginal, government and mining industry representatives in Manitoba. The research was conducted during a time period where current events regarding uncertainties in land claims, delays in obtaining prospecting work permits and a need for clarifying Section 35 Crown consultation have amplified the need for further understanding of the interactions among the parties. The research adopted a qualitative approach that consisted of a literature review, key-informant interviews and general observations. Thirty interviews were conducted from August to November 2014.

The results revealed that the existing relationships among the parties were frustrating. These frustrations were attributed to a breakdown in the implementation and application of provincial policies and procedures. Uncertainties in land claims and protected area designation have continued to deter investment into the mineral sector. A lack of communication, understanding of cultural backgrounds, and willingness to allow time for proper consultation was noted by the respondents. Failure to recognize these aspects within policy has taken a toll on enhancing lasting relationships. Policies need to be updated and should clarify the roles and responsibilities of each interested party.

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Table of Contents

Abstract.....ii
Acknowledgements.....iii
List of Tablesvii
List of Figures.....vii
List of Copyright Material with Permission.....viii
Acronyms.....ix
Glossary of Terms.....x

1 CHAPTER 1.0 INTRODUCTION..... 1

1.1 PREAMBLE..... 1
1.2 BACKGROUND 1
 1.2.1 *Policy development in Manitoba*..... 8
 1.2.2 *Aboriginal Participation* 11
1.3 PURPOSE AND OBJECTIVES..... 13
 1.3.1 *Purpose*..... 13
 1.3.2 *Objectives* 13
1.4 METHODS 14
1.5 CONTRIBUTIONS TO KNOWLEDGE..... 15
1.6 ORGANIZATION OF THESIS 16

**2 CHAPTER 2.0 RESPONSIBILITIES IN CONSULTATION, POLICY DEVELOPMENT,
AND ABORIGINAL PARTICIPATION IN LAND USE AND MANAGEMENT 17**

2.1 INTRODUCTION..... 17
2.2 THE ESTABLISHMENT OF MINERAL POLICY IN CANADA 17
2.3 MINERAL POLICY IN MANITOBA 22
 2.3.1 *The Stages of Exploration and Mining*..... 31
2.4 ABORIGINAL INVOLVEMENT IN MINING 33
2.5 ABORIGINAL PARTICIPATION 40
 2.5.1 *Duty to Consult*..... 40
 2.5.2 *Aboriginal Rights and Title* 42
 2.5.3 *The Formation of Partnerships* 43
2.6 CONCLUSION 48

3 CHAPTER 3.0 RESEARCH APPROACH AND METHODS..... 53

3.1 INTRODUCTION..... 53
3.2 QUALITATIVE RESEARCH APPROACH 53
 3.2.1 *Case Study*..... 54
3.3 RESEARCH METHODS 55
 3.3.1 *Review of Reference Materials*..... 55
 3.3.2 *Semi-Structured Interviews* 56

3.3.3	<i>Respondent Selection</i>	56
3.3.4	<i>Criteria Formation for Interview Questions</i>	59
3.4	FULFILMENT OF OBJECTIVES AND VALIDATION	60
3.5	CONCLUSION	62
4	CHAPTER 4 DATA AND ANALYSIS	63
4.1	INTRODUCTION.....	63
4.2	CASE STUDY DESCRIPTION	65
4.2.1	<i>Provincial Profile</i>	65
4.3	DATA	67
4.4	SURVEY ANALYSIS.....	71
4.4.1	<i>Belief in Contributions and Influence in Policy Development</i>	72
4.4.2	<i>Management of Expectations</i>	75
4.4.3	<i>Mining Life Cycle</i>	78
4.4.4	<i>Perceived Realities of Policy Development</i>	83
4.4.5	<i>Willingness</i>	87
4.5	POLICY ANALYSIS	93
4.6	CONCLUSION	95
5	CHAPTER 5 DISCUSSION	96
5.1	INTRODUCTION.....	96
5.2	POLICY DEVELOPMENT	96
5.2.1	<i>Sustainability</i>	96
5.2.2	<i>The Evolution of Policies and Sustainability</i>	98
5.2.3	<i>National Policy Development</i>	100
5.2.4	<i>Provincial Policy</i>	101
5.3	POLICY AND PRACTICES	103
5.3.1	<i>Proper Consultation</i>	107
5.4	LESSONS LEARNED.....	111
5.4.1	<i>Learning from Others</i>	113
5.5	CONCLUSION	114
6	CHAPTER 6.0 SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS.....	119
6.1	RESEARCH SUMMARY	119
6.1.1	<i>Formation of Criteria</i>	119
6.1.2	<i>Key Informant Interview Outcomes</i>	119
6.1.3	<i>General Observations</i>	122
6.2	RESEARCH CONCLUSIONS	122
6.3	RECOMMENDATIONS	126
6.4	CONCLUSION	128
7	REFERENCES CITED.....	130
8	APPENDIX	142

List of Tables

Table 1 Land Use Designations and Mineral Exploration Requirements	29
Table 2 Supreme Court Cases Significantly Influencing Aboriginal Rights.....	41
Table 3 Literature Review: Main Concepts Studied	49
Table 4 Respondents by Party	57
Table 5 Categories in which the Respondents were identified.....	58
Table 6 Methods Followed Corresponding to the Objectives	60
Table 7 Photographs from My Field Season	64
Table 8 Manitoba Operating Mines.....	67
Table 9 Data Summary	68
Table 10 Balancing Sustainability	99
Table 11 Provincial Policies and Intended Outcomes for Implementation	106
Table 12 Respondent Commentary on Consultation.....	109

List of Figures

Figure 1.1 Mineral Claims in Canada, 2008.....	3
Figure 1.2 Manitoba Exploration Expenditures (\$ million) 2009-2014.....	4
Figure 1.3 Aboriginal Mining Agreements, 2014	6
Figure 1.4 Land Access for Mineral Exploration and Development, 2014.....	10
Figure 2.1 Minerals and Mining Map, 2013.....	18
Figure 2.2 Manitoba Resource Sector Growth	23
Figure 2.3 Map of Manitoba Mine Sites 2015	24
Figure 2.4 Aboriginal Canadian Opinions of the Mining Industry 2014	37
Figure 3.1 Criteria Formulated from Literature Review	59
Figure 4.1 Ability to Give Consent	72
Figure 4.2 Negotiation Agreements.....	75
Figure 4.3 Education, Training and Employment	78
Figure 4.4 Land Use Regulations	84
Figure 4.5 Communication.....	88
Figure 5.1 Comparison of Provincial Policies Favoured by Respondents	102
Figure 5.2 Conceptual Framework of Theme Linkages	116

List of Copyright Material with Permission

Figure or Table	Source	Page Number
Figure 1.1 Mineral Claims in Canada, 2008	Canadian Boreal Initiative (CBI) © 2008	3
Figure 1.3 Aboriginal Mining Agreements, 2014	Natural Resources Canada/Minerals and Metals Sector, Aboriginal Participation © 2014	6
Figure 1.4 Land Access for Mineral Exploration and Development, 2014	Province of Manitoba © 2014	10
Figure 2.1 Minerals and Mining Map 2013	Natural Resources Canada © 2013	18
Figure 2.3 Map of Manitoba Mine Sites 2015	Province of Manitoba © 2014	24
Figure 2.4 Aboriginal Canadian Opinions of the Mining Industry, 2014	PR Associates © 2014	37
Table 8.0 Manitoba Operating Mines	Province of Manitoba 2014 ©	67

Acronyms

AMC- Assembly of Manitoba Chiefs

AMEBC- Association for Mineral Exploration British Columbia

CIZ- Community Interest Zone

CSR- Corporate Social Responsibility

EAP- Economic Action Plan

EIS- Environmental Impact Statement

GDP- Gross Domestic Product

IBA- Impact Benefit Agreement

IFC- International Finance Corporation

ILM- Integrated Land Management

MAC- Mining Association of Canada

MELC- Mineral Exploration Liaison Committee

MiHR- Mining Industry Human Resources Council

MRTEE- Manitoba Round Table of the Environment and the Economy

NDP- New Democratic Party

NRTA- Natural Resource Transfer Act

PPI- Policy Potential Index

TEK- Traditional Ecological Knowledge

TLE- Treaty Land Entitlement

TSM- Towards Sustainable Mining

WMI- Whitehorse Mining Initiative

Glossary of Terms

Aboriginal	Includes First Nation, Inuit and Metis peoples as recognized in Section 35 of the Canadian Constitution Act 1982.
Aboriginal Title	The claim in ownership to land based on the continued traditional use of the land.
Case Law	The law that is determined by the outcomes of other cases.
Community	Refers to an Aboriginal community, unless otherwise noted as a local community.
Consent	The term consent may be more commonly known as F.P.I.C, Free Prior and Informed Consent; however, for the purposes of the research, consent was used as a more general term to describe granting permission.
Crown	The Crown refers to the power and authority given to the Governor General of Canada.
Crown Land	Land that belongs to the Crown, or to the Government.
Junior Mining Company	A venture capital firm who sponsors mineral exploration activities. Exploration is conducted at the grassroots level and involves high risk and minimal monetary gain.
Mineral Exploration	The process of finding and discovering viable amounts of minerals to mine. Some exploration activities include; land surveys, exploration camps, prospecting and drilling.
Mining Activity	Includes any prospecting, exploration, drilling, surveying, or development of a mine.
Mining Company	Refers to both Junior and Senior mining companies.
Parties (Interested)	The interested groups in mineral policy and mining activity including the Aboriginal communities, the Manitoba Government and the Mining Industries present in Manitoba.
Policy	General societal values that have been adopted and allocated by the government. Rules and Regulations.
Proponent	Used to describe the party conducting resource development. In the case of this thesis, this term refers to exploration persons, company or mining company.
Senior Mining Company	Developed mining company that usually owns and operates multiple mines. Revenue generated from the production and sale of mineral and metal products.
Traditional Ecological Knowledge	Knowledge pertaining to traditional land and culture gained over a history of generations.
Traditional Territory	Geographic area defining land that was used traditionally by Aboriginal peoples. Uses not limited to hunting, fishing, trapping, spiritual uses, and movement of families or tribes. Term is more commonly recognized in the English language. Authority over these areas is often in question.

1 Chapter 1.0 Introduction

1.1 Preamble

Historically, Aboriginal communities¹ in Canada have encountered a number of challenges related to government policy and mining industry development. As natural resource extraction has been impacted by an increased awareness of Aboriginal rights to land, Aboriginal communities have had to adapt to increased economic development and amplified “western” concepts of land regulation and traditional territory² boundaries. Continued mineral exploration and mine development in Canada has created a greater need for sustainable mineral policy. An evaluation that considers social, economic and environmental aspects of relationships among Aboriginal, government and mining industry members in Manitoba is important. How these relationships relate to both land access, and mineral exploration and mining development maintains the focus of the following chapters.

1.2 Background

Historical records have documented accounts of Canadian Aboriginal peoples’ involvement in mining activities prior to European settlement. Aboriginal copper mines were first recorded by early settlers in 1863 (Matthews, 2002). European explorers relied heavily on the natives’ extensive knowledge of the land as the explorers began to discover and develop mines (Matthews, 2002). Today, Canada is one of the world leaders in the extractive industry. Extensive exploration throughout Canada has revealed over sixty different types of minerals and metals (Anderson and Bone, 2009; Shinya, 1998). A 2010 study carried out by Natural

¹ The term “Aboriginal communities” is describes First Nation, Inuit and Metis peoples as recognized in the Constitution Act 1982 Subsection 35.

² Geographic area defining land that was used traditionally by Aboriginal peoples. Uses may resemble hunting, fishing, trapping, spiritual uses, and movement of families or tribes. Term is more commonly recognized in the English language.

Resource Canada, revealed Canada-based mining companies comprised 48% of the world's larger mining companies (Drake, 2012). With such a large percentage of Canada-based companies, there remains an importance for the industry to realize its potential in influencing national policy.

The minerals and metals that are mined today play a vital role in the production of goods individuals regularly use such as computers, cars and many other industrial materials (Marshall, 2012). Not only are mining activities essential for products in today's society, but the minerals and metals industry is a large driver of the Canadian economy (Marshall, 2012). In 2012, mining and mineral processing accounted for 3.5% of Canada's overall Gross Domestic Product (GDP) at \$60 billion (Natural Resources Canada, 2013). In 2013, mineral extraction and processing added \$54 billion to the Canadian economy (Marshall, 2014).

The importance for mining companies and local Aboriginal communities to work together to establish stronger forms of communication has grown as mining activity has been made possible in remote northern locations (Jenkins & Yakovleva, 2006). Figure 1.1 displays the mineral claims and the locations of Aboriginal reserves that were present in 2008. The growth of mineral exploration and development in Canada has also had to compete with an increase in Aboriginal land claims, or the "re-claiming" of the rights to land by Aboriginal ancestors prior to European settlement (Jenkins & Yakovleva, 2006). The predicted continuance of growth in the mining industry and export sector throughout Canada (Kelly, 2013; Marshall, 2012) has necessitated increased attention to social responsibility and corporate sustainability. Within Canada, over 180 mines and 2,500 exploration properties are estimated to be within 200 km of 1,200 Aboriginal communities (Hitch and Fidler 2007; Marshall, 2012).

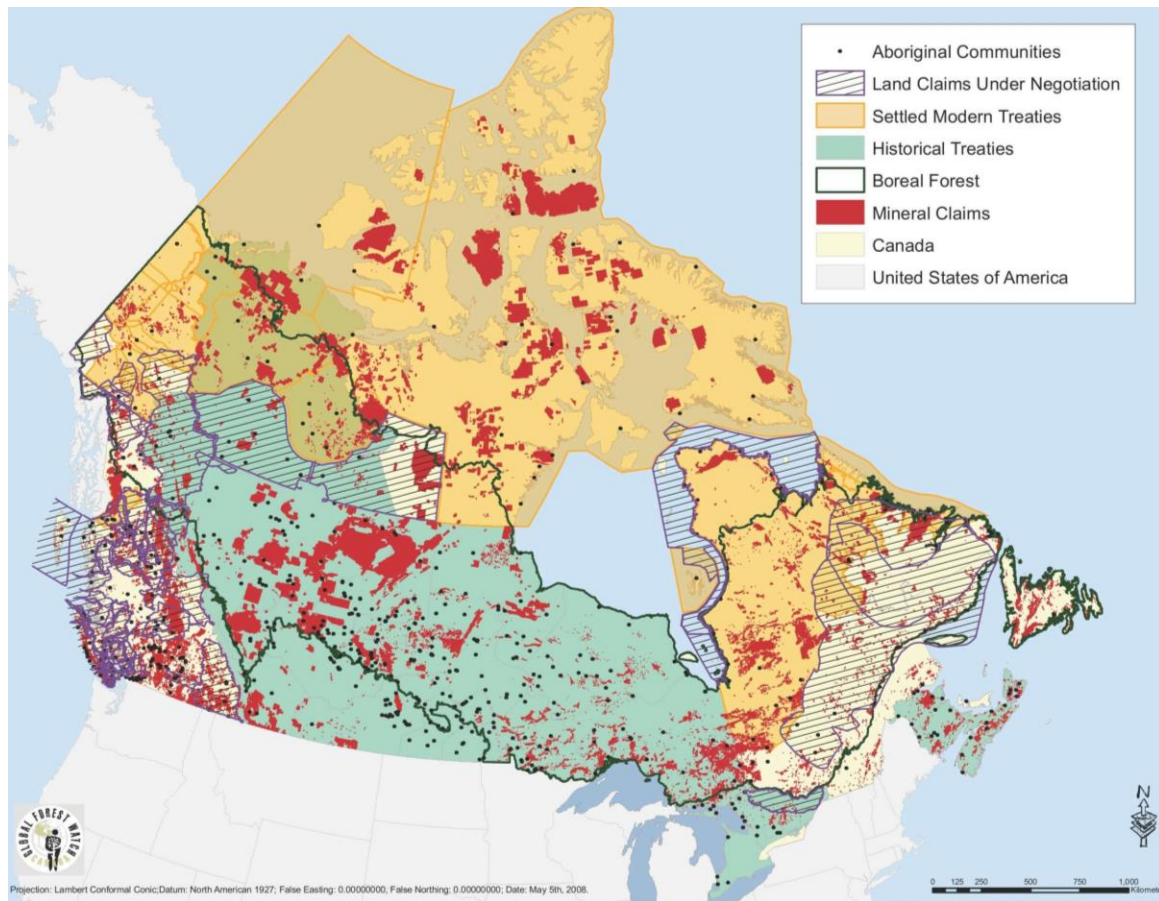


Figure 1.1 Mineral Claims in Canada, 2008
 Canadian Boreal Initiative (CBI) © 2008 with Permission

Though mining activity has expanded rapidly over the past 150 years (Hilson, 2012), current downturns in market prices of minerals and metals have in the short term stunted predicted growth in the industry. From 2011 to 2013 increasing competition in the mining industry decreased global mineral investment into Canada from 18% to 13% (Marshall, 2014). The decrease in total investment into the Canadian mining industry has impacted each province and territory. Continued decline of investment into the mineral sector by senior and junior companies in Manitoba in particular is displayed in Figure 1.2. Initial estimate on spending for exploration in 2014 was predicted to be around \$50 million and was re-evaluated

at \$25.2 million (Government of Canada, 2015). Further decreases of exploration activities in the province could continue if active measures are not taken to improve investment.

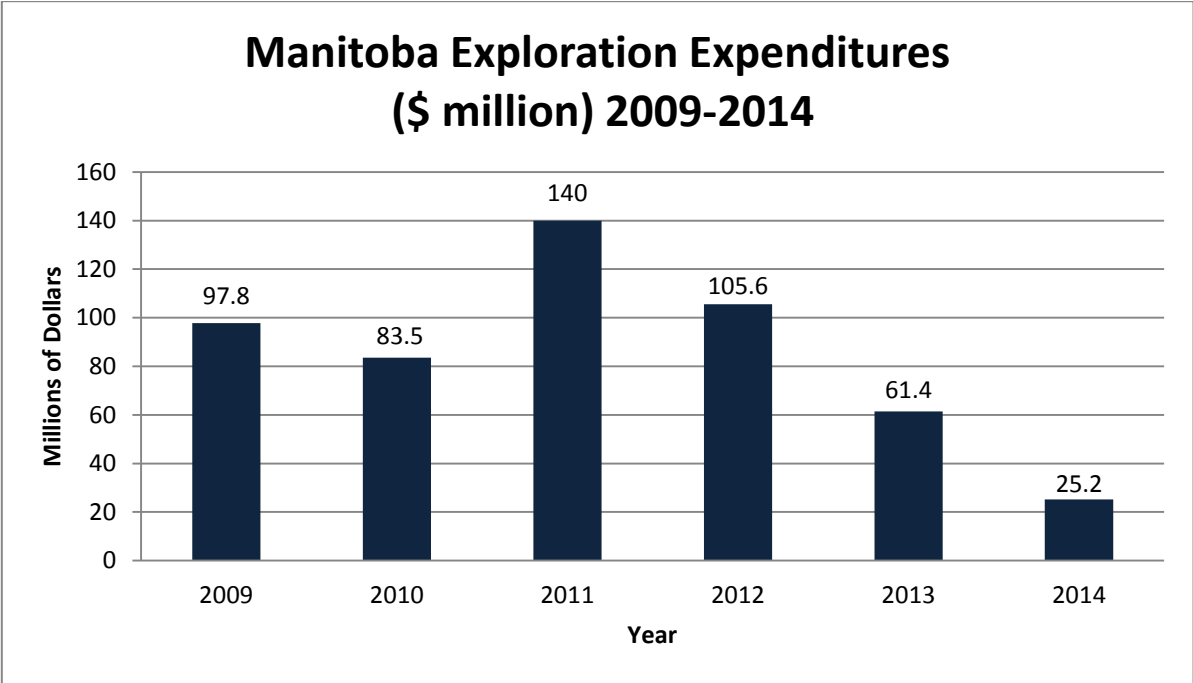


Figure 1.2 Manitoba Exploration Expenditures (\$ million) 2009-2014
(Adapted from Government of Canada, 2015)

Though the minerals and metals industry contributes largely to economic growth, mining projects are, however, non-renewable. The mining “life cycle” begins with exploration, which is commonly found to leave minimal impact on the land. Once an explored site has been identified as having geological potential, the life of the mine continues on to development, operation and closure procedures (Government of Canada, 2006). The closure of a mine site may leave nearby mining communities with potentially damaged surrounding habitats as well as with a loss of employment, which can result in individuals needing to decide whether to leave their communities to find employment opportunities farther from home (Gibson and Klinck, 2005). Mining companies have an opportunity to ensure that

measures are taken during the life of the mine to warrant sustainable growth both environmentally and socially (Government of Canada, 2006).

Over the past two decades, forms of negotiation agreements have been established which intend to mitigate uncertainty and conflict among Aboriginal communities and mining companies (Mining Industry Human Resources (MiHR), 2013). One such type of agreement known as an Impact Benefit Agreement (IBA) has been designed to ensure communities are able to negotiate the use of local services, local employment, education and training, and revenue sharing (Fidler, 2010; MiHR, 2013). Figure 1.3 displays a map of current-standing negotiation agreements within Canada. The Province of Manitoba has notably very few agreements compared to other provinces. The content of an IBA is confidential and both parties must agree to make the agreement public; therefore, there may be currently existing agreements other than IBAs not known to the general public or displayed on the map in Figure 1.3 (MiHR, 2012).

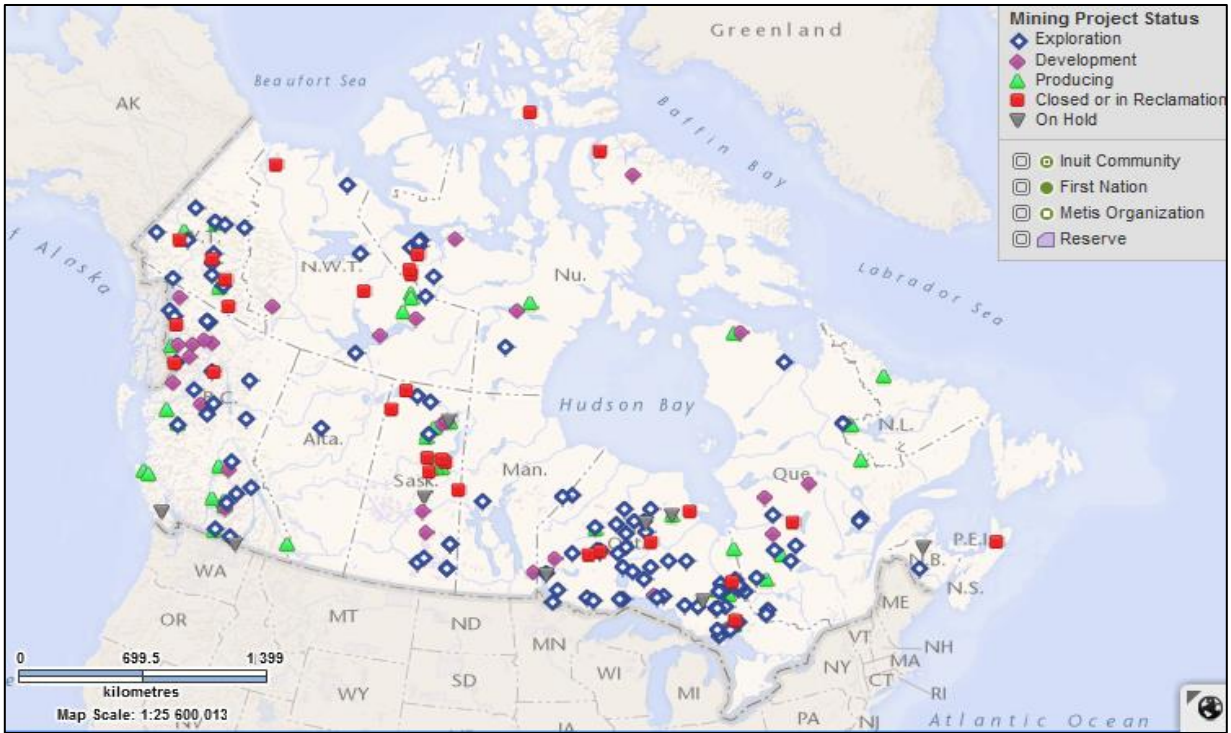


Figure 1.3 Aboriginal Mining Agreements, 2014

Natural Resources Canada/Minerals and Metals Sector, Aboriginal Participation

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The Crown was granted the rights to distribute land to the provinces in 1870 (Tough, 1996). The Natural Resource Transfer Act (NRTA) 1930 further allocated jurisdiction of natural resources to the provinces. The primary distribution of land, however, did not allocate the proper amount of land to Aboriginal peoples in Canada. The Crown previously owned the surface rights throughout the provinces to all the land that was unoccupied or not designated as reserve land (Tough, 1996). Recent court decisions have, however, brought about change where Aboriginal Title may be awarded where previous use and occupancy of a nation can be proven (Tsilhqot'in Nation v. British Columbia, 2014). The Province of Manitoba holds jurisdiction for both the conservation and economic development of natural resources within its borders (Harrison, 1996; Hilson, 2000), which enables the province to develop policies that

govern the allocation of land, and resource development. Many Aboriginal communities continue to debate the transfer of land from the Federal Government to the provinces.

The Federal Government has acknowledged the responsibility to encourage Aboriginal participation in consultation through part of Canada's Economic Action Plan (EAP) *Responsible Resource Development* (Government of Canada, 2013a). The goal of the resource development plan attempts to equally support the resource sector and develop greater economic growth. The Federal Government has worked towards appointing lead departments solely responsible for consultation, has added funding and has developed stronger guidelines to aid in clarifying consultation responsibilities (Government of Canada, 2013a). To ensure Aboriginal participation and to demonstrate a commitment to communities, consultation must be initiated early in the project development stages (Government of Canada, 2013a).

The *Responsible Resource Development* plan has attempted to provide a national sense of security for investors into the resource sector. The plan initiated more streamlined project reviews, stronger environmental protection processes and improved protocols for Aboriginal consultation (Government of Canada, 2013c). The EAP has allocated over \$600 million in the 2013 budget to ensure further Aboriginal education and training for future jobs in the natural resource sector (Government of Canada, 2013c). However, the EAP does not detail the steps in which the education and training will occur, or to what degree. To secure mining investments into the industry through junior company exploration, the EAP has outlined the Government's commitment to continue a 15% Mineral Exploration Tax Credit, and has extended monetary investment into the North's diamond production (Government of Canada, 2013b). The Federal Government has committed to creating policies that focus on developing and enhancing the economic potential of Canada (Government of Canada, 2014b).

1.2.1 Policy development in Manitoba

Deviations in policy effectiveness are commonly the result of differing expectations among local communities, industries, and the provincial and federal government. Through an analysis of factors that discourage investments into the mining sector prepared by the Fraser Institute (2012/2013), Manitoba ranked poorly in two main aspects; i) “uncertainty concerning which areas will be protected as wilderness areas, parks or archeological sites, and ii) uncertainty concerning disputed land claims” (Wilson, McMahon and Cervantes, 2013, p. 38 and 40). These uncertainties showcase the particular difficulties that arise when numerous players are involved in conflict over land use management strategies and traditional land use values.

A series of policies, regulations and guidelines have guided the process of mineral exploration and development in Manitoba. Overarching land use planning within the Province of Manitoba is regulated under the umbrella of The Planning Act (Province of Manitoba, 2015; The Planning Act, 2005). Policies regarding land use management, Aboriginal communities, consultation, and mining activity fall underneath a series of acts such as The Mines and Minerals Act (M162), The Mining Tax Act (M165), The Crowns Land Act (C340), and The Environment Act (E125).³ A selection of Manitoba Aboriginal engagement guidelines and consultation procedures can be viewed in Appendix A.

Crown land is public land owned by either the federal or provincial government. The process of designating land for various purposes has been complicated by the numerous

³ Policies concerning Aboriginal consultation are displayed in Appendix A. The *Interim Provincial Policy for Crown Consultations with First Nations, Metis Communities and Other Aboriginal Communities* developed in 2009, *The Manitoba Minerals Guideline* developed in 2000, and the *Procedures for Crown Consultation with Aboriginal Communities on Mineral Exploration and Mine Development* developed in 2007 by the Government of Manitoba.

policies present within Manitoba's jurisdiction. Designated protected areas such as national parks and ecological reserve locations do not permit mining activity (Province of Manitoba, 2013). Mining activity can only occur on public land once a mineral claim has been staked or a mineral exploration license has been obtained from the Province (Province of Manitoba, 2014a).

Land Use Management plans have been developed with the collaboration of the Province of Manitoba and Aboriginal communities. Two land use plans developed in 2011 and 2012 with Little Grand Rapids First Nation and Pauingassi First Nation have received Governmental approval regarding the designation of areas for development, such as mining and other commercial development as well as areas for preservation and protection (Little Grand Rapids, 2012).

Figure 1.4 on the next page is a map that displays designated protected areas, land access, mining sites and Aboriginal community locations in 2014. Common areas of interest both for conservation and for economic development present opportunities of potential future land use conflict. Advisory councils, such as the Minister's Mining Advisory Council, have been formed with the intention to ensure Aboriginal communities and organizations within Manitoba are considered in mining and resource development decisions within the province (Province of Manitoba, 2013b).

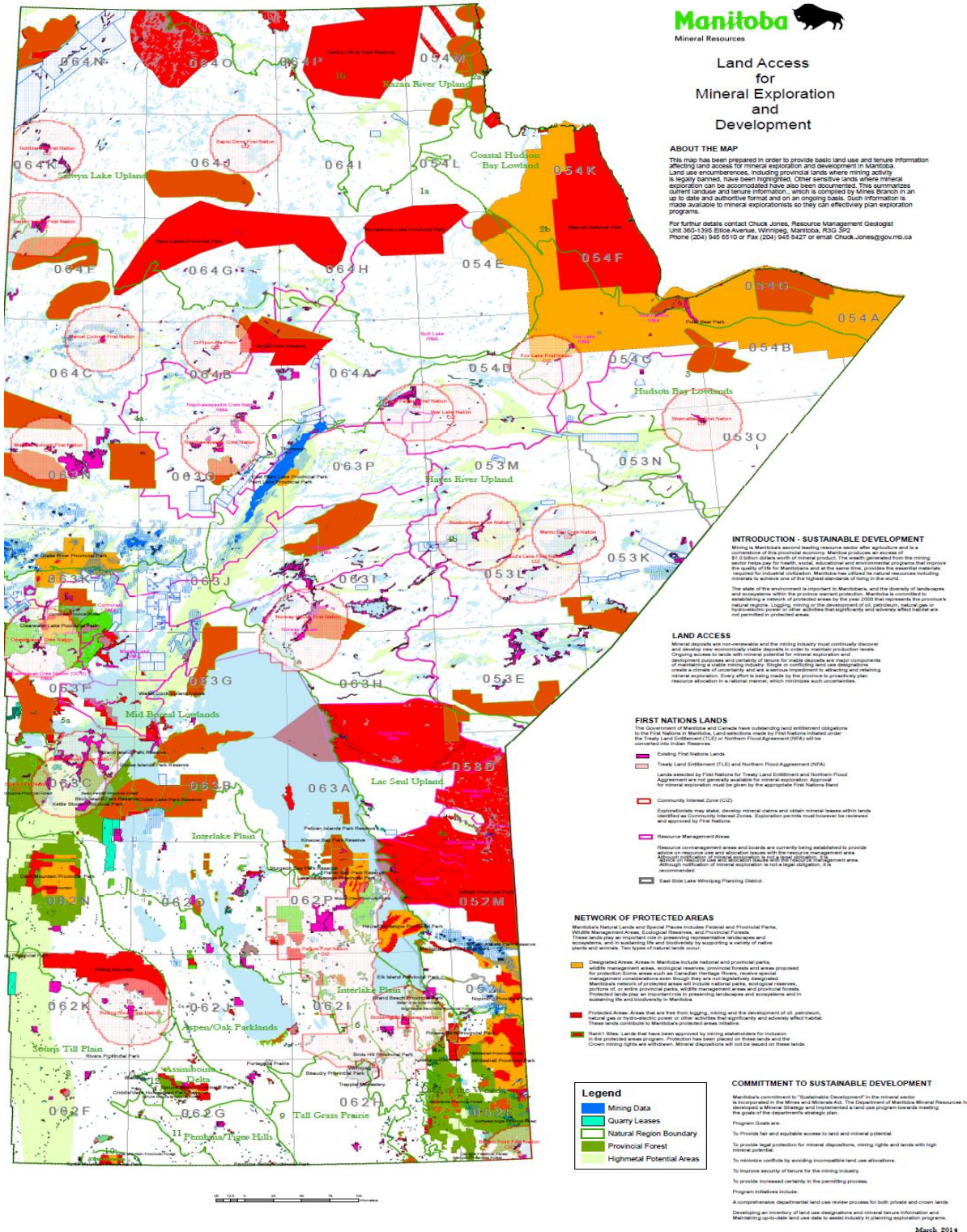


Figure 1.4 Land Access for Mineral Exploration and Development, 2014
"Courtesy of the Government of Manitoba, June 2014" Province of Manitoba © 2014d To view in better quality:
<http://www.manitoba.ca/iem/mines/sustain/images/landuse.pdf>

1.2.2 Aboriginal Participation

There has been significant variation between “conventional” or “mainstream” constructs and Aboriginal constructs regarding the value of land and nature as well as interests in land use (Daly and Cobb, 1989). Aboriginal cultures typically observe land with more traditional value and spiritual respect that can often be a source of tension surrounding land use and development. Limitations arise because conventional and Aboriginal constructs about sustainable activities often times do not coincide (Datta, 2013). Modern economies have progressed by considering land solely in terms of monetary value and material use (Daly and Cobb, 1989). Having a relationship with the land and community can directly impact interests for development and how land is managed. However, neither approach is flawless in all aspects. In order to create a holistic land use policy concerning all four stages of the mining life cycle; such as exploration, development, operation, and closure (Mining Information, 2006) there needs to be an attempt to collaborate and improve communication among the different worldviews (Datta, 2013). Both economic and cultural values contribute greatly to the variations in both mainstream and traditional, Aboriginal worldviews. Throughout discussions of the “values” which the parties place on land and resources, the term has been used mostly in an intrinsic sense of the word. However, it is important to acknowledge that economic value often plays a role in influencing land management strategies.

The introduction of natural resource exploration and extraction in remote areas of Canada has required Aboriginal communities to adapt to impacts and challenges that such development potentially imposes on once historical, subsistence lifestyles (Gibson and Klinck, 2005). The sustainability of an impacted community can be associated with the community’s resilience and adaptive capacity. Resilience within a community is defined as “the quality that

helps communities respond to change and moderate impact” (Gibson and Klinck, 2005, p.116). Economic and social influences, and the ability for effective communication strategies within a community are all indicators used to assess resilience within a community (Norris, Stevens, Pfefferbaum B., Wyche, & Pfefferbaum R., 2007; Sherrieb, Norris, Galea, 2010). These characteristics are representative of the parts of a community such as people, organizations, resources and processes (The Canadian Centre, 2000). Resilience factors within a community may assist in evaluating current policy by assessing what characteristics hinder communities from achieving self-governance. The various stages of mine development may alter the local environment in ways that may impact communities within the vicinity of mining activity that require the community members to adapt (Building Resilience, 2008; Hegney et al., 2007).

The engagement processes among mining and exploration companies and Aboriginal communities can facilitate actions of sustainability and shape resilience within a community. A socio-cultural shift has started to take place where the potential benefits from mining projects, such as education, training, infrastructure and revenue sharing are becoming more accepted by Aboriginal communities across Canada (Prno & Slocombe, 2012). However, the perceived “acceptance” of the resource-based industries is not one met without resistance, as these industries are sometimes perceived as one of the only ways for remote communities to become self-sufficient. Common interests in land use for resource extraction, protected areas and traditional land use have caused tension among Aboriginal communities, government and the mining industry. Changes in policy and Supreme Court decisions have started to enable Aboriginal communities to join in land use and management conversations in order to ensure

companies and governments incorporate members more in the decision making processes (Hilson & Murck, 2000; Luning, 2012; Prno & Slocombe, 2012).

In order for potential benefits to be realized, mining companies must foster lasting socio-demographic relationships and protect the surrounding environment. Likewise, communities must be willing to consider resource development and be open to engaging in necessary dialogue (Prno & Slocombe, 2012). A movement towards a more incorporative approach to mining development has taken place over the last 30 years (Hitch and Fidler, 2007). The acknowledgement for increased participation has occurred through new modern-day treaties, court rulings and greater land claim rights and agreements (Hitch and Fidler, 2007).

1.3 Purpose and Objectives

1.3.1 Purpose

The purpose of the thesis was to evaluate the respondents' views on how relationships have been cultivated and how related policies in Manitoba have framed and informed the development of the relationships among Aboriginal, government and industry representatives.

1.3.2 Objectives

In order to address the broad purpose the following objectives were set:

- To identify the criteria useful in evaluating the relationships among Aboriginal communities, government and the mining industry in Canada;
- To examine the public policies of Aboriginal consultation, mineral exploration and mine development with regards to access to land in Manitoba;

- To apply the identified criteria in an evaluation of the relationships and policy practices among the Aboriginal, government and industry respondents in Manitoba related to mining activity and policy integration;
- To discuss the implications of the theory and practice involved in mineral exploration and mine development within the province; and
- To make recommendations as appropriate.

1.4 Methods

The research methods adopted a qualitative approach (Patton, 2002) which consisted of a literature review, including a review of significant documents, and key-informant interviews to explore existing information on government, mining industry and community relations. The literature review examined the theoretical framework of corporation and government-led consultation and engagement processes with examples from standard policy formation to determine what the criteria were that could work to develop within a related mineral-policy framework.

Snowball sampling of respondents for the key-informant interviews gathered respondents from four categories; Aboriginal peoples, government, mining industry, and “other”. Interviews were conducted from August 2014 to November 2014. The variety of perspectives highlighted the issues of particular concern and significance to the various players involved. Information from interviews was cross-examined with the literature to provide insight on the best practices for developing policy and community relations. An initial focus group was planned as a method for validation with respondent interviews; however, due to the sensitivity of the subject matter and the schedules of the respondents, a focus group was not possible. For further validation a random selection of interview transcripts were emailed

back to the respondents in order to ensure the researcher was accurately portraying the respondents' comments in a true and respectful manner.

Acquiring the appropriate ethics approval was done prior to conducting the field work with the completion of the TCPS 2: CORE Ethics course and with an approved ethics certificate awarded in August 2014 shown in Appendix B. I was made aware of the cultural and worldview differences and the protocols required for conducting interviews with the various parties. The research involved comparing the views of the respondents from several interest groups within Manitoba. The information gathered focused on the respondents' recollections and their personal evaluations of the subject matter. It was recognized in the data analysis that each respondent carried their own biases. To increase validity of the qualitative research, additional feedback and acceptance from the respondents interviewed was retrieved after an initial analysis of the data (Patton, 2002).

1.5 Contributions to Knowledge

The Government of Manitoba states a purpose to better work with and understand Aboriginal communities' cultures and traditions in order to make well-informed decisions regarding consultation and accommodation processes, while also maintaining the overall population's best interests (Government of Manitoba, 2009). Policy is one of the ways in which to create change within a governmental system and thus it is important that various interested parties involved with or impacted by mining activity in Manitoba are consulted throughout the formation of mineral policy and its implementation. The insight gained from Aboriginal communities, government and mining industry representatives across the province has the potential to provide recommendations that will assist in furthering the formation of mineral policy within Manitoba and improving relationships.

The cycle of resource development is forever changing. As the prices of minerals, metals and commodities fluctuate, so too can the relationships that have been developed among Aboriginal peoples, government and industry. Obtaining the views of the respondents involved in land use decision-making, and land use conflicts is an important part in understanding if current processes are satisfactory (Jackson, 2002). Evaluation of a policy should incorporate the intentions of the process, the current situation of the process and a comparison of those situations with what was expected by numerous interested parties on the outcomes (Jackson, 2002). Little literature on the existing relationships among Aboriginal, government and mining industry representatives in Manitoba was found. The research used an evaluative approach in order to determine the quality of these relationships and the effectiveness and practicalities of the policies regarding mining activity in Manitoba.

1.6 Organization of Thesis

The thesis is organized into six chapters. The first chapter provides an introduction to the topic of mineral related policy, relationships and Aboriginal participation in Canada and Manitoba. Chapter 2 provides a review of the literature pertinent to furthering the understanding of policy and relationship development in Canada and Manitoba. Chapter 3 consists of a more detailed description of the research methods. Chapter 4 discusses the data analysis and results. Chapter 5 consists of a discussion of the research findings related to the literature and research objectives, and Chapter 6 offers summary, conclusions and recommendations.

2 Chapter 2.0 Responsibilities in Consultation, Policy Development, and Aboriginal Participation in Land Use and Management

2.1 Introduction

The literature review examined social, economic and environmental matters regarding provincial policies that set the stage for corporation and community collaboration. A review of government policy literature provided a frame for understanding the historical processes of Aboriginal participation and the duty to consult concerning resource development, land use, and management. The chapter includes an introduction to the evolution of exploration, development and consultation policies within Canada and Manitoba as well as an overview of Aboriginal involvement in mining and policy development. The review of the literature revealed a set of criteria which were later used throughout the data analysis. Understanding the criteria involved in the development of lasting policies reflecting both values of culture, environment and economy has assisted in the formation of knowledge for this research. Due to the rapid evolution of Aboriginal consultation law defined by the Supreme Court and the recent introduction of Manitoba's Minister's Mining Advisory Council, the literature review attempts to be as contemporary as possible while acknowledging the potential for dramatic revisions to provincial policy in the near future.

2.2 The Establishment of Mineral Policy in Canada

Government policies have played a significant role both in determining how potential mineral resources have been developed and in shaping the level of investment into the mining sector within Canada (Wilson et al., 2013). Figure 2.1 displays a map of existing mines in Canada.

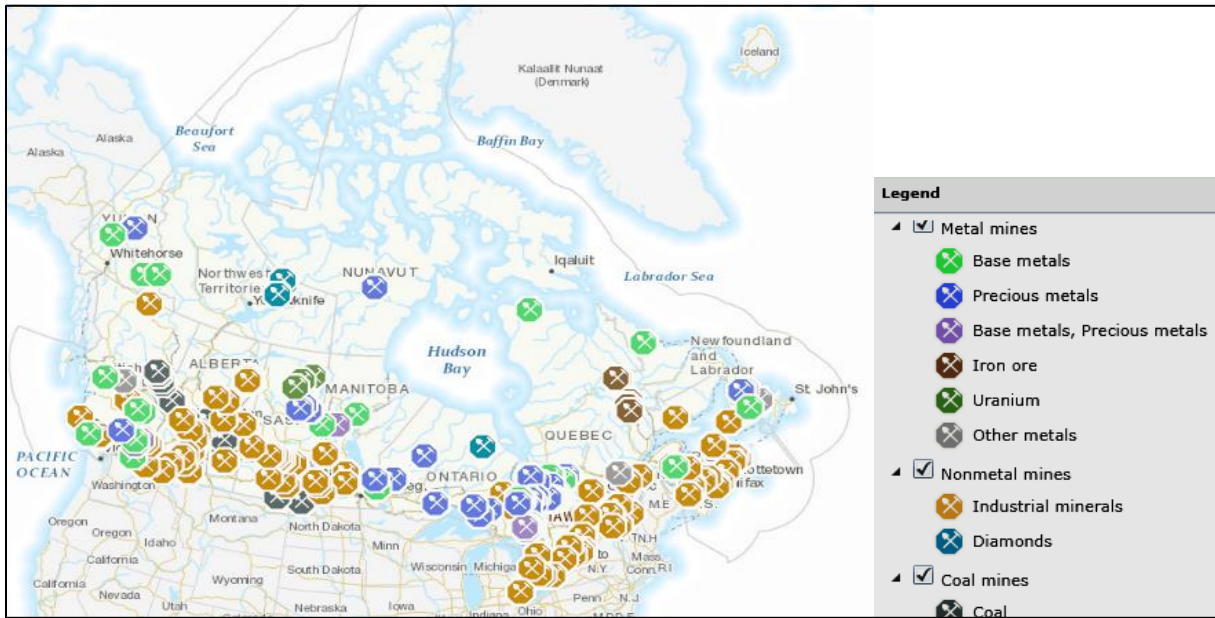


Figure 2.1 Minerals and Mining Map, 2013
 Natural Resources Canada © 2013 with Permission

The provincial governments were allocated jurisdiction over mining and natural resource regulations such as, exploration, development and extraction from the Federal Government (Harrison, 1996; Hilson, 2000). The Federal Government’s jurisdiction overlaps in both taxation and environmental sectors of mine operations (Walters, 2013). Constitutional obligation for Aboriginal peoples and land rights is currently the responsibility of the Federal Government, however, the land and resources remain controlled by the provincial Crown (Usher, Tough and Galois, 1992). Though federal policies regarding natural resources exist in forms such as the Fisheries Act (R.S.C., 1985) and the Environmental Assessment Act (2012), the ability for each province to determine the outcome of natural resource development within their region has allowed for full Provincial control over policy development relating to resource extraction (Harrison, 1996).

Policy has shaped the history of Canada’s mineral development through the contribution of various social, economic and environmental factors. What dominated national

mineral policy prior to the mid-1970s was a focus solely related to mining industry profit through the country's sale and export of natural resources (Kierans, 1973). However, a shift in policies acknowledging Aboriginal rights in the Constitution Act 1982 Section 35 placed greater focus on incorporating Aboriginal rights into many policies today (Panagos & Grant, 2013). Prior to the Constitution Act 1982 Section 35, social policy initiated in the late 19th century was first formed as a "policy of protection" otherwise known as an era of forcing the settlement of the Aboriginal population (Poirier, 2010). Policy then transformed into further attempts at cultural assimilation, which transitioned into policies incorporating "self-determination" in the late 1970s (Poirier, 2010). Historically, land decisions made by the provincial governments were typically made with little to no consultation with nearby Aboriginal communities (Poirier, 2010).

The Supreme Court's ruling in 1973 known as the Calder Decision was one of the first steps made by the government to recognize that Canada's Aboriginal people had "ownership interest in the lands" where their ancestors had historically originated (Anderson et al., 2006 p. 49). After the 1980s, there was an increased movement within Aboriginal communities in Canada to require more participation and benefits with mining companies (Prno & Slocombe, 2012). The increased pressure for more sustainable mining practices has come from a greater social concern for the environment and from a competitive pressure among mining companies (Humphreys, 2000).

The development of the *Minerals and Metals Policy of the Government of Canada; Partnerships for Sustainable Development* (1996) (Government of Canada, 2013d) paved the way for industry and organizations, specifically in the mining sector, to create new policies which highlighted the goals of the industry as a whole, and to respond to the needs of more

effective environmental, economic, and social standards (Hilson, 2000). The Policy defined sustainability regarding mining activity as retrieving resources from the earth as efficiently as possible, reusing minerals when possible, and disposing of waste properly so to affect the surrounding environment as little as possible (Shinya, 1998). The way corporation policy had been defined in the past did not accurately encompass a true responsibility to the environment, community, or other affected parties (Hilson & Murck, 2000). Growing concern for the environment, ethical practices, respect, responsibility, and social livelihoods has been emphasized as important responsibilities for new policy development (Prospectors and Developers (PDAC), 2012).

In 1993, the Whitehorse Mining Initiative (WMI) incorporated both sustainability and consultation initiatives by involving participation from government, industry and various Aboriginal communities (Fitzpatrick, Fonseca, & McAllister, 2011; Weitzner, 2010). The WMI was considered to be one of the significant milestones in Canada's mineral policy development (Fitzpatrick et al., 2011; Weitzner, 2010). The WMI sought to reach a consensus on political and environmental issues surrounding the sustainability of mining. The initiative attempted to improve regulations on the environmental assessment processes conducted in Aboriginal communities (Weitzner, 2010). One failure of the WMI, however, was the lack of attention paid to addressing land claims issues; the WMI offered no solutions to settling land rights disputes (Weitzner, 2010).

The Mining Association of Canada (MAC) has played an important role in contributing to new environmental regulations for mining companies to follow (Hilson, 2000). In 2004 the MAC initiated a new program entitled Towards Sustainable Mining (TSM) (Fitzpatrick et al., 2011). In contrast to the WMI, the TSM focused more narrowly on "crisis

management, energy use and greenhouse gas, external outreach and tailings management” (Fitzpatrick et al., 2011, p. 378). The TSM was centered on sustainable development initiatives that involved a socio-environmental component and improved accountability measures of its members (Fitzpatrick et al., 2011). The main implication of the TSM initiative, however, was the lack of a strategy of implementation and little governmental recognition of companies which have followed the TSM principles (Fitzpatrick et al., 2011).

Though each province in Canada has adapted their own policies regarding mining and natural resources activities within their borders, Canadian policy has been similar across the nation with two concepts, i) “free entry” and ii) “significant governmental discretion” (Panagos & Grant, 2013). The free entry system ensures miners obtain the right to any mineral found under their staked claim and allows for any miner to stake a claim on any open Crown Land, unless in the case of a national park (Panagos & Grant, 2013). Government discretion enabled decision makers, such as governments, to make the final decisions regarding any matter concerning mining activities (e.g. the minister has authority over nearly every mining-related decision) (Panagos & Grant, 2013). Both of these concepts have been shown to have been successful prior to the recognition of Aboriginal rights where policy development only combined both government and industry interests (Panagos & Grant, 2013). The introduction of Aboriginal land claims has further complicated the free entry and governmental discretion attributes because free entry assumes the land is Crown land. Differences in the understanding of who “owns” the land is a continued debate among Aboriginal and provincial government parties (Panagos & Grant, 2013).

The early establishment of the treaties throughout most of Canada gave the Crown authority over what was once Aboriginal land and has seemingly been the root of the majority

of land disputes regarding natural resources and traditional territories existing today. Though Canada is viewed as one of the world leaders in mining activity, a main critique discovered through research conducted by the Fraser Institute revealed that the main concerns regarding the future of Canada's mining industry were the uncertainties relating to "Aboriginal consultation and disputed land claims" (Wilson et al., 2013, p. 6). Today, there is still much disagreement among Aboriginal Canadians and the Canadian Government as to who has the legal right to make decisions regarding land use and management.

Both federal and provincial governments have often resisted change pertaining to land use and management policies (Poirier, 2010). Likewise, Aboriginal communities have resisted supporting more "mainstream" governments and societies (Poirier, 2010). Canadian mineral policy has attempted to incorporate social, economic and environmental aspects throughout the mining life cycle (Walters, 2013). The majority of mineral and metal policies in Canada outline the necessary inclusion of potential interested parties within each jurisdiction, however, enforcement of such policies has remained a provincial responsibility (Government of Canada, 2006).

2.3 Mineral Policy in Manitoba

The mining sector in Manitoba has contributed significantly to the province's economy. Excess revenue has assisted in stimulating the economy through health, social, educational and environmental programs. In 2012 the mining sector in Manitoba was the second largest natural resource sector (Manitoba's Pit & Quarry, 2013). Figure 2.2 displays Manitoba's resource and manufacturing sector contributions to economic growth as a percent of gross domestic product (GDP) from 2002 to 2012. Data tables used to produce the graph

were from Statistics Canada and are provided in Appendix C (BC Stats 2014; Statistics Canada, 2014).

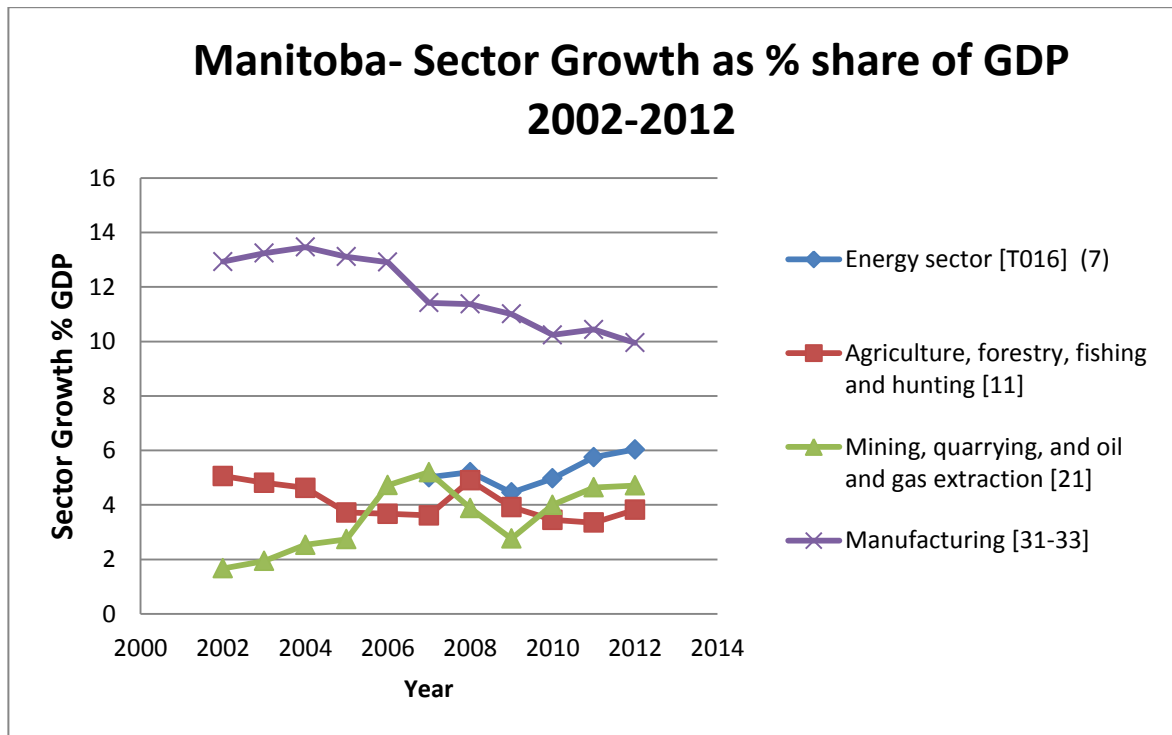


Figure 2.2 Manitoba Resource Sector Growth
Adapted from BC Stats, 2014; Statistics Canada, 2014

The mining sector was originally one of the slower sectors to grow in Manitoba. Pressures were not as heavy to develop integrated land use plans across the province due to more dominant agriculture and transportation industries in the initial Manitoban economy (Rayner, 2009). Early mining and hydroelectric dam development prior to the 1970s were often developed in remote areas with fewer populations, and did not require the improved level of local participation as today; resulting in the appearance of fewer “mainstream” conflicts (Rayner, 2009). Figure 2.3(a) displays a map which locates previous and existing mines in the province. Figure 2.3(b) displays areas where exploration has occurred and is current up to January 7 2015. The overlap of mineral restricted areas with dirll hole sites

demonstrates areas where land designation has limited the ability for any mineral exploration to materialise into a mine; thus highlighting some of the existing uncertainty in land claims and designation within Manitoba.

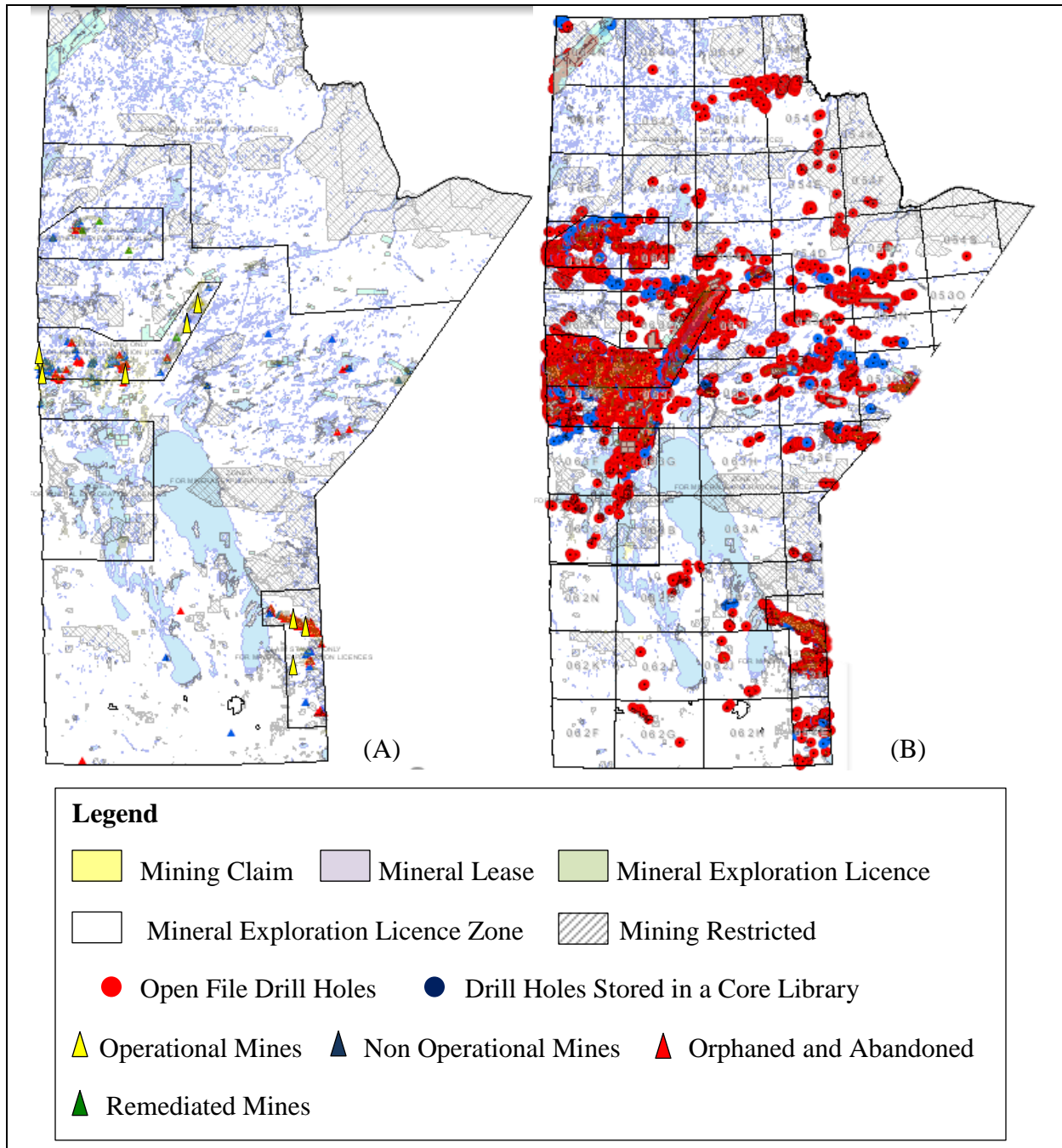


Figure 2.3 Map of Manitoba Mine Sites 2015

Province of Manitoba © 2014b with Permission. Manitoba Mineral Resources
[January 07,2015]

In recognition of the need to incorporate Aboriginal participation in land use decisions, Manitoba attempted a more broad approach to policy planning in the 1990s. Sustainable development was the main focus for Manitoba's policy formation in 1993. There was a more narrow focus concerning areas for hydro development and road construction from 2001-2004. After 2004, the focus of policy remained on the East Side of Lake Manitoba and began to include more traditional Aboriginal land use planning initiatives (Rayner, 2009).

Though the province has had a greater focus on hydro development in the past, resurgence in mining activity brought attention to the need for more mining-specific policies for the region (Native Participation, 1991). The *Procedures for Crown Consultation with Aboriginal Communities on Mineral Exploration and Mine Development* developed in 2007, incorporated aspects of Aboriginal inclusion and focussed around Provincial steps for consultation focused more specifically on mining activity. In 2007/2008, Manitoba ranked in the top ten out of 71 jurisdictions which attracted mining investments and mining activity (Wilson et al., 2013). The same survey conducted in 2012/2013 showed Manitoba's ranking for policy potential had dropped to 21 out of 92 jurisdictions. The Fraser Institute conducted the assessment through a Policy Potential Index (PPI). Manitoba was shown to have the potential to improve its mining policy by 17% (Wilson et al., 2013).⁴ Critique specific to the 2012 survey for Manitoba suggested the permits for minor exploration procedures were difficult to obtain and the duty to consult process was slow and inefficient (Wilson et al., 2013).

⁴ A 2014 Fraser Institute report was recently released that stated the investment confidence in Manitoba has improved; Manitoba now ranking within the top ten (out of 112) jurisdictions. However, the study reports the province has continued to drop in rank relating to uncertainties in land claims and designation issues (Jackson, 2014).

Positive characteristics that drew investors to other Canadian provinces such as Newfoundland and Labrador and Saskatchewan were the ease of access to information and land tenure, as well as having balanced approaches to addressing protected areas and Aboriginal land issues. It was further mentioned in the report that clarity of information was of key importance to investor decisions (Wilson et al., 2013). One of the driving concerns for Canada's mining industry as a whole since the 1990's has been the uncertainty related to land claims issues (Ali, 2003; Harris, 1995).

Manitoba has witnessed a fairly recent and rapid transformation of policy centered on integrated land use management and the New Democratic Party's (NDP) attempt to include the duty to consult with Aboriginal people and communities surrounding decision making processes (Rayner, 2009). The Mines and Minerals Act (M162) attempted to encourage and promote all mining activities within the province, while incorporating the principles of sustainable development. The Act characterized sustainable development as an incorporation of collaborative decision-making regarding environmental management. Recognition by government and industry to consult with and economically assist development for future generations was also emphasized in the Act's definition of sustainable development (The Mines and Minerals Act, 2014).

The Manitoba Industry, Trade and Mines department in 1998 set initiatives to further develop relationships between Aboriginal communities, other northern communities and the minerals and metals industry (Province of Manitoba, 2000). Within these guidelines, building trusting relationships and sharing information were recognized as important steps toward resource development (Province of Manitoba, 2000). The Province of Manitoba has stated that it strongly encourages mineral exploration and has made an effort to protect mineral

exploration under Government policies, practices and regulations (Province of Manitoba, 2014a). Financial assistance for prospectors in the province is offered through programs such as the Manitoba Mineral Exploration Assistance Program, the Manitoba Prospectors Assistance Program, and through multiple tax incentives (Province of Manitoba, 2014a).

Previous unsuccessful attempts at reforming policy in Manitoba have resulted from a lack of capacity and human resources in the Government's abilities to consult and engage the public (Rayner, 2009). In order to ensure the mining industry in Canada thrives and remains a world competitor, access to land is a key component. The Province has stated it has worked towards allocating resources in a manner that eases potential land use conflicts (Province of Manitoba, 2013a). Common interests in land for resource extraction, protected parks and traditional land use has, however, caused tension among Aboriginal communities, the government and the mining industry. The issue is further complicated by unsettled land claim agreements known as Treaty Land Entitlement (TLE) where the Canadian and provincial governments have committed to honoring land entitlement obligations to Aboriginal communities (Province of Manitoba, 2014c).

Manitoba has transitioned its land management policy framework to focus on smaller projects in order to enhance Aboriginal involvement. Manitoba's policy restructuring process has commonly used a "layering" technique where new goals and methods are added on to the pre-existing policy while maintaining the previous goals and instruments within the overall framework (Rayner, 2009). Decentralization of the layered policies was attempted in order to narrow down and simplify the focus land use and access related policies. The decentralizing of the policies within the Province attempted to reduce the negative impacts the existing layered policies had on implementation (Rayner, 2009).

Issues regarding the uncertainty of land claims have been demonstrated in the Supreme Court's rulings on Aboriginal title. Particularly in the North, areas of interest have been staked by mining prospectors but have also been flagged as Aboriginal title lands of occupancy (Panagos & Grant, 2013). The process of designating land has been both timely and costly to mining developmental projects; the longer the wait, the greater the risk (Panagos & Grant, 2013). The Province has recognized it is necessary to resolve issues surrounding land tenure, use and access in order to maintain a competitive mineral industry (Province of Manitoba, 2014c). In order to resolve uncertainties, the Province has discussed streamlining the environmental land use permitting process (Province of Manitoba, 2014c), but has not indicated what a streamlined process might look like.

Manitoba's land use policies were defined through The Planning Act in 1964 and through the formation of the Sustainable Development Act in 1997 (Rayner, 2009). The Planning Act addressed the development of land for many different environmental, economical, and social uses (Rayner, 2009). Section 8 of the Planning Act (Appendix A) obligates the Province to take stock of the mineral potential within the Province before designating areas for "other" land uses in order to ensure the mineral potential of an area is not lost.

The Manitoba Round Table of the Environment and the Economy (MRTEE) created a set of principles surrounding the Sustainable Development Act which layered the sustainability principles onto a planning framework (Rayner, 2009). The Province has strived to have more than 12% of its land set aside to be designated as protected land areas (Province of Manitoba, 2013a). As of February 2015, 17-23% of the province has been prevented from future mining activity (Ferguson, 2015). Certain areas within Manitoba currently designated

as protected parks such as Riding Mountain, Wapusk and the Manitoba Lowlands National Park do not allow mining activity. Protected parks, ecological reserves, wilderness parks and backcountry or heritage sites are also mining prohibited areas (Province of Manitoba, 2014c). Wildlife management areas, however, have been commonly designated as multi-use areas and do not have any specific bans to mining activity (Province of Manitoba, 2014c). Table 1 summarizes which land use designation areas potentially allow mineral exploration and which areas require or recommend Aboriginal consultation.

Table 1 Land Use Designations and Mineral Exploration Requirements
(Adapted from Vespa, 2014a)

Land Designation	Activity Permitted	Permissions Required or Recommended
Treaty Land Entitlement (TLE)	No mineral exploration, unless with approval	Request approval to stake a claim from First Nation Band prior to mineral exploration.
Community Interest Zone (CIZ)	Mineral exploration permitted	First Nation Bands must be informed of exploration and approve exploration permits prior to exploration.
Northern Flood Hold Areas	No mineral exploration, unless with approval	Land given to First Nations due to flood damage. Suggested communication with Aboriginal community.
Resource Management Areas	Mineral exploration permitted	Notification to First Nation Band is not legally required, though highly recommended.
Provincial Parks <i>(Excluding National Parks, Wilderness Parks, Backcountry or Heritage Land Uses)</i>	Staking claims is permitted in most parks	Contact The Department of Conservation and Water Stewardships prior to staking a claim.

The Government of Manitoba has acknowledged the Crown's responsibility to consult with Aboriginal peoples in situations where treaty rights may be infringed. The duty to consult and accommodate is under the Constitution Act 1982 Section 35 (Government of Manitoba, 2010). In an attempt to assist in the consultation process, Manitoba created the “Crown-

Aboriginal Consultation Participation Fund, of five million dollars over a five- year period, to be set aside for certain activities involved in the consultation process such as staffing positions, community coordinators, travel costs...etc. (Government of Manitoba, 2010). The Manitoba Science, Technology, Energy and Mines department has developed consultation procedures to incorporate Aboriginal communities; however the procedure documents currently exist in draft form (Province of Manitoba, 2007). The provincial Crown's goal through policy development has been to ensure decisions regarding mining occur in a timely manner while maintaining potential investments into the mineral resource sector in Manitoba (Province of Manitoba, 2007). The need for consultation by the Crown was stated to be determined by the location, environmental sensitivity, the amount of land, and the proposed exploration activity (Province of Manitoba, 2007). Though it is the Government's duty to consult, industries have been encouraged to establish contact early with Aboriginal communities to discuss mineral exploration procedures.

The Mining Association of Manitoba has focused on increasing the level of Aboriginal participation in the mining sector by including the development of prospecting courses, job training, outreach, and cultural awareness courses (Mid-Canada, 2013). In 2013, the Province developed the Minister's Mining Advisory Council. The council consists of Aboriginal, mining industry and Government of Manitoba members to ensure mine development in the Province works to create benefits for all the interested parties (Mid-Canada, 2013). The Province of Manitoba has the opportunity to develop more specific policies related to industry and community relations. One of the main objectives in policy development for the Government of Manitoba, which has appeared to need further clarification, is the definition of the specific roles of both governmental departments and mining companies throughout the

consultation process (Province of Manitoba, 2007). Identifying the roles of each of the interested parties more clearly would result in improved consultation processes and would result in better defined relationships and communication.

A recent example of the concerns around delays in obtaining work permits and the Government's duty to consult is reflected in an October 2014 lawsuit where two prospectors sought \$5 million in restitution from the Province of Manitoba due to the failure to issue work permits for exploration over a five year period. The plaintiffs claim that the Government of Manitoba's actions in seeking First Nation consent prior to issuing a work permit is contrary to the Mines and Minerals Act SM 1991-92 (Campbell and Dunlop v The Government of Manitoba, 2014). While the lawsuit is ongoing, the literature review has revealed similar areas of uncertainty highlighted within this court case.

2.3.1 The Stages of Exploration and Mining

It is important to outline the necessary steps involved in exploring and developing a mine in Manitoba. The cycle of resource development consists of four major components; exploration, mine development, mine operation, and closure (Government of Canada, 2006). The exploration stage is the preliminary stage in which the geological potential of land is searched for and identified. The majority of exploration activities do not result in a mine. The likely probability of finding enough minerals or metals for mine development is 1 in 10,000 (Government of Canada, 2006). Exploration is typically categorized as "low impact" and is either identified as "grassroots" exploration in areas where no mine has been developed or "brownfield" where exploration occurs nearby an existing mine (Government of Canada, 2006). Continuous exploration within a province is vital to ensuring mine development in the

future. An estimated seven to ten years of exploration in a mineral rich area is said to be necessary before a new mine can be established (Government of Canada, 2006).

One of the key factors in exploration is the searching for mineral potential, often done by prospectors or junior mining companies. If an area of land appears to have mineral potential, a mineral claim can be staked in order for more research in an area to be done. In order for an area to be claimed, a prospecting license is required (Government of Canada, 2006). The mineral claim, once approved by the respective government, requires a minimum amount of “work” to be done on the area in order to keep the claim. This “work” can only be done once a work permit has been allocated. Crown land and areas traditionally used by Aboriginal peoples are allowed to be staked. Permits are also required for various stages of exploration such as for ground exploration, road building and tree cutting (Government of Canada, 2006). The government attempts to fulfil the duty to consult Aboriginal communities prior to the designation of a work permit within a 90-day time frame; a process which has been attributed to the frustrations in delaying the process of obtaining work permits past the predicted timetable (Campbell and Dunlop v The Government of Manitoba, 2014; Province of Manitoba, 2007).

As exploration advances, prospectors in Manitoba may be required to submit a proposal to Manitoba Conservation under the Environment Act E125 (Province of Manitoba, 2014a). An Environment Act license commonly takes 60 days for approval. A technical advisory committee then would review the application in order to determine if more information or an Environmental Impact Statement (EIS) is needed (Province of Manitoba, 2014a). Section 52(2) of the Mines and Minerals Act (M162) states “The holder of a mineral exploration licence has exclusive right to explore for Crown minerals...within the boundaries

of the area covered by the licence” (2014). Areas prohibited from mining activity are further identified in the Provincial Parks Act. Any declaration of an area as a park reserve shall include a six- month time period of public consultation (Section 8(1) Provincial Parks Act). Due to the uncertainties described in the Fraser Institute survey regarding land claims and areas to be designated as protected parks and wilderness areas, understanding the requirements set out by relevant Acts and regulations is important for identifying the roles and responsibilities of the interested parties and for addressing gaps within policies and communication processes.

2.4 Aboriginal Involvement in Mining

Aboriginal peoples across Canada have passed down traditional land from generation to generation since time immemorial (Benefit Agreements, 2013). There have been many examples of mines constructed by Aboriginal peoples that existed prior to the immigration of European settlers. Historical records have demonstrated early partnerships between Aboriginal communities and western society where Aboriginal men served as guides to early explorers by using traditional knowledge of the land (Matthews, 2002). Since historical processes of mineral exploration, both traditional lands and traditional knowledge have often been taken for granted by western society (Benefit Agreements, 2013). Conventional science has had difficulty regarding Traditional Ecological Knowledge (TEK) as a “true” science. The dichotomised structure of nature and human relations in conventional society results in the ignorance of valuable insight and a lack of trust between cultural and conventional societies in formation of relationships (Datta, 2013). Integrating western science and TEK could significantly benefit land use and management planning in the future by acknowledging differences in understanding and interests.

There are differing definitions of sustainability in westernized society and Aboriginal society that have led to contrasted views of land use and management systems (Anderson, Dana, L. and Dana, T., 2006; Datta, 2013). The term “sustainability” in a western construct has been formed mostly through economics and a utilitarian-based, distanced relationship with the land (Datta, 2013). This paradigm has progressed from once valuing land simply for its intrinsic beauty to a more modern form of reducing land and nature to solely existing for monetary value and human-benefiting use (Daly and Cobb, 1989). Aboriginal cultures are often known to interpret land and nature with more traditional values and experiences. Having a relationship with land impacts how particular space is then managed (Datta, 2013). In order to join both western and Aboriginal constructs in a manner that seeks to benefit both societies, sustainability must use a holistic approach encompassing numerous ecological, cultural, technological and economical aspects (Datta, 2013) and then must be clearly outlined and agreed upon.

One of the first efforts to include Aboriginal benefits into an extractive industry’s process was the development of the first Impact Benefit Agreement (IBA) in 1974 that included a federal mandate to employ Aboriginal people from communities that were in the vicinity⁵ of a mining project located in Northern Baffin Island (MiHR, 2012). The voluntarily implementation of IBAs today has been viewed as an example of increased recognition of Aboriginal rights (Hitch and Fidler, 2007). IBAs typically showcase the consultation process between industry and the Aboriginal communities of interest. IBAs and other benefit agreements such as negotiation agreements, participation agreements and memoranda of

⁵ Aboriginal communities have the freedom to identify themselves as requiring consultation related to mining activity. The Manitoba government otherwise uses a matrix that determines communities that need to be notified of mining activity. No specific distance has been identified to the researcher but potentially ranges from 10km from an Aboriginal Reserve to 200km.

understanding all detail the potential impacts and benefits that can be associated with mining activity (Fidler, 2010). Typically the terms for a community and corporation agreement are also included within an IBA and can include provisions for employment, use of local services, education and training, and benefit or revenue sharing (Gogal, Reiger, Jamieson, 2005). Aboriginal communities have worked hard to have their rights recognized both to end a dependency on the Federal Government and to move towards having greater control of their surrounding land and resources through a more self-sufficient government (Anderson, 1997). There has been an overall resilience exuded in many Aboriginal communities wanting to further firm foundations in traditions and cultures that were once stifled by colonialism (Anderson et al., 2006).

The potential for local employment within mining communities has become one of the most widely discussed and well-known benefits for local and Aboriginal communities near resource development projects (Coates and Crowley, 2013; Gibson and Klinck, 2005). These benefits have been attributed to an increase in the number of participation agreements that have been negotiated and greater recognition for Aboriginal inclusion (Gibson and Klinck, 2005). In 2013, an estimated 380,000 people were employed in the mining industry in Canada (Marshall, 2014). Employment in the mining industry has been found to bring self-assurance and confidence not only to individuals but to a community as a whole and can have a lasting impact even after mine closure (Gibson and Klinck, 2005).

Introducing mine development into remote communities has been a way to assist communities in building up opportunities for community members by multiplying jobs and establishing economic influences (Gibson and Klinck, 2005). People, organizations and resources rely on a community's overall process or structure (The Canadian Centre, 2000),

which can be improved by mining activity. The location of these remote communities and the ages of many Aboriginal populations provide ideal situations for Aboriginal inclusion and employment in the future of the mining industry in Canada. Increasing training and education programs within these communities would enable communities to take full advantage of mine development (Marshall, 2012).

A survey conducted by PR Associates surveyed 500 Aboriginal peoples' opinions on mineral exploration and the mining industry in Canada revealed an overall negative impression of the mining industry at 49% unfavorable (Sharman, 2014). These results further highlight the need for interested parties to include Aboriginal communities in order to continue resource exploration and development in remote areas in Canada and to continue to strive towards making a positive impact. Those interviewed with a positive outlook on the industry at 38% also recognized that their peers would feel more negatively about the industry (Sharman, 2014). Figure 2.4 displays the Aboriginal Canadian participants' opinions about mineral exploration and mining by province and territory. This survey was also validated by a Canada West 2014 study on the opinions of the public-at-large regarding the mining industry in Canada. Overall, a negative view of the mining industry was reflected, and was attributed to a lack of knowledge about the industry and a lack of trust (Sajid, 2014).

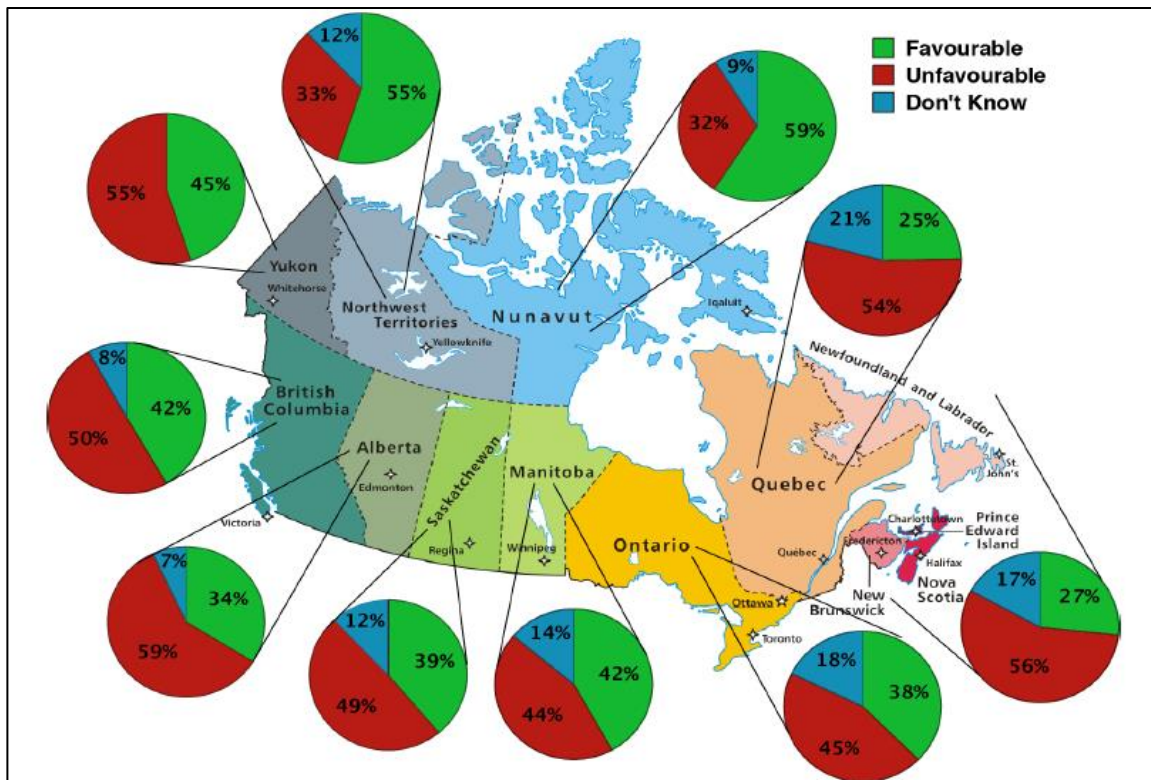


Figure 2.4 Aboriginal Canadian Opinions of the Mining Industry 2014

Copyright © 2015 PR Associates with Permission. “±5%, due to small sample size Yukon and the Atlantic Provinces are not as statistically robust” (Sharman, 2014 p. 4)

Natural resource development has been viewed, both negatively and positively within Aboriginal communities (Gibson and Klinck, 2005). Not only may tensions within a community arise from an often imbalanced number of high wage and minimum wage jobs, but often times a community can become divided between members concerned with preserving tradition and culture, and members seeking out greater employment options (Gibson and Klinck, 2005). Community leaders can be torn between trying to move their communities forward economically, while equally trying to conserve and protect traditional lands (Rayner, 2009). These tensions can result in diminishing the sense of closeness within a community. The potential for developing economic opportunities as well as for building capacity within

the community must be weighed heavily against traditional ways of life and potentially environmentally harmful impacts from development projects.

Communities that most commonly surround mine development are often remote and rely on the land in part for traditionally-based activities such as fishing, hunting and trapping. Any disruption to their livelihood can, therefore, have life-changing effects (Pegg, 2006). The reliance on subsistence activities requires a greater respect for culture and tradition in lands surrounding mine development (International Finance Corporation (IFC), 2007). The number of opportunities a mining company may provide to a local community and the number of services a company requires from a local economy can boost a community's economic situation substantially (Giurco and Cooper, 2012). More recently, larger mining companies have been voluntarily providing funding for specific community development projects (Hilson & Murck, 2000).

The poverty status and situation in many remote communities involved in resource development activities around the world is contributed to by a number of factors. Economically, mining countries have been known to contribute to a greater monetary gap between the rich and the poor (Gibson and Klinck, 2005). Depending on the governments and social structures within a specific country; monetary distribution can be less than fair (Gibson and Klinck, 2005). Stresses from change have become all more evident in communities of low income. There have been greater effects psychologically on individuals who live with lower incomes, typically made evident in the majority of cases in developing nations. If a community is found to depend on a limited number of resources, the collective resilience may be more commonly affected when "disaster" strikes (Norris et al., 2007). Countries experiencing an increase in mining activity may experience "economic shocks" due to a

dependence on the mineral resources extracted. The more dependent communities are on resources and exports, the more “vulnerable” community members may become to changes and fluctuations in a world market (Pegg, 2006).

Employment for local Aboriginal peoples has been found to have various impacts on culture and tradition within a community. Less time on the land and more time in mining employment, means less ability to pass on and learn traditional ways of life and knowledge from Elders (Gibson and Klinck, 2005). Employment within the mining industry typically results in locals moving away from subsistence lifestyles with less reliance on hunting, fishing and trapping. The outcome then creates a greater reliance on making a living wage and sustaining a more modern lifestyle and this can be a fear of many community members (Gibson and Klinck, 2005).

The values and systems of Aboriginal tradition and interests in land use can be altered when introduced to a more “consumer-oriented” way of life by surrounding community members with industry workers outside Aboriginal culture. Over a period of time, the types of traditional values remaining within community members can be impacted (Gibson and Klinck, 2005). One result of a loss in culture is the loss of traditional language. Many communities have been fighting to revive lost traditional language which has sometimes been attributed to the introduction of new ways of life interfering historical and traditional activities. Though mining has not been identified as the sole reason for a loss in language, the prevalence of the English language spoken throughout mines in Canada has been associated (Gibson and Klinck, 2005).

2.5 Aboriginal Participation

2.5.1 *Duty to Consult*

The Constitution Act 1982, Section 35, has transformed the Federal and Provincial Governments' approach to Aboriginal and treaty rights. Section 35 acknowledges the treaty rights of Aboriginal peoples and requires a duty to consult and accommodate Aboriginal people in areas where their rights may not be recognized (Hitch and Fidler, 2007; Gogal et al., 2005). The acknowledgement of these rights has altered both the previously existing way in which policy was administered, and how Aboriginal peoples were to be involved in the processes of resource development (Panagos & Grant, 2013). Given the ambiguity of the Section 35 rights, the Supreme Court has progressively shaped the responsibilities within the Constitution and have deemed it necessary to consult Aboriginal peoples when considering land use decisions that would otherwise potentially hinder their rights (Government of Manitoba, 2009; Panagos & Grant, 2013; Wyatt, Merrill & Natcher, 2011). Case law illustrates that Aboriginal rights must be accommodated, either in matters where rights may be hindered and if those rights are lost then different compensation may be required (Docherty, Pappone and Siders, 2010; MiHR, 2012). Table 2 summarizes significant Supreme Court decisions that have shaped Aboriginal rights today. The terms "to consult and accommodate" are often interpreted to carry different meanings by Aboriginal communities, government and the mining industry parties. The variation in defining the roles and responsibilities of these terms has contributed to the slow process of communication and conflict which has been demonstrated through the compilation of case law around describing these terms.

Table 2 Supreme Court Cases Significantly Influencing Aboriginal Rights

Court Decision	Date	Significance
<i>R. v. Sparrow</i> [1990] 1 SCR 1075, 1990-05-31	1990	Infringement of Section 35 rights cannot happen without proper justification. If rights existed during the time of the Constitution Act 1982. The Crown had a moral/ legal duty to conduct negotiations “in good faith”
<i>Delgamuukw v. British Columbia</i> [1997] 3 SCR 1010, 1997 SCC 23799	1997	The court decided to make no official statement as to Aboriginal title in Canada. (Government of Canada, 2010)
<i>Haida Nation v. B.C. (Ministry of Forests)</i> [2004] 3 S.C.R. 511, 2004 SCC 73	2004	Determined the legal responsibility to consult remains with the Crown and cannot be delegated to others.
<i>Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)</i> [2005] 3 SCR 388, 2005 SCC 69	2005	The introduction of the Crown’s duty to consult and accommodate were conditions determined in this court case. If land is used that then infringes upon Aboriginal rights to hunt, fish and trap, then accommodation measures must be taken.
<i>Tsilhqot’in Nation v. British Columbia</i> 2014 SCC 44, 2014-06-26	2014	British Columbia permitted a logging license on land that Tsilhqot’in Nation believed to be part of their traditional territory. The first recognition by a court that Aboriginal title exists towards a certain area of land. Title gives way to exclusive use and occupation of an area. Infringement of Aboriginal title had to be further justified.
<i>Grassy Narrows First Nation v. Ontario</i> 2014 SCC 48, 2014-07-11	2014	The Supreme Court Ruled that provinces have the “power” to use treaty lands for resource development projects. Land within this court case was underneath Treaty 3. Consultation by the province is still required with affected Aboriginal groups. Decision also stated that in certain cases, provincial governments may infringe Aboriginal rights- if “justified” (Isaac, Barretto and Weberg, 2014). (Justification not clarified)

The Crown's duty to consult with Aboriginal communities has historically not been fulfilled to the degree neither communities nor companies require in order to move forward with formal agreements and further exploration (Gogal et al., 2005). Policy in Canada has evolved significantly over time to incorporate Aboriginal rights and participation. However, the development of current provincial policy has yet to fully reflect Aboriginal values and cultural differences in a clear and consensual manner (Poirier, 2010). Though the policies of consultation have not required companies and communities to formalize agreements, parties involved may finalize understandings of expectations and intentions related with potential projects (Gogal et al., 2005). Proponents are commonly "encouraged" to engage early with communities of interest, which can be confused or mistaken for consultation duties of the Provincial Government (PDAC, 2012; Gogal et al., 2005). The resistance of the Crown to adhere to its duty to consult has required companies to take on a much larger role in conducting consultations with local communities prior to and during the life of a mine, causing companies to expend more time, effort, and money (Gogal et al., 2005).

2.5.2 Aboriginal Rights and Title

The literature review revealed varied opinions related to the effectiveness of Crown consultation processes and the incorporation of Aboriginal perspectives. For example, in 2013 mineral exploration activities were halted near the Red Sucker Lake First Nation in northern Manitoba. Both the Province and the involved mining company made numerous attempts to consult with the community, however, these efforts were denied by community leaders. The previous Chief stated that consultation would not lead to a "meaningful outcome". It was not until a new Chief was elected that consultation procedures were able to continue (Red Sucker Lake, 2014). In order for public participation to become more effective in similar types of

stalemate situations, the current decision-makers should be prepared to share some of the power coupled with the control over policy formation (Jackson, 2002).

Section 35 of the Constitution Act 1982 has acknowledged Aboriginal rights, which are rights the Crown established for Aboriginal peoples, and requires the Crown to consult and accommodate when these rights appear to be impeded (Usher et al., 1992). What has remained difficult in Aboriginal land management and planning is the “burden of proof” where communities must prove that particular areas have value and are used traditionally by community members. The proof of use concept follows a “westernized” process of claiming land and mapping out traditional territories often confined by trap line boundaries (Poirier, 2010).

Aboriginal “title” is often approached as how Aboriginal communities “prove” their use and occupancy of land. For example, in situations where resource development has been planned to occur, Aboriginal communities can claim a type of “ownership” on the land to prevent further development. Aboriginal “rights” has often been deemed the umbrella term over Aboriginal “title” where Aboriginal groups or communities must demonstrate sovereignty over the land in order for title to hold true (Panagos & Grant, 2013). Aboriginal title has been commonly distinguished as a form of property right (Usher et al., 1992).

2.5.3 The Formation of Partnerships

Historically, extractive industries have conveyed a reputation of communicating with Aboriginal communities primarily during the beginning stages of mine development, leaving communities with unanswered questions and one-sided communications as projects continue. Mining companies today have attempted to reverse this legacy of mistrust by increasing the level of inclusion of potentially impacted local communities (Jenkins & Yakovleva, 2006;

Slack, 2012). Because mine development takes an extended period of time from permitting and exploration through to development and profit, forming partnerships early on with the locals has been beneficial for both the corporations and the communities involved (Hilson, 2012; IFC, 2007). However, negotiation agreements formed too early before a viable geological formation has been determined can be costly to exploration companies, and can leave a community with a series of unfulfilled expectations (MiHR, 2012).

Anderson (1997) analyzed the progress of Aboriginal business participation and partnership formation in Canada from 1987 to 1995 and found significant improvement in the process. Understanding how mining corporations and Aboriginal communities relate and form partnerships has become important for future mine development and sustainable resource management (Hitch and Fidler, 2007). Not only have communities gained capacity in self-governance and self-determination in natural resource use, but corporations have gained capacity in understanding and learning more about community engagement and involvement (Humphreys, 2000).

Creating economic opportunities among Aboriginal communities and corporations has continued to grow (Anderson, 1997; IFC, 2007). In order for a community to prosper economically, it must be able to be self-sustaining on a localized scale and must ensure that the existing social structures and values within the community are able to contribute to its overall continued economic success (Anderson et al., 2006). Establishing working relationships through communication and community inclusion are now recognized as making proper “business sense” for mining companies (IFC, 2007) and as incentive to attempt to develop meaningful communication.

Prior to the 1970s, resource development projects were occurring without any Aboriginal community consultation in areas near mining activity. The realization of Aboriginal rights, gave way to socio-economic impact assessments (Notzke, 1995). Land claim agreements, the acknowledgement of Aboriginal rights, and the duty to consult and accommodate have further encouraged a type of co-management system to evolve. Determination to gain Aboriginal self-governance abilities over land issues has grown strongly across Canadian Aboriginal community members (Usher et al., 1992).

Not only do Aboriginal groups across Canada seek responsibility and ownership of the natural resources on surrounding territories, but community members have sought to be considered managers in the process, and to be seen as shareholders in decisions pertinent to the use and extraction of those resources (Notzke, 1995). The relationships among Aboriginal communities and the Canadian Government have been evolving ever since both “nations” existed within the same boundaries. However, since the 1980’s, relationships have been evolving in a way that has worked towards restructuring control over natural resources. The concept of rights to natural resources has been reflected in a number of governmental agreements, modern treaties and the Constitution Act of 1982, Section 35 (Notzke, 1995).

Through the formation of policy, corporations have adapted to become more involved in the consultation processes. The interested parties have started to be incorporated early in project development to ensure information is transparent and available (Weitzner, 2010). Due to the Supreme Court rulings following Section 35 of the Constitution Act 1982, co-management systems were implemented as a way to amalgamate the different parties’ interests and concerns (Notzke, 1995). Co-management is broadly defined as "the various levels of integrations of local and state level management systems" (Notzke, 1995, p.188)

which has been at the heart of policy reform and development (Tyler, 2006). More commonly, co-management systems were used for wildlife management and have been considered to be useful for natural resources, evolving for the purposes of protecting treaty rights over land.

Corporate partnerships have the potential to benefit and have benefitted Aboriginal communities across Canada. In order for Aboriginal communities to become self-sufficient governing bodies, economic enterprises need to be re-introduced (Anderson, 1997; Anderson et al., 2006). Remote Aboriginal communities have lacked in educational and training capacities. Partnerships with mining corporations have the ability to provide access to generating the capacity building tools that would assist communities achieve self-sufficiency (Anderson, 1997). However, incorporating westernized educational systems into many Aboriginal communities must be approached in a manner that does not assume the ones whom are being educated know nothing of the subject matter (Freire, 2005) and should be approached with a willingness to be educated in return. Many people with different cultural backgrounds may worry education disrupts creativity and should be approached collaboratively to avoid intolerance of the educators (Freire, 2005).

The Federal Government's recognition of Aboriginal rights was coupled with an attempt to initiate assistance programs into Aboriginal communities in the 1960's. Though most federal programs have failed to improve the quality of life to the degree intended, the programs have seen continuous improvement through learning from previous weaknesses (Saku, 2002). Of all the programs previously implemented, the "human development program" was considered to be relatively successful and improved school enrollments and graduation rates from 1981-1996 by nine percent (Saku, 2002). Though improvements have been made, there is still considerable progress that needs to be made. In 2007/2010 the

dropout rates of Aboriginal individuals living off reserve was 22.6% and 8.5% of non-Aboriginal individuals (Statistics Canada, 2010).

Federal support for improving education systems for Aboriginal members has more recently been identified in “Bill C-33 the First Nations Control of First Nations Education Act” introduced in April, 2014 (Government of Canada, 2014c). The intent of the Bill is to maximize improvement of education on First Nation reserves. The Bill sets out to provide consistent funding into the education system and to reform existing education systems (Government of Canada, 2014c). The results of Bill C-33 are yet to be determined; however the Government’s recognition to consult with the Assembly of First Nations on these matters appears to be a positive step.

The majority of new mining projects today have been accompanied by forms of negotiation agreements that serve to benefit the multiple parties involved (O’Faircheallaigh, 2010). These benefit agreements have the potential to assist in Aboriginal community development, by supplying funds from royalties and investments, which would then be used for local development and business enhancement. Conversely, benefit agreements have also been shown to hinder relationship development between proponents and Aboriginal communities due to agreements being signed too early in the negotiation stages, and the potential for agreements to create unrealistic expectations (O’Faircheallaigh, 2010). Though not specifically identified through negotiations, Corporate Social Responsibility principles (CSR) have been often led by evolving government and industry initiatives to improve policy development and relationships (Fitzpatrick et al., 2011). CSR were first viewed both positively and negatively by corporations. However, CSR principles have more recently

caught attention in the corporate eye, establishing a positive legacy of operating as a good corporate citizen to local communities (Anderson, 1997).

2.6 Conclusion

The reviewed literature has emphasized a need for communication, capacity building and commitments from all interested parties involved in mining activity (Doohan, 2002; Hilson, 2000; Louie et al., 2005). By contributing to a community's local economy through employment and small business generation, both the mining industry and the government can work toward deepening relationships with Aboriginal communities (Hilson, 2000; Pegg, 2006). The improved commitment from the extractive industries to incorporate CSR principles into the definition of sustainable mining has allowed for an increase in the willingness for negotiations and partnerships with Aboriginal communities to be approached in a meaningful way (Hamann, 2004). The extraction and development of resources carries both positive and negative impacts on the land and surrounding communities. It is important to engage with communities quickly, and to continue to communicate with the community before, during and up to the cessation of mining activity (Doohan, 2002).

Due to the rapidly evolving Aboriginal case law and high frequency of policy changes within Manitoba, the research focused primarily on reviewing literature regarding mining sustainably, the effects of mining on Aboriginal communities, Aboriginal participation, and related policy development from 2007-2014. Base works dating back to 1973-1990's were used to incorporate a theoretical context and to understand the rapid evolution of mining, consultation and Aboriginal inclusion. Table 3 reviews the main concepts studied throughout the literature review process and how these concepts contributed to the generation of knowledge for the research.

Table 3 Literature Review: Main Concepts Studied

Table Adapted from (Vespa, 2014b)

Main Research Investigated	Constitutive Contributions	Contemporary Contributing Studies	Relevance to Data and Analysis
Criteria development regarding expectations and relationships among Aboriginal communities, government and the mining industry in Canada	<ul style="list-style-type: none"> ▪ Gibson and Klinck (2005) ▪ Jackson (2002) 	<ul style="list-style-type: none"> ▪ MiHR (2012) ▪ Government of Canada. Canada's Economic Action Plan (2013) ▪ Benefit Agreements in Canada's North (2013) 	<ul style="list-style-type: none"> ▪ Provide context and background ▪ Comparison to case studied
Policies- mineral exploration, mine development, land use, consultation	<ul style="list-style-type: none"> ▪ Kierans (1973) ▪ Province of Manitoba (2000) 	<ul style="list-style-type: none"> ▪ Government of Manitoba (2010) ▪ Province of Manitoba Exploration and Mining Guide (2014) ▪ The Environment Act (E125) ▪ The Mines and Minerals Act (M162) ▪ The Planning Act (P80) ▪ Province of Manitoba (2007) 	<ul style="list-style-type: none"> ▪ Provide context and background ▪ Content Analysis ▪ Comparison to respondent responses
Theory and meaning in consultation and corporate partnerships	<ul style="list-style-type: none"> ▪ Anderson (1997) ▪ Harrison (1996) ▪ Native Participation in Mining (1991) ▪ Tough (1996) 	<ul style="list-style-type: none"> ▪ Data (2013) ▪ Hamann (2004) ▪ Hilson (2012) ▪ Jenkins & Yakovleva (2006) ▪ Slack (2012) 	<ul style="list-style-type: none"> ▪ Thematic Analysis ▪ Comparison to respondent responses

Much progress has been made to develop mineral and metal policies that do not negatively affect Aboriginal communities, however, the literature has pointed out a lack of applicability and enforcement to such policy development. Policies have yielded changes in the ways mining companies approach potential new extraction projects, and subtly introduce

several sustainability concepts that pertain to IBA's, CSR principles, and the development of working relationships.

The articles examined within the literature review were taken from a variety of sources including government websites and reports, environmental journals, policy journals, mining organizations, Aboriginal organizations, and news reports. The literature agrees upon fundamental qualities necessary to move forward with efforts to include Aboriginal peoples in the mining industry in Canada. However, there were gaps in the literature relating to disagreements as to the way in which to attain and implement these qualities. Policy "best practices" from various provinces have given examples as to how to approach government, industry and Aboriginal backgrounds; each province presents unique characteristics of policy framework development.

Much of the literature revealed that communication between Aboriginal peoples and mining corporations was lacking throughout all aspects of the consultation process. While most of the authors seemed to agree that consultation and various forms of negotiation agreements were necessary, there was no full agreement that IBAs were the most efficient method. The literature regarding government policy was found to "encourage" consultation, but lacked true application principles for mining companies to successfully achieve proper, meaningful consultation.

The primary research methods used throughout the reviewed literature involved a combination of conducting both quantitative survey analysis and qualitative interviews. Weitzner (2010) sought to see if Indigenous participation was meaningful by conducting a literature review to collect preliminary information followed by secondary clarification interviews. To incorporate Indigenous perspectives on policy, one must first gather

information regarding what has worked and what has not worked in the past, in order to move forward. The research conducted by MiHR (2012) intended to increase understanding among mining industries and Aboriginal communities, and utilized a literature review, document review, and interviews from various Aboriginal groups and mining companies that had participated in negotiating IBA's in Canada. The criteria formed from the literature review were identified from the MiHR (2012) study. The review determined five broad categories that were important for consultation and agreement procedures that are listed in no specific order.

- Communication and Culture
- Cycle of Resource Development
- Economics
- Education, Training and Employment
- Relationships

The criteria were used to formulate an interview schedule in order to ensure the areas commonly identified within the literature were the basis for discussion in the key-informant interviews.

The information gathered from the articles that I have reviewed has played a role in the construction of the methods I implemented during the course of my research. Various forms of literature on natural resource management, land use and access, and Aboriginal participation exist. A main gap in the literature was found to include no specific mention of the relationships among Aboriginal communities, government and the mining industry in Manitoba. Nor did any literature discuss the mineral and consultation policies and guidelines in Manitoba and the intersection more specifically with relationship development. The data

collected and presented in Chapter 4 further address these presented gaps. The majority of literature pertaining to my research has exuded characteristics of qualitative research, consisting of a literature review, key informant interviews, and general observations. A further expansion of my methods and research design is detailed in Chapter 3.

3 Chapter 3.0 Research Approach and Methods

3.1 Introduction

A qualitative research design was used to incorporate opinions and information shared from multiple Aboriginal, government, industry, and other representatives in order to evaluate the development of relationships against a set of pre-determined criteria from the literature review. The methods included in the study involved a literature review, followed by data collection conducted through key-informant interviews and general observations.

3.2 Qualitative Research Approach

Qualitative research stems from three forms of data collection, “in-depth, open-ended interviews; direct observation; and written documents” (Patton, 2002, p. 4). Through the qualitative approach, results were determined by identifying the underlying themes that emerged from information provided throughout the interviews and the literature review process (Patton, 2002). Qualitative research requires the researcher to go beyond the answers found in generic survey questions and allows the researcher to identify the *how* and *why* of a situation (Patton, 2002). The “how” questions addressed in the study included an attempt to understand how policies and guidelines were being implemented and why there might have been differing impressions on the usefulness and practicalities of the policies. Qualitative analysis can be used to “tell the *program’s story* by capturing and communicating the *respondents’ stories*” (Patton, 2002, p. 10), which was used as a more in-depth procedure for unveiling the respondents’ thoughts and perceived realities. Qualitative research allows for flexibility throughout the data collection procedures (Creswell, 2013).

3.2.1 Case Study

Case studies enable the researcher to examine a particular situation from multiple dimensions (Creswell, 2013). Case study research defined by Patton (2002) and Creswell (2013) is planned with a specific purpose or question in mind and can include individuals or groups such as neighborhoods, organizations and cultures. A case study is useful in highlighting differing perspectives (Creswell, 2013). The information gathered from the diverse set of informants was used in the research to gain knowledge surrounding insight from Aboriginal communities, government, mining industry, and others in Manitoba. A case study approach is a strategy useful in time sensitive studies; the case takes a narrow look at a purposefully chosen study site (Creswell, 2013).

The case that was studied was defined by provincial boundaries, as the interviews focused on matters focused on land access for mineral exploration and development within the Province of Manitoba. A case study within Manitoba was chosen due to growing uncertainty within the province regarding access to land, mineral exploration, and the relationships among Aboriginal communities, government, and mining industry representatives. The mining industry has been continuously under pressure due to the cyclical nature of the mineral economy. The vulnerability coupled with the uncertainty in access to land claims has appeared to have made Manitoba a less desirable province for future investment into the mining sector. The particular case identified the need for an evaluation of mineral exploration and mining development policies and practices within the province. An evaluation as recognized in Patton (2008) should identify if a program, policy or plan is of any value or has significance.

One of the most efficient ways society learns is through experience (Stake, 1978). Experience is the easiest way to learn something new. Knowledge can be conveyed to others,

when experiences are shared. Touring the Vale nickel mine and participating in community consultations were valuable experiences that contributed to the research. These experiences gave the researcher a greater understanding of how the interested parties have been interacting, and helped the researcher understand some of the concerns and realities the parties experience with communication.

3.3 Research Methods

3.3.1 Review of Reference Materials

The literature review revealed some of the processes involved in creating mineral policies and guidelines throughout Canada. Various policies have encouraged mining companies to engage in sustainable mining practices which include both social and environmental components (Becker and Vanclay, 2006; Government of Canada, 2006). A lack of implementation and monitoring of policies have proven to be a large concern for many remote communities in the vicinity of mining activity (Rayner, 2009; Weitzner, 2010). Review of the literature helped form an understanding on the subject of Aboriginal and corporate consultation as well as the formation of related policies (MiHR, 2012).

Through the literature review, the necessity of community engagement and consultation was evident; yet *The Metals and Minerals Policy of Canada* appeared to lack an explanation regarding how to achieve specific objectives of sustainability (Hilson, 2012). Allowing for more time in the planning and consultation phases will ultimately enhance the productivity of community engagement processes. Opportunities created through consultations around mineral activity have the potential to enhance local businesses and to be a source of revenue for nearby communities (Becker and Vanclay, 2006; Hilson & Murck, 2000).

3.3.2 Semi-Structured Interviews

Semi-structured interviews enabled the respondents to feel free to describe feelings and opinions in a comfortable manner (Patton, 2002). The interviews allowed for an opportunity to speak with respondents who have experienced a wide variety of interactions with mining-related activity. The semi-structured interviews examined how individuals and community members viewed current land use policies and the processes of inclusion and engagement. To further understand how to continue effective collaboration in policy development in Manitoba, interviews focused on the informants' opinions around Aboriginal involvement, community consultation, land use regulation, relationship formation, and policy development and implementation.

The majority of interviews were held in Winnipeg at various locations, and were conducted one-on-one and mostly in person. Due to travel logistics, budget and the research time-frame, seven interviews were conducted over the phone. In total, 13 interviews were voice recorded, and 17 interviewed respondents preferred only hand-written notes; one interview was a combination of emailed responses with a follow-up interview over the phone. The interviews lasted approximately one hour.

3.3.3 Respondent Selection

Purposeful sampling of the interview respondents allowed for more well-informed interviews and the ability to gather data from respondents who were specifically knowledgeable about the subject matter (Patton, 2002). Interviewees were determined initially by recommendations from others knowledgeable of mining activity in Manitoba. Following each interview respondents were asked for recommendations on who else to interview; also known as "snowball sampling" (Patton, 2002, p. 243). Interviewing respondents aware of

mining activity in Manitoba allowed for access to greater in-depth information that assisted in understanding what the respondents deemed as relevant. Understanding policy development and the expectations of participants lead to insight as to how policy structures can continue to adapt in Manitoba.

A total of 30 interviews took place between August 2014 and November 2014. Initially, three main parties were chosen for interviews; Aboriginal, government and industry representatives. However, other respondents who had valuable experience and knowledge that did not specifically fit into the aforementioned parties were recommended as participants through the snowball sampling process. A fourth party was later identified as “other” and included respondents who had a mixture of governmental, educational, geological and legal backgrounds. Table 4 identifies the various numbers of respondents interviewed. Though Table 4 divides the respondents into four parties, for the simplicity of data analysis the government and other parties will often be mentioned as government. More particularly, the government respondents refer to Provincial government respondents unless otherwise mentioned.

Table 4 Respondents by Party

	Aboriginal Members	Government (Provincial)	Mining Industry	Other	Total
Total Interviewed	10	5	10	5	30
Total Males	8	3	10	2	23
Total Females	2	2	0	3	7

A range of five to ten respondents from each of the parties listed in Table 4 were selected to maintain a diversity of opinions while likewise accessing a variety of knowledge pertaining to mining activity in Manitoba. Informants were contacted by email and by phone.

In order to draw significant conclusions from the data collected in the interviews, ten respondents from each sector was deemed appropriate. As shown in Table 4, the Aboriginal and Industry sectors each had ten respondents; the Government and Other category added up to ten respondents in order to incorporate an applicable set of responses. Appendix E contains a more detailed schedule of the interviews.

The key-informants chosen for the interviews had common interests and knowledge pertaining to mining activity and land access in Manitoba. In order to address the objectives of the research, informants were chosen as often as possible to best represent similar areas of land within the province (e.g. one company representative matching with one community representative near the same location). The criteria listed in Table 5 demonstrate the pre-determined qualifications sought out for the respondents.

Table 5 Categories in which the Respondents were identified

Respondents	Respondent Categories
Aboriginal	<ul style="list-style-type: none"> ▪ Based on recommendations through the snowball sampling method ▪ Had knowledge about mining activity and land access interests ▪ Representation included, Chiefs or people in land management positions
Government*	<ul style="list-style-type: none"> ▪ Based on recommendations through the snowball sampling method ▪ Currently or previously had worked for the Manitoba Government ▪ Had knowledge about mining activity and land access interests
Industry	<ul style="list-style-type: none"> ▪ Based on recommendations through the snowball sampling method ▪ Was currently working either in mineral exploration or mining within Manitoba at the time of field work ▪ Had interests in mining, exploration and land claims in Manitoba
Other	<ul style="list-style-type: none"> ▪ Based on recommendations through the snowball sampling method ▪ Had knowledge about the current or historical situations around mining and exploration in Manitoba ▪ Included various perspectives that qualified for more than one category

* In order to ensure government respondents were specifically knowledgeable about current mining activity and Aboriginal relations in Manitoba, no Federal Government respondents were interviewed for this category.

3.3.4 Criteria Formation for Interview Questions

Themes and characteristics identified by key-informant interviews were evaluated against a series of criteria formed from information gathered in the literature review. The criteria were established mainly from a review of the MiHR 2012 study on Impact Benefit Agreements (IBA). The review determined five broad categories important for consultation and agreement procedures that are listed in Figure 3.1. Separate interview schedules were developed for Aboriginal, government and mining industry respondents in order to address each respondent's specific set of knowledge. The questions touched upon each of the previously identified criteria; however different questions and discussions arose with each respondent. The detailed interview schedule of questions for each of the parties can be viewed in Appendix F.

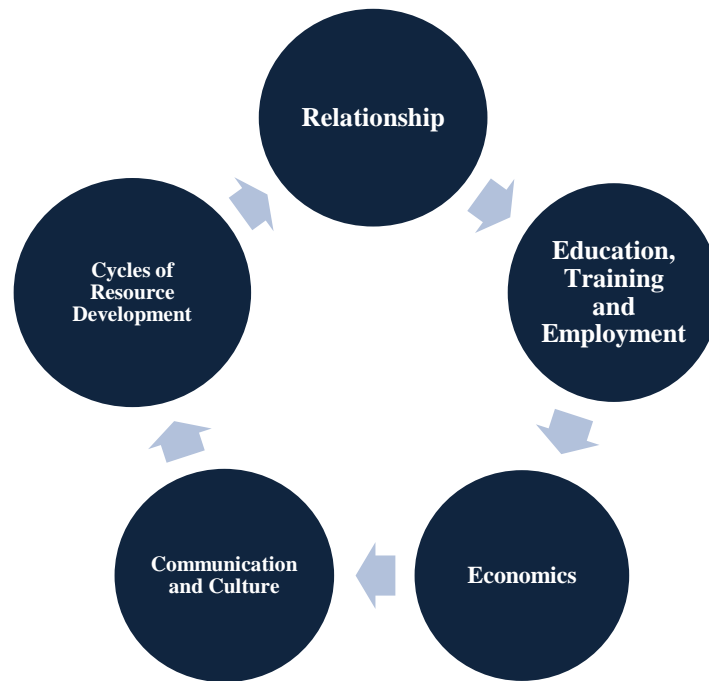


Figure 3.1 Criteria Formulated from Literature Review

3.4 Fulfilment of Objectives and Validation

The objectives identified in Chapter 1 have been fulfilled for the completion of the research. Table 1 specifies the fulfilment of each objective.

Table 6 Methods Followed Corresponding to the Objectives

Objective	How Fulfilled
<i>To identify the criteria useful in evaluating the relationships among Aboriginal communities, government and the mining industry in Canada</i>	<ul style="list-style-type: none"> ▪ Conducting an extensive literature review ▪ Identifying common themes found in the literature.
<i>To examine the policies of Aboriginal consultation, mineral exploration and mine development with regards to access to land in Manitoba</i>	<ul style="list-style-type: none"> ▪ Identifying the policies and guidelines that shape the interactions among Aboriginal communities, the Manitoba Government and the mining industry ▪ Literature review, document analysis, and ▪ Comparison of information gathered throughout the interviews
<i>To apply the identified criteria in an evaluation of the relationships and policy practices among the Aboriginal, government and industry respondents in Manitoba related to mining activity and policy integration</i>	<ul style="list-style-type: none"> ▪ Conducting the key-informant interviews and ▪ Aggregating common themes discussed further in Chapter 4
<i>To discuss the implications of the theory and practice involved in mineral exploration and mine development within the province</i>	<ul style="list-style-type: none"> ▪ Discussion on the findings from the respondent interviews with existing literature in Chapter 5
<i>To make policy recommendations as appropriate</i>	<ul style="list-style-type: none"> ▪ Summary and conclusions detailed in Chapter 6

Validation of the data analysis is vital to ensure the respondents' perceptions and information has been captured in a form true to the respondent (Patton, 2002). To obtain validation from the interview notes, a random selection of three-quarters of the respondents were emailed the interview notes or transcripts for review. The majority of comments and changes received back from the respondents were minimal and any requested changes to the information were made. The validation process ensured the informants' messages were being conveyed in a manner that best would represent their responses.

Triangulation of data through cross examining with related literature and the pre-determined criteria was completed through the discussion in Chapter 5. A focus group was originally designed as a means of triangulation, however after careful consideration of the sensitivity of the topic and after witnessing the respondents busy schedules, the collaboration of respondents would not fit within the research time frame.

Interview transcripts were imported into Nvivo™ 10 Computer Assisted Qualitative Data Analysis Software (CAQDAS). After reading through the transcripts, information was coded based on the pre-determined criteria, and themes and codes that emerged directly from the data. Nvivo™ 10 assisted in linking codes together to provide visualization as to how data was related. The data analysis and discussion in Chapters 4 and 5 included direct quotes from the respondents, providing support for the analysis. Following the committee's review of the thesis, respondents were sent summaries of the aggregated data, providing an opportunity to share the information and results of the study.

The research focused on gathering insight from Aboriginal, government, mining industry and other representatives. Maintaining the full confidentiality of the informants was made a top priority during the data collection and analysis. Prior to conducting the interviews, respondents read and signed a consent form shown in Appendix B. Thirteen respondents provided consent for interviews to be voice recorded, which was noted on the individual consent forms. When consent was not given to record the interviews, the remaining 17 interviews were completed with detailed hand-written notes. These notes and recordings of interviews were kept under password protection by the researcher and in a locked drawer. If respondents had requested, a series of sample questions were provided prior to the interview in order to ensure the interviewee was able to agree and understand the full scope of the

research before the interview took place. Interviews lasted generally one hour. Prior to the interviews, respondents were reminded that participation was voluntary and they had the ability to decline to respond to any of the interview questions asked.

3.5 Conclusion

The qualitative approach supported the research purpose and objectives by obtaining the views and expectations from numerous Aboriginal community, government, mining industry and other representatives regarding the integration of Manitoba's mineral policy and the relationships among the various parties. Chapter 4 discusses in detail the data collection and analysis of the information retrieved from the field work involving key-informant interviews. Chapter 5 provides a discussion of the results and Chapter 6 ends with summary, conclusions and supporting recommendations for mineral policy and relationship development.

4 Chapter 4 Data and Analysis

4.1 Introduction

Data collection was conducted from August 2014 to November 2014 and consisted of 30 key informant interviews. The goal of Chapter 4 was to uncover and discuss the knowledge and opinions of the 30 respondents interviewed. The chapter also introduces the complexities of understanding policy interactions and formation that will then be further discussed in Chapter 5. Though respondents were knowledgeable about mining and land use activities in Manitoba, the worldviews and backgrounds of each individual respondent has shaped distinctive opinions among the parties. Similar views were identified within each party that demonstrated patterns of common thinking. Aboriginal, government and mining industry interviews were guided by three separate interview schedules tailored to each of the particular party's set of knowledge. The majority of the interviews lasted an average of one hour.

The case study strategy of inquiry allowed for a focus on specific mining-related issues and accomplishments within the Province of Manitoba. Field work and general observations have enhanced the understanding of the rewards and challenges related to working in exploration and mining operations. Memorable times of my field season are shown in Table 7. During the 30 interviews, similar themes started to emerge from the respondent discussions. Themes that became evident throughout the analysis process were;

- i) Belief in Contributions and Influence in Policy Development,
- ii) Management of Expectations,
- iii) Mining Life Cycle,
- iv) Perceived Realities of Policy Development, and
- v) Willingness.

Excerpts from the interviews are presented throughout Chapter 4 to support the analysis and the interpretation of the information provided by the respondents. The respondents' views on how relationships were forming and the interaction of how governmental policies on land use and consultation informed these relationships were the foundation of the analysis. The interview schedules of questions are located in Appendix F. These questions related to the criteria revealed during the literature review.

Table 7 Photographs from My Field Season

An interview in progress (top left). An underground tour of the Vale nickel mine. The posters set up for a community consultation. The 2014 CAMA conference that attempted to bring together all the interested parties for discussion on current issues and accomplishments (bottom right).



4.2 Case Study Description

4.2.1 Provincial Profile

The case chosen for the study was the Province of Manitoba. Manitoba is one of Canada's Prairie Provinces, containing more than 38,500 lakes; the total area is 647,797 Km² (Encyclopaedia Britannica, 2014). The total population in 2014 was 1,282,000 and in 2006, the population of self-identified Aboriginal persons was 175,395 (Statistics Canada, 2014). The northern portion of the province is known geologically as the Canadian Shield and represents an area believed to have high potential for mining prospects (Encyclopaedia Britannica, 2014). Manitoba's 383,000 Km² of forest is home to a variety of wildlife including Caribou, wolves, otter, deer, cougars, moose, coyotes, foxes, polar bear and numerous fish...etc. (Encyclopaedia Britannica, 2014).

The Aboriginal populations in Manitoba are made up of many different Aboriginal groups such as the Assiniboine and Ojibwa First Nations, the Cree and Chipewyan, and the Inuit and Metis (Encyclopaedia Britannica, 2014). These populations collectively have lived in Manitoba since time immemorial, prior to European settlement. In total, there are 63 First Nations in Manitoba (Government of Canada, 2014d). Seven treaties (1, 2, 3, 4, 5, 6, and 10) were signed in Manitoba with Aboriginal communities from 1871-1921 (Government of Canada, 2014d). Under the signing of the treaties, Aboriginal communities signed over the rights to land to the Crown in return for the designation of reserve lands, access to agricultural products, clothing, annual payments, and hunting and fishing rights (Government of Canada, 2014d). Since the signing of the treaties, the Federal Government was made aware that more land was owed to communities than what was previously received, now called Treaty Land Entitlement (TLE). The Province of Manitoba has committed to setting aside an additional 1.4

million acres of land to be developed into reserve land (Government of Canada, 2014d). As of April 30, 2014, 850,000 acres have either been set aside or purchased (Government of Canada, 2014d). These continuing land claims have been a source of uncertainty for the mining industry in determining new areas for exploration and mine development.

Table 8 lists the eight operating mines within Manitoba and the respective dates of mine origin. The two mines that have been opened more recently in 2013 and 2014 are owned and operated by Hudbay. The Lalor mine was the result of initial exploration that started in 1955 and the discovery of specific deposits in 2007 (Hudbay Minerals Operations, 2012). The Reed mine was the result of a deposit discovered by a junior exploration company, VMS Ventures (Hudbay Minerals Operations, 2012). The exploration activities for both the Lalor and Reed mines have occurred at a time when there was significant confidence in the mining sector in Manitoba. More recently, mineral exploration and mine development activities have been met with more resistance. The reduced level of confidence in being able to explore new areas of land expressed by industry respondents coupled with the increased frustrations regarding land claims leaves future exploration and mine development in Manitoba with an uncertain fate if policies that address the fostering of relationships among the Aboriginal, government and industry parties are not established.

Table 8 Manitoba Operating Mines

Province of Manitoba 2015 © Mineral Sector Profile with Permission

	Company	Location	Date Opened	Major Metals/Minerals Mined
777 Mine	Hudbay	Flin Flon	2000	copper, zinc
Birchtree Mine	Vale	Thompson	1968	nickel, copper
Hinge-007 Mine	San Gold Corporation	Bissett	2009	gold
Lalor Mine	Hudbay	Snow Lake	2014	copper, zinc, gold
Reed Mine	Hudbay	Flin Flon	2013	copper, zinc
Rice Lake Gold Mine	San Gold Corporation	Bissett	2006	gold
Tanco Mine	Tantalum Mining Corporation of Canada, Ltd.	Lac du Bonnet	1969	cesium
Thompson mine T1, T3 & 1-D	Vale	Thompson	1958	nickel, copper

4.3 Data

Three separate interview schedules were developed for each of the interested parties; therefore, the numerical values presented in Table 9 and the graphs throughout Chapters 4 and 5, and in Appendix G are not directly comparable across the three parties, and rather compare the particular matters discussed within each of the parties' interviews. Interview schedules were designed to guide discussions. Therefore, each interview resulted in a different conversation, and revealed a range of responses. For example, one set of interview questions asked the Aboriginal respondents if Aboriginal communities should have the right to determine if mining activity happens or not. The other two parties, though not directly asked

the same question, mentioned the topic of consent through their own conversations. The numerical comparisons, therefore, signify issues of importance within each party. These numerical values have highlighted areas where parties are in agreement and areas where there is a level of diverging opinions. Table 9 details a summary of aggregated responses, which are further represented in Appendix G. All values in the table represent the percentage of respondents who discussed topics related to the five themes. Areas discussed in more detail throughout the analysis are highlighted in red within Table 9.

Table 9 Data Summary

Themes	Aboriginal Respondents	Government & Other Respondents	Industry Respondents
1. Belief in Contributions and Influence in Policy Development	<ul style="list-style-type: none"> 100% (n=8) of respondents agreed they had the ability to influence policy 77% (n=9) stated they have improved capacity and community collaboration. 	<ul style="list-style-type: none"> 100% (n=8) of respondents agreed that both Industry and Aboriginal communities should feel they can influence policy through improved communication. 	<ul style="list-style-type: none"> 70% (n=10) of respondents agreed they had the ability to influence policy. 30% (n=10) were of the opinion that previous attempts at influencing policy had failed so maybe they did not have any true influence on policy change.
	<ul style="list-style-type: none"> 77% (n=9) agreed communities should have the ability to determine if mining activity or other resource development happens on traditional territory. 	<ul style="list-style-type: none"> 60% (n=5) of respondents agreed that communities should not have full consent, and 40% (n=5) stated that companies needed to go to the communities prior to any activity, and that details of consent would be defined by the courts. 	<ul style="list-style-type: none"> 60% (n=5) of respondents agreed communities should not have consent over resource development decisions, 100% (n=5) stated that allowing this consent would deter companies from exploration and development in the province.
2. Management of Expectations	<ul style="list-style-type: none"> 33% (n=9) agreed there needed to be a more fair representation on the mining advisory council and more people all together. 100% (n=10) of respondents stated 	<ul style="list-style-type: none"> 44% (n=9) stated better communication comes with willing individuals. 90% (n=10) of respondents recognized the Province's responsibility in funding and initiating 	<ul style="list-style-type: none"> 50% (n=10) of respondents emphasized areas needed to be first assessed for mineral potential prior to designation of land. 50% (n=10) stated there was a need for more willing people in all three parties to work together. 100% (n=10) stated the

	<p>the Federal and Provincial Government and the industry had the responsibility to fund education and training and to consult, and 20% (n=10) Aboriginal responsibility.</p> <ul style="list-style-type: none"> 71% (n=7) of respondents stated negotiation agreements were useful to have with a company. 	<p>education and training and consultation. 80% (n=10) of respondents agreed the industry was also responsible.</p> <ul style="list-style-type: none"> 50% (n=10) of respondents stated the Aboriginal communities and the Federal Government held some responsibility. 83% (n=6) of respondents stated negotiation agreements were useful and 50% (n=6) stated that it shouldn't matter if the agreements are called IBA's or not. 	<p>Provincial government has the majority of responsibility with funding education and training and implementing consultation.</p> <ul style="list-style-type: none"> 60% (n=10) stated the Federal Government should contribute as well. 40% (n=10) of respondents stated the Aboriginal communities had a responsibility to build up their communities. 77% (n=9) of respondents stated negotiation agreements, specifically IBA's were not useful, and 55% (n=9) stated the name of the agreement lead to false expectations. 44% (n=9) stated implementing negotiation agreements were the hardest part.
<p>3. Mining Life Cycle</p>	<ul style="list-style-type: none"> 100% (n=3) of respondents were aware of the unpredictable commodity market and felt it affected communication, relationships, and benefits. 50% (n=10) of respondents felt revenue sharing would be a good benefit to communities 70% (n=10) of respondents agreed benefits to mining meant more employment opportunities. 60% (n=10) mentioned a need for more high-level education about 	<ul style="list-style-type: none"> 75% (n=8) of respondents discussed the unpredictability of the market, and how it affects how feasible it is to explore and to develop mines. 44% (n=9) of respondents stated there were significant monetary costs to consultation, which often produced significant budgetary and staffing constraints. 77% (n=9) of respondents agreed there was a need for more education about processes involved so people know what to expect of Chief and Council and community members 	<ul style="list-style-type: none"> 71% (n=7) of respondents discussed the unpredictable market, as including not only market prices but also the unpredictable nature of the relationships and people that come with the two year election cycle in Aboriginal communities. 70% (n=10) of respondents mentioned that there were many unrealistic expectations of what they could fund, due to either being a small exploration company, or a publicly traded company. 70% (n=10) of respondents discussed the need for more employment in the mining industry. 90% (n=10) of

	<p>mining in order to make more informed decisions.</p>	<p>to assist in reducing conflict towards development.</p>	<p>respondents felt that education was vital to aiding in the manpower shortage, and that education related to mining should be incorporated into programs for youth.</p>
<p>4. Perceived Realities of Policy Development</p>	<ul style="list-style-type: none"> • 50%(n=8) of respondents felt that designating protected areas was happening without their consent, and that this hindered their opportunities for economic development. 	<ul style="list-style-type: none"> • 57%(n=7) of respondents agreed that current processes of designating protected areas was hindering economic development of the province. 	<ul style="list-style-type: none"> • 80%(n=10) of respondents stated that protected areas designation was hindering economic development in the province, and was sterilising future development potential. • 90%(n=10) of respondents stated time and uncertainty of obtaining exploration permits were delaying exploration and causing frustration.
	<ul style="list-style-type: none"> • 50%(n=8) also stated that more land use planning was needed. 	<ul style="list-style-type: none"> • 77%(n=9) of respondents felt that provincial policies were adequate and had improved substantially over the past 10 years. 	<ul style="list-style-type: none"> • 70%(n=10) of respondents wanted communities to have land use plans to clarify areas available for exploration.
	<ul style="list-style-type: none"> • 90%(n=10) of respondents felt that provincial policies needed improvement. 	<ul style="list-style-type: none"> • 44%(n=9) felt that policies needed improvement. 	<ul style="list-style-type: none"> • 80%(n=10) of respondents stated that provincial policies needed improvement, and 60%(n=10) stated there had to be more concern with putting policy into action.
	<ul style="list-style-type: none"> • 70%(n=10) of respondents felt that policies were not being followed through properly. 	<ul style="list-style-type: none"> • 87%(n=8) of respondents stated that mining had the potential to be sustainable. 	<ul style="list-style-type: none"> • 90%(n=10) of respondents stated mining could be sustainable. 30%(n=10) stated sustainability would happen through improving exploration.
	<ul style="list-style-type: none"> • 80%(n=10) of respondents stated that mining had the potential to be sustainable. 	<ul style="list-style-type: none"> • 70%(n=10) of respondents agreed that community consultation needed improvement. 	<ul style="list-style-type: none"> • 70%(n=10) of respondents stated that consultation was the province's responsibility and that they engage with communities.
	<ul style="list-style-type: none"> • 80%(n=10) of respondents agreed that consultation needed to happen earlier and 70%(n=10) that it needed to improve. 		
<p>5. Willingness</p>	<ul style="list-style-type: none"> • 80%(n=10) of respondents stated there were positive ways to move forward in situations where 	<ul style="list-style-type: none"> • 100%(n=5) of respondents agreed that positive steps could be taken to move past conflicts over resource 	<ul style="list-style-type: none"> • 70%(n=10) of respondents stated there could be ways to move forward from conflicts over resource development, and • 40%(n=10) stated that they

	<p>there were conflicts over development</p> <ul style="list-style-type: none"> • 88%(n=9) of respondents stated that communication between the parties needed to improve. 33%(n=9) stated there was no communication. • 85%(n=7) of respondents felt co-management could happen with resource development projects • 60%(n=10) of respondents agreed that current relationships were improving. 	<p>development.</p> <ul style="list-style-type: none"> • 70%(n=10) of respondents felt that communication was sufficient between the parties, but 50%(n=10) agreed there could be improvements made. • 83%(n=6) of respondents agreed co-management could lead to better communication. • 50%(n=10) of respondents recognized that relationships needed improvement, but that their current state was good. 	<p>would prefer to leave areas where they are not wanted and avoid conflict altogether.</p> <ul style="list-style-type: none"> • 66%(n=9) of respondents felt their communication was going well with communities, while also recognizing that there was a need for improvement between all parties. • 33%(n=9) of respondents stated that there was no communication between industry and government. • 100%(n=7) of respondents felt co-management could happen, but only between province and community. • 70%(n=10) of respondents stated relationships are more dependent on specific people. • 60%(n=10) recognized that current relationships were good and were getting better. However, relationships were also very unstable because people in power could change so easily.
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4.4 Survey Analysis

The analysis section highlights selected responses of the respondents identified in Table 9 (above). Graphs displayed throughout the analysis enable a visualization of the respondents' views on specific subject matter. The reader should note blank spaces in between the bars on the bar graphs signify no response was made or no question was asked that related to the corresponding color categories.

4.4.1 *Belief in Contributions and Influence in Policy Development*

One of the main differing opinions discussed among the interested parties were concerns over the right to make decisions over resource development on traditional territory lands, as highlighted in Table 9 (above). Figure 4.1 further details the various issues that arose through respondent discussions. When discussing the matter with respondents, the term “consent” was used as I was of the opinion that the term would be a reasonable surrogate for discussing the more common term “veto power” to ensure all respondents understood the topic in question.

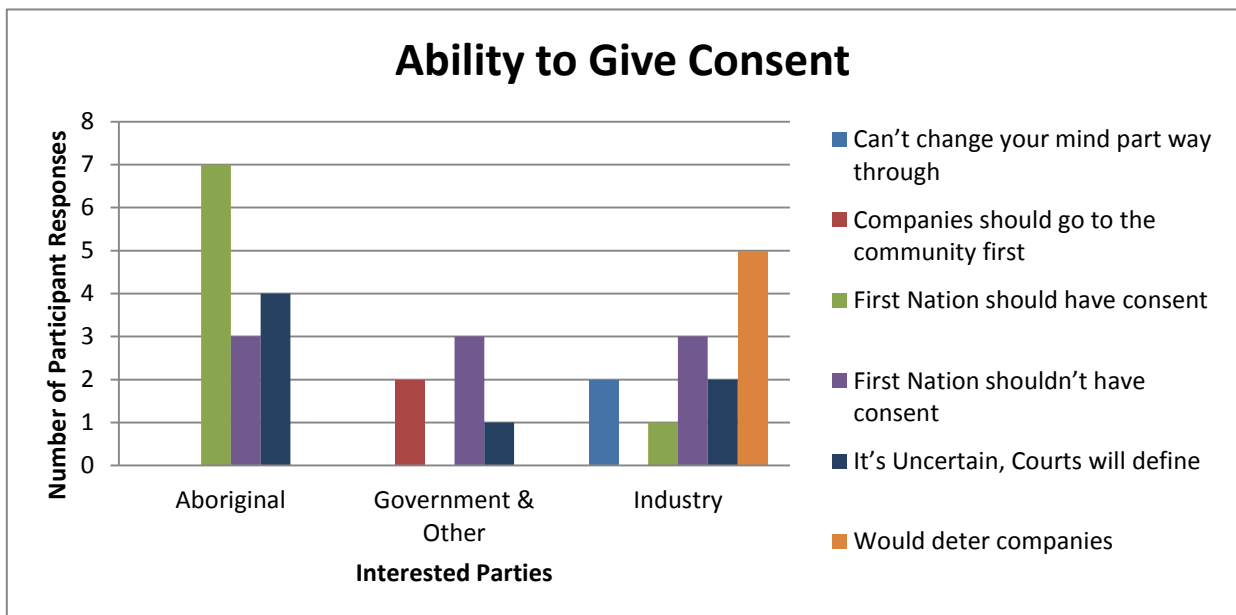


Figure 4.1 Ability to Give Consent

The worldviews of the Aboriginal respondents were influenced by a background of culture and tradition. Intrinsic characteristics and cultural values of land carried a greater significance with Aboriginal respondents than with the other two parties. Many Aboriginal respondents conveyed that the land was “theirs”, and the process of other interested parties in seeking consent needed to occur because mining activity was happening in “their backyards” (Respondents A10 A17 A21 A27 A30). Some respondents were of the opinion that even when

or if communities agreed to consultation, permits were being given; which made them not want to agree to consultation so to prevent the allocation of exploration or development permits until community members were informed properly (Respondents A20 A22). Aboriginal respondents' opinions were fairly divided in whether or not communities should be given full right to consent; many traditional territories overlap, and therefore decisions around uses of land would need to be a shared responsibility (Respondent A15 A29).

So there's maybe even four levels of consultation, some have quasi title, some have asserted it, and some could care less...but a veto for anybody, even for the government to say we have a veto, that's not the answer because you're going to have confrontation, opposition, and you could both say look- it's in our best interests to do this with us than without us (A15).

Another respondent considered that each individual person may view land or development through an individualized understanding. There is then the possibility that different people would not be able to comprehend all the impacts that any one community may believe mining would have on their land. Determining whether there should or should not be full consent given to Aboriginal communities prior to development remains a question to many respondents.

I think that is up to each community. I mean each community can have their own beliefs and I think that should be respected. That's what it is. I mean, we don't know who is to say that they should allow [mining activity] when we don't know how important [the land] is to the [communities] to maintain and preserve what they have (A29).

Many Aboriginal respondents recognized that requiring that community members be notified early in exploration activities may discourage industry. Respondents wanted to emphasize that many community members want to find a way to work towards better collaboration early on in mining activity (Respondents A20 A27 A30). Respondents have cited the United Nations Declaration of Rights of Indigenous Peoples (UNDRIP); stating clearly the sovereignty over Aboriginal traditional lands, and that Aboriginal rights extend

beyond reserve boundaries (Respondents A21 A22). However, UNDRIP was written as a non-legally binding document that addresses the rights of Indigenous peoples in a national context (Government of Canada, 2012), and even though respondents cite the document, Canada voted against adopting the principles due to specific text regarding issues around land use and resources (Government of Canada, 2012).

The Province recognizes that sole ownership of mineral resources belong to the Provincial Crown. Therefore, government respondents mentioned that true consent is granted by the Government of Manitoba; but often community consultation has been confused with consent. However, the Province also recognized there needs to be a government to government interaction between Aboriginal community members and the Province (Respondents A05 A18 A23). One government respondent stated that allowing communities consent would not be wise because making an informed decision requires a significant amount of time for community members to understand the necessary information and to educate the entire community. When community members or leadership try to “veto” a development project quickly, the proper time is not given in order to educate and learn about the specific proposed mining activity. Therefore community members are not given a fair chance at economic development (Respondent A13). One government respondent stated the courts have yet to define the ability for communities to exercise full consent authority (Respondent A23).

Main concerns presented by industry respondents on the issues identified about Aboriginal consent, related to obtaining permits and uncertainty. Company representatives expressed that their companies had to contact communities early on in order to obtain permits. Some of the respondents felt as though the existing process was giving communities the power of consent without a specific process specifically being outlined in any particular

provincial policy or guideline (Respondents A08 A09 A14). Industry respondents were aware that areas of significant cultural importance are areas where communities would want to prevent development from occurring. One respondent (A14) suggested the need for collaboration so significant areas could be identified and saved from development while not preventing entire areas from still being explored and developed. A few industry respondents (A01 A14 A26) agreed that if communities were to be given the ability to “veto” resource development, the veto needed to be stated at the beginning of a project, and could not happen after the company had invested time and money into project development.

4.4.2 Management of Expectations

As emphasized in Table 9 (above), the parties had varying views on the usefulness and practicality of negotiation agreements, and on the amount of responsibility the three parties should share in consultation, education, training and funding. Figure 4.2 further demonstrates the differences in the respondents’ views on the usefulness of negotiation agreements.

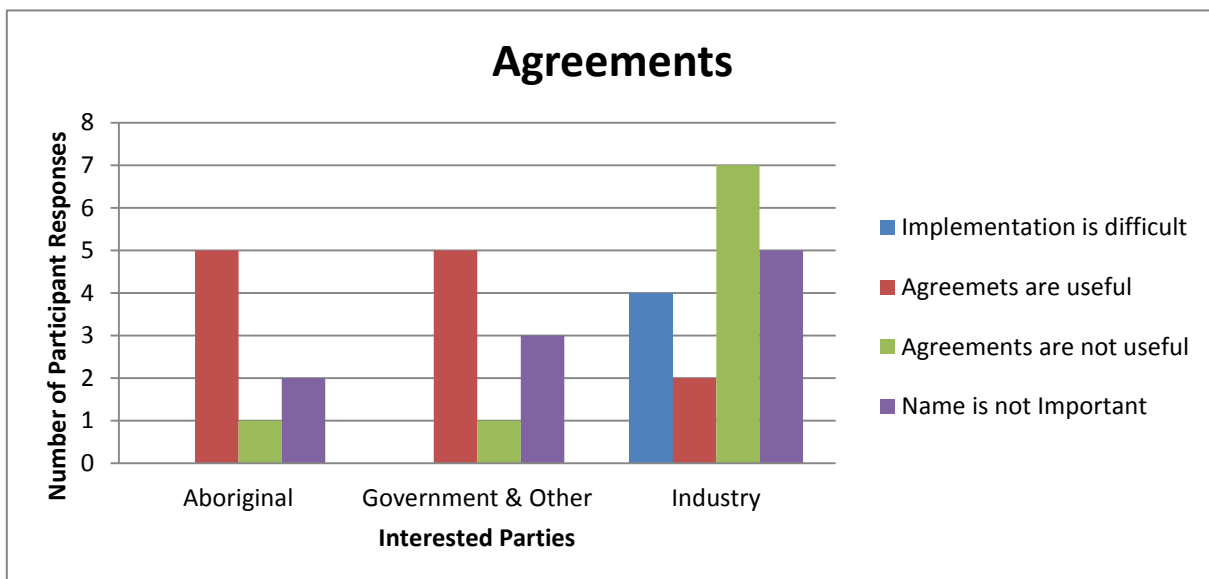


Figure 4.2 Negotiation Agreements

What some of the Aboriginal respondents wanted to achieve with negotiation agreements were the ability to be involved in every step of mining activity and to benefit from employment opportunities at every stage (Respondents A27 A29). A few respondents were optimistic for agreements to create space for more benefits than just employment opportunities (Respondents A17 A29). The respondents interviewed had not been directly involved with negotiating IBA's in any formal sense. Respondents mentioned that a few promising agreements such as MOU's or pre-development agreements were signed that could bring potential benefits to the communities (Respondents A15 A17 A21 A25 A29 A30). Aboriginal respondents explained that agreements could include joint ventures, and contract positions that would help in small business development (Respondents A17 A27). Even without official agreements, one respondent mentioned having access to training and education from both companies and the Northern Mining Academy (Respondents A21). Another respondent mentioned having agreements signed earlier would benefit Aboriginal communities significantly, and that keeping these agreements confidential would help industry feel safer in engaging with communities earlier at the claim-staking stage (Respondents A27).

Government respondents were aware that industry was not a large fan of negotiation agreements, in particular IBA's. Government respondents preferred to focus on what was included within the negotiation agreements, rather than what the agreements were described as (Respondents A05 A06 A13).

I look at impact benefit agreements as a continuum and not just one thing. It could be from a letter of understanding to a memorandum of understanding to a whole scale agreement to a collection of programs between community and company that hasn't necessarily been tied up to an overall arching plan (A05).

Government respondents also discussed that the confidentiality of IBA's made it difficult to ensure that the implementation of agreements was not detrimental to the interests of the

Aboriginal communities. The respondents mentioned that making agreements easily accessible would guarantee institutions were held more accountable (Respondents A06 A12).

Historically, many agreements didn't function properly, even though they were well intended. They provide a point to improve upon. A point for growth. The agreements today are more sophisticated, promoting joint ventures or employment, and these go back to sustainable principles and the economic development of a community, and to help businesses grow locally (A16).

Though what is agreed to in an agreement can be impacted by fluctuating commodity prices and boom and bust of the mining cycle, government respondents agreed that negotiation agreements were moving forward positively as a way to do good business (Respondent A05 A06 A13).

Some industry respondents were in agreement that negotiating with communities was easier than the actual process of implementing the agreements (Respondents A01 A02 A28). Implementation was often complicated by a lack of resources within many communities to uphold the community's "side" of an agreement. A large challenge to signing agreements was the potential for the agreement to not be honored with a newly elected Chief and Council. The legality of an agreement did not necessarily safeguard a company's interest because of a lack of resources within a community, and going to court would not contribute to policy resolution or relationship enhancement (Respondent A01). IBA's specifically were not a favorite of industry respondents due to the presumed impacts associated with a project simply based on the name of the agreement. Respondents stated that IBA's were being advertised to communities as the "best option", but instead IBA's often would create false and unrealistic expectations about how a company could contribute to a community (Respondents A02 A03 A08 A09). In the past, community members have wanted agreements early in the discussions with both exploration and mining companies. Many respondents stated no agreements should

be signed early until a feasibility study has been completed (Respondents A02 A03 A09 A24). Much of what can be achieved in an agreement, respondents stated, did not need the signing of an agreement, and if done correctly could instead be reflected through relationships established over time (Respondents A07 A24 A26 A28).

4.4.3 Mining Life Cycle

Interviews with the respondents revealed many similarities in the sensitivities regarding the mining life cycle, economics, and employment and training as can be viewed in Table 9 (above). The three parties agreed that the commodity market was unpredictable, and that the unpredictability influenced the timelines of project development, the potential for training in communities, and relationship stability (Respondents A03 A06 A07 A09 A15 A16 A18 A20 A25). Figure 4.3 details the various responses related to respondents’ views on education, training and employment.

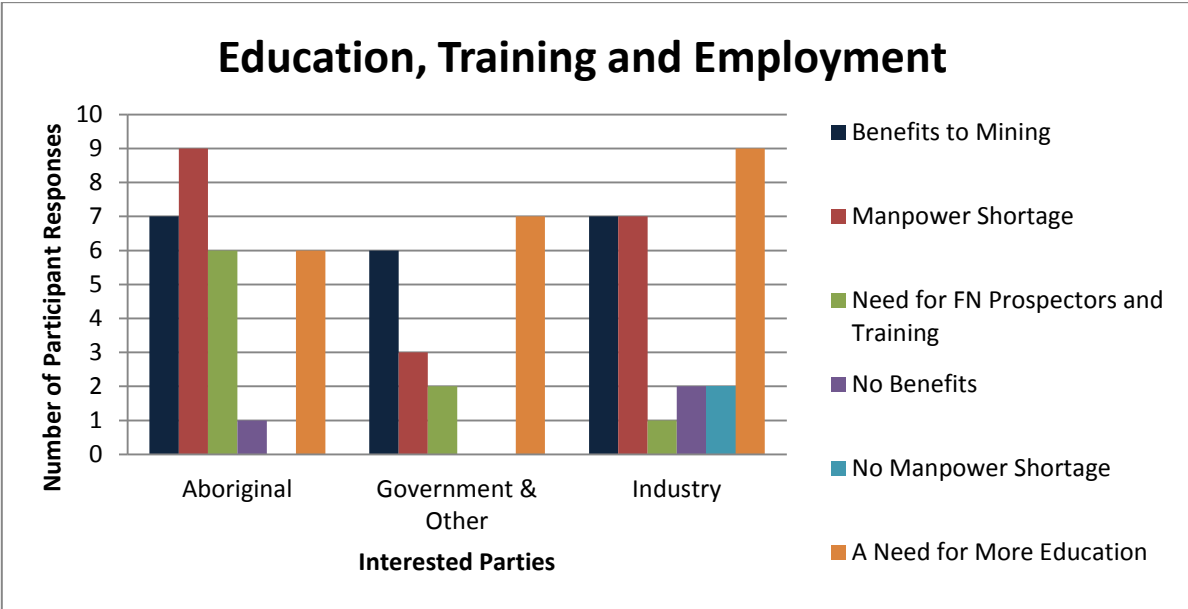


Figure 4.3 Education, Training and Employment

Some Aboriginal respondents agreed that education was important to furthering an understanding of industry and that education was needed for youth, Elders, industry and other non-governmental organizations (Respondents A15 A20 A25 A30). The respondents would describe education, both in terms of technical education regarding mining activity and traditional education regarding cultural dimensions of knowledge. Respondents commented that they were able to educate community members traditionally, and that needed to be respected; however, respondents wanted more education and information about mining and exploration so they could make well-informed decisions. Many Aboriginal respondents expressed that there has been a history of misunderstanding among community members, and government and industry because of the differences between western education and traditional education systems. One respondent commented that community members often misunderstand the necessity of gaining information (Respondent A20). When “westerners” come into the community to share information, the process of communication is often broken or lost (Respondent A20 A25). Respondents want to ensure that traditional education is respected by both government and industry, and that Elder’s knowledge is taken more seriously (Respondent A25 A27). Emphasis on educating the youth was seen by Aboriginal respondents as a way to ensure the younger generations would be able to work with the mining industry or have access to potential job opportunities in the future (Respondents A20 A21 A25 A27 A30). One respondent recognized the future possibilities. “There’s lots of potential in this industry, it’s just a matter of educating the people” (A15).

Aboriginal respondents also expressed a significant need for employment within their respective communities, and high unemployment rates greater than 60% that exist within many of the remote northern communities (Respondents A10 A20 A21 A22 A27 A29 A30).

Respondents commented that both the government and industry should contribute to education and training efforts and wanted to emphasize that benefits shouldn't be seen solely as offering employment opportunities. Respondents viewed the Provincial and Federal Governments' responsibilities as anticipating future mining activity within communities in order to prepare communities with educating and training in advance of possible employment. Aboriginal respondents viewed industry's responsibility to be to utilize all possible opportunities to have local communities supply necessary supports for industry's working needs such as in the form of assisting with building local small businesses within communities, using existing local employment or sharing in revenue benefits (Respondents A22 A27 A29 A30).

Both government and industry need to recognize a "bigger picture" that includes an understanding that unemployment rates do not fully represent the need or aspiration for employment within communities (Respondents A15 A17 A20 A21 A22 A29). Even though there may be many community members that will not want the mining industry to come near traditional territory, there will also be many members wanting employment (Respondents A15 A20 A21 A27 A29 A30). The bigger picture was represented in the words of one participant as the need for an expansion of jobs not only for mining but for the development of self-sustaining local small businesses, and the development of skills transferable to not only mining but other industries common in the North. "Their focus seems okay and it's in the right direction in terms of hiring, but it's hiring the low-end labour jobs and there's a bigger picture that they should be considering" (A22).

Government respondents considered education a federal responsibility (Respondents A04 A13 A23). Some government respondents recognized that education related to the technical aspects of mineral education should be provincially funded; however other

respondents mentioned that companies have also taken on the role of educating communities. Government respondents stated that Aboriginal members would likely agree that it was also a community's partial responsibility to educate respective members (Respondents A04 A06 A11 A13). The government respondents discussed Provincial support in the forms of an Aboriginal outreach coordinator and outreach geologist whose job has been to educate communities in mineral exploration, and conduct mapping programs with communities (Respondents A04 A06 A11). The intent of the outreach programs has been to increase community members' understanding of the mining industry (Respondents A06 A11).

Government respondents recognized the current shortage of skilled labour within the mining industry and connected increased education and training as the solution (Respondents A06 A11 A16 A18). Respondents also mentioned the Manitoba Mining Academy as providing the proper training for workers in Northern Manitoba (Respondents A06 A11 A18 A23). Employment was emphasized as a significant benefit of the mining industry, because the skills developed while working within one mine, could be transferred to any other mine in Manitoba or across the country. Learning to work within any industry, whether with forestry, hydro development or mining, would provide skills for a range of jobs in the future (Respondents A06 A13 A19). There was recognition that the shortage of labor in the mining industry also required increased post-secondary education.

There is also room for more professional development dollars into the sector. For example, some companies have a significant Aboriginal workforce, but they struggle to have their workers move up the chain because they need education or professional development training to advance. So we really need to figure out how to fill that gap and help them move up from those entry level jobs (A16).

Industry respondents recognized the ability for industry's contribution in educating community members to be made in the form of sharing more information early in the exploration stage as part of engagement procedures (Respondents A02 A08). Respondents

discussed how the possibility of education and training was reliant on the economy. If prices of commodities were not high enough, training programs were often delayed (Respondents A09 A26). Industry respondents expressed that increasing the number of youth who complete high school within communities near mining activity would assist in preparing the youth for potential jobs within the industry as many jobs require grade 12 education. Respondents recognized that some community members can be skeptical of forms of “western” education (Respondents A07 A09). However, industry respondents were of the opinion that tailoring education in the schools to match the activity that was occurring in the community could enhance a community’s overall understanding and create a greater familiarity of mining activity.

The amount of self-identified Aboriginal peoples working for the industry respondents’ companies ranged from 15-60% (Respondents A01 A02 A03 A07 A08 A14 A28). Even with a growth in Aboriginal employment over the past ten years, there was still a perceived shortage of labour within industry and exploration jobs. However, respondents noted though there was an apparent shortage of workers “today”, if mining activity continued to diminish in Manitoba then in the future, there may be no more mines to employ anyone. Filling the gaps in the manpower shortage requires further education from more general labour jobs to jobs that require post-secondary education such as prospectors, geologists, and engineers (Respondents A01 A02 A03 A08). Some industry respondents stated, however, that there was not a manpower shortage, and that the cyclical nature of the economy balanced out the number of employees available for work (Respondents A09 A24).

Industry respondents stated companies have attempted to offer employment opportunities to any community members who were eligible and willing to work with the

respective companies (Respondent A01 A14 A28). Industry respondents did recognize the benefits of hiring locally (Respondents A01 A02 A03 A07 A08 A28).

What I mean by good business is that it's good for the community and it's good for the company. If it's only good for the community or only good for the company than it's not good business. I would say training and skill development and understanding what we do is a good thing for both [company and community]. That's good business (A09).

Though respondents stated their respective companies remained open throughout the hiring processes, potential workers who were ineligible for reasons of not meeting the criteria or skills required would often unrealistically expect to be employed (Respondents A08 A14). Publicly traded companies rely on investors to supply money for project development, which comes with specific conditions about how the money must be spent. Companies are therefore not free to negotiate benefits or monetary compensation to the degree many community members may want. If community members are willing to negotiate benefits, however, what these companies can provide are assistance in scholarship funding and training (Respondents A01 A08).

4.4.4 Perceived Realities of Policy Development

Some of the main frustrations expressed throughout the interviews were delays in the permitting process, and a lack of effective implementation of current policies. Aboriginal, government and industry responses signified both areas of agreement and divergences of opinion related to this subject. Figure 4.4 highlights respondent discussions over land use regulation and protected parks designation.

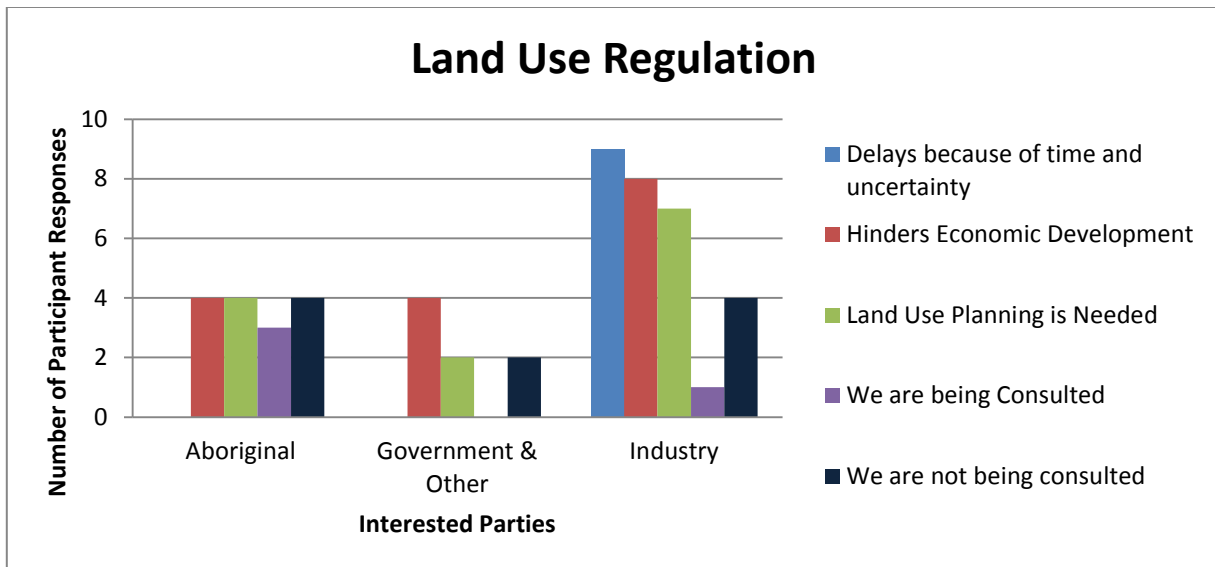


Figure 4.4 Land Use Regulations

[Land use regulation refers to land use and protected area policies in Manitoba regarding mineral exploration and mine development]

The designation of land was viewed differently by Aboriginal respondents than government and industry respondents. There was a balance among the respondents of each party who were of the opinion that there was a lack in both communication and consultation on matters involving the designation of protected areas. Some Aboriginal respondents stated the designation of protected areas was both good for conservation, but also could hinder the possibility to improve economic opportunities in remote northern communities, and could potentially prevent community members from hunting on the designated land (Respondents A15 A25 A30).

Nothing wrong with protecting land, [and] there's nothing wrong with designation. Again, I believe in development but not at all costs. You've got to protect the environment and protect the wildlife and the resources. So I think if you have a balance that doesn't sway too strong to one side then there's nothing wrong with that. (A15).

Aboriginal respondents stated that protected area designation was happening without sufficient community consultation and that traditional territories were being outlined by the

government without first informing community members (Respondents A10 A30). The concern behind the lack of consultation was complicated by respondents wanting to protect the land and ensure hunting activities would still be permitted on the land (Respondents A27 A30). Respondents were not aware of which land designations allowed hunting, fishing and trapping, and which designations would prevent these activities (Respondents A27 A30).

Aboriginal respondents stated community members were not aware of the potential impacts that could accompany the designation of protected areas (Respondents A25 A27 A30). In order for communities to be able to move forward with both conservation and mining strategies, many respondents emphasized the importance of land use planning (Respondents A20 A21 A30). Frustration was also expressed over the delays with the Province in conducting land use studies. Boundaries of traditional territory have been based on historical trap line data and have become a part of many agreements. Respondents stated that conducting land use planning would highly contribute to fulfilling “meaningful” consultation (Respondents A10 A20 A21 A30). “That’s the beauty of the land use plan is that you determine areas that would be open or closed for development” (A22).

Government respondents expressed much of the same concerns as both industry and Aboriginal respondents in the frustration with not being consulted by the specific government departments that oversee the designation of protected areas (Respondents A04 A06 A19). The frustration with the government respondents was identified as the result of a lack of communication among intergovernmental departments. Every department plays a different role in land use regulations. Ensuring that the governmental departments communicate properly would enable more efficient communications with communities that also have contributing ideas about how land should be used and managed (Respondents A05 A06 A11).

A huge issue for us right now is areas [are] being turned into protected areas without our consultation. This is a huge issue for us right now; it's probably the biggest issue the department is facing right now other than consultation (A06).

Government respondents were asked generally about land use regulations and the impact policies have on mineral exploration and mine development. Large areas of concern for government respondents were related to consultation with Aboriginal communities and with inter-departmental communications. One respondent acknowledged that there were areas of land within the province that still needed to be explored (Respondent A06). However, no mention of uncertainties in land claims or obtaining permits were made.

The designation of land once involved a process called the Mineral Exploration Liaison Committee (MELC) developed in the 1980s where prior to any land designation, various governmental departments and industry were able to rank areas of importance. Many governmental respondents stated that MELC was a process that worked well to bridge the gaps between the departments and industry in determining which areas could be designated as protected parks and which areas could be used for resource development (Respondents A06 A11). The breakdown of the MELC process around 2009 has left certain government departments lacking a framework for communication regarding similar areas of interest for continued land use planning (Respondents A06 A11 A13).

Through discussions with industry respondents, the concerns highlighted in Figure 4.4 focussed on the sterilization of Manitoba's future economic potential, and delays in the permitting process (Respondents A01 A02 A07 A09 A14 A24 A26 A28). The resulted economic sterilization has been caused by the Province's determination to designate more than 12% of its land as protected area without prior consultation (Respondents A01 A02 A03 A09 A14 A28). The current amount of land, as of February 4, 2015, within the province that prohibits mining activity was averaged at 17-23%, and many industry participants have noted

being uncertain as to how much more land will be designated (Ferguson, 2015). The MELC process was mentioned numerous times by both industry and government respondents as a positive consultation tool that needed to reappear in the land designation processes today (Respondents A01 A02 A03 A09).

All jurisdictions [to] some extent or another have an obligation to society to undertake mineral resource assessment, no less or no more than environment departments or parks departments have obligations to undertake detailed habitat and biological inventory assessments. These are mere obligations. Both should do it well and both should have it right (A03).

The restriction of land use due to protected area designation, and by the introduction of Aboriginal land claims has created uncertainty within the Province of Manitoba regarding which areas are available for exploration and mine development (Respondents A01 A02 A03 A09 A14). Many respondents commented that land should be available for multi-use purposes, and should not fully restrict mining activity if designated as a protected park (Respondents A09 A14 A26 A28).

4.4.5 Willingness

The main difference among the parties in Table 9 (above) for the fifth theme derived from the respondent interviews was the progress of communication. Figure 4.5 details the various responses from Aboriginal, government, and industry respondents. Both Aboriginal and industry respondents had the opinion that there was very little communication occurring with the government. Aboriginal respondents were of the opinion that communication needed to improve both with government and industry, whereas industry and government were of the opinion that communication efforts were better or improving. Communication was identified as having both a physical component, such as setting up meetings or sending letters, and an intuitive component of understanding, such as thoughts on when communication should happen or the definition of mineral rights and Crown rights.

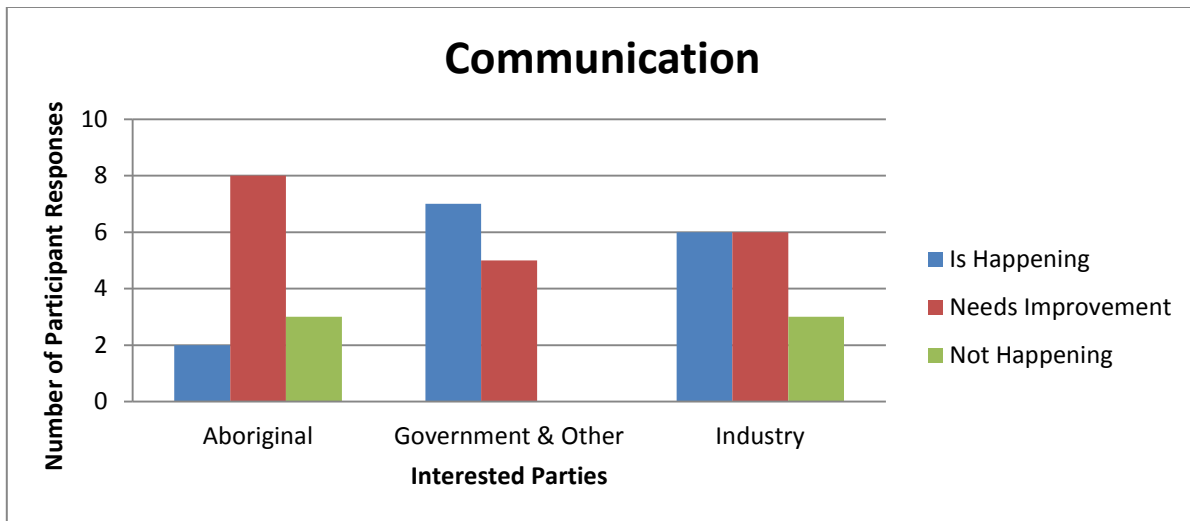


Figure 4.5 Communication

Aboriginal respondents, as shown in Figure 4.5, inferred that communication needed to be improved. Respondents' disappointment with communication was implied based on numerous discussions on the wait times for responses to emails, and the lack of Government notification prior to mining activity. Some respondents have stated that complaints are handled "okay", but that the Government needs to make more of an effort to acknowledge community members' concerns (Respondents A15 A17 A27). The term "acknowledgement" was used with a number of respondents in ways of expressing that their voices were not being heard, and there needed to be more of an understanding that Aboriginal peoples are rights holders, not stakeholders (Respondents A10 A15 A22 A25). Aboriginal members' histories are traditionally founded on oral forms of communication. The basis of this tradition has shaped Aboriginal members' expectations on having meaningful communication with other interested parties.

Communication was also explained as being volatile, or able to change overnight. One Aboriginal respondent emphasized that mine closures or company acquisitions can significantly affect the process and progress of communication (Respondent A20). Aboriginal

respondents expressed that in cases where the government did not take the time to pick up the phone, or return emails seemed to be disrespectful. Respondents also expected more communication from industry before exploration activities than what had been occurring (Respondents A10 A15 A17 A20 A25 A27 A30). Communication was often described in such a manner that appeared to reflect the expectations of consultation procedures. One Aboriginal respondent reasoned that the stalemate of change in communication has been caused by the unwillingness of the government and industry parties to expand their “narrowed sphere” of communication to include Aboriginal parties (Respondent A21 A22). Also attributed to the lack in communication was an overwhelming barrier created by distance separating small communities from large multi-national companies (Respondents A17 A22).

There just seems to be this barrier between communicating with these companies because they are either in Toronto, Vancouver, Hong Kong, Brazil...etc. How do you reach out to anyone like that? And in my eyes communication has been poor (A22).

A few Aboriginal respondents also stated that progress was not being communicated properly regarding the Minister’s Mining Advisory Council. Holding meetings with only a select number of Chiefs was expressed as an unfair representation of how other community members and leaders may respond to mining activity (Respondents A21 A22 A30). One Aboriginal respondent stated that improvements to communication should be through ensuring the parties listen attentively, and educate their respective members both about cultural awareness and the strengths and weaknesses of exploration and mine development. The respondent also stated that Aboriginal communities in general have been approached in a manner which presumes that members do not have anything worthy of educating the province or industry on. Both government and industry parties need to approach communities with a willingness to be educated, which would allow the three parties to work together more efficiently (Respondent A25). Respondents also mentioned that when community members

collectively feel they are not being heard; most times road blocks and protests seem like the only way to be noticed because the capacity and resources to be heard in any other way are not available (Respondents A17 A22).

Government respondents detailed the ways in which communities are notified of potential development. A few of the respondents agreed that sufficient time and opportunity was provided to receive any responses from communities once notification letters were sent (Respondents A06 A11). A lack of understanding of how each party perceives “sufficient time and opportunity” was evident; though opportunities appear to be available for communicating with the government; Aboriginal respondents commented that there are many delays with the government responding to comments and concerns (Respondents A11 A13). Government respondents mentioned that concerns and complaints have been handled in the form of letters, through the mining advisory council, and through phone calls with the minister (Respondents A04 A05 A06 A23).

Government respondents have the opinion that the means of communication has improved significantly through the recognition that communication has to happen at equal levels of power between the interested parties (Respondents A05 A06 A11 A13 A16). “CEO’s of mining companies now talk directly to Chiefs. And when these guys talk, they talk as equals. And through these discussions, that’s where the essence of policy changes come from” (A13). Potential misunderstanding of roles within each party to circulate information among respective members could be a barrier to effective communication.

Government respondents discussed that more recently, community leaders have started to identify more as wanting to create the space for partnerships in order to negotiate development and other economic opportunities in communities (Respondents A05 A11 A16

A18). Communication efforts were mainly described in the physical context of providing information about the resource sectors, conducting outreach and training programs, and sending letters. Government respondents have stated that the response to improving communication is to continue with already existing outreach programs, and to have willing people in all three parties who are ready to discuss the controversies which exist today in resource development (Respondents A05 A06 A12 A13).

Industry respondents overall, were confident in existing company to community communication processes (Respondents A01 A02 A07 A14). Communication was described in the forms of early engagement, asking each community about specific preferences to be engaged, and holding consistent meetings. Industry respondents stated there has been significant progress made towards bettering both a relationship with respective communities and improving transparency of actions and information (Respondent A07 A14). One respondent detailed a lesson learned from a Cree Elder and a lesson learned from a previous company's actions.

A Cree Elder once said to me, 'you have two ears and one mouth so you should be listening more than you are talking' it's good advice for companies so we listen first, and often we ask rather than tell. So we go out to communities which is something that the previous company [in the area] had not done. (A14).

Industry respondents discussed that community members were able to relay messages of concern or complaints through community liaisons; either hired by the government or the community (Respondents A01 A02 A14). Industry respondents mentioned having difficulty with community communication due to a number of factors such as the:

- Number of community members who lived off reserve,
- Lack of money junior companies have to allocate for communication processes,

- Two-year election term of Chief and Council and sometimes unpredictable changes of leadership within the two-year term, and
- Occasional refusal for communication or consultation by Chief and Council that has prevented companies from informing the rest of the community members about intended mining activities (Respondents A07 A08 A09).

The industry respondents were aware of the inherent value Aboriginal peoples attributed to traditional lands and that community members valued the respect of being informed of activities that had potential impacts for the land. Respondents stated that companies that have hesitated to communicate early in the exploration stages do so to remain competitive. Companies often have a vested interest in ensuring a predictable amount of time for the exploration process to take place.

Once communication has been established, industry respondents have found that often the Aboriginal leaders have valued the potential to create an economically prosperous environment for their respective communities; likewise industry respondents equally value having a successful mining operation. The common values and ideals of the parties should therefore allow for the necessary space to be able to work together and establish common ground (Respondent A07 A14). Industry respondents expressed that community members may not fully understand the business processes involved in exploration and mine development that can lead to unrealistic demands and tarnished relationships. Many companies are often in debt for a period of time after mine development that may delay the process of meeting community expectations (Respondents A08 A09).

Industry respondents expressed frustration with government communication and identified a need for improvement (Respondent A01 A02). One respondent said that it was

difficult to tell if the Province was doing a proper job because departments within the Government were not communicating what work was actually being done unless industry members prompted for a response. Even after some respondents had contacted the Government and asked for updates or documentation and maps, the Government responses were delayed and brief (Respondents A01 A26). When the Province would initiate consultation procedures, one industry respondent mentioned often not being notified of the Government's actions (Respondents A01). Government and industry members potentially are miscommunicating the processes of permitting approval. One respondent mentioned in particular that when a permit is issued, it is then assumed that the government has fulfilled its duty to consult with local communities (Respondent A01).

4.5 Policy Analysis

Policy and guideline documents pertaining to land use and management, and Aboriginal consultation were reviewed throughout the literature review process. Finding the correct policy documents that would pertain to mineral exploration and development was not an easy task. The difficulties presented throughout the document search spoke to the difficulties that presumably would be experienced by many interested Aboriginal or industry members seeking information. Relevant documents were discovered throughout the research process to not only include policies, but also Acts and guidelines. The Province of Manitoba details the procedures and licenses necessary to obtain work permits for mineral exploration and mine development in the Exploration and Mining Guide (Province of Manitoba, 2014a). Three governmental departments oversee these processes: Manitoba Mineral Resources, Manitoba Conservation, and Manitoba Labour & Immigration, Workplace Safety and Health Division, Mine Safety Unit (Province of Manitoba, 2014a). The main documents that an

interested industry party must be aware of when conducting exploration in the province of Manitoba include but are not limited to:

- Crown Lands Act C340 sec. 7,
- Environment Act E125,
- Environmental regulations,
- Forest Act F150,
- Mines and Minerals Act M162,
- Map of Land Access for Mineral Exploration March 2014,
- Procedures for Crown Consultation with Aboriginal Communities on Mineral Exploration (and Mine Development) (2007),
- Provincial Land Use Policy and regulations, and
- Provincial Parks Act P20. (Participant A01)

Many respondents and participants who I met with throughout the research experience expressed concerns with the existing policy structures and the practices of implementation and integration within the province (Respondents A01 A02 A03 A07 A10 A17 A20 A21 A22 A26 A30). The way in which governmental departments have been organized, and the lack of cohesiveness among the branches were implied as causing the previously mentioned concerns (Respondents A04 A06 A12). Governmental responsiveness to the changing understanding of Aboriginal values seems to have not been demonstrated through existing policies or guidelines. Further discussion of the practicalities of policy and guideline development is examined in more detail in Chapter 5.

4.6 Conclusion

Chapter 4 has reviewed and analysed the key themes generated from respondent interviews. The respondents represented a spread of knowledge that allowed for the aggregated information to more widely represent the existing overall relationships among the Aboriginal, government and industry parties in Manitoba, however it is recognized that there may be a variety of opinions related to this subject matter that are not fully reflected.

Positive action towards improving policy structures has been taken by the Province. The establishment of the Minister's Mining Advisory Council was viewed highly by many of the respondents as a chance to create the space for open dialogue among the parties. The introduction of the Council in 2013 has demonstrated a governmental commitment to further understand and listen to the concerns of both the Aboriginal and industry parties. Yet, other respondents were skeptical of the Council due to previously failed attempts at earlier formations of similar councils. Due to the recent establishment of the Council, actual evidence as to the effectiveness of the Council in addressing the relevant concerns among the parties has yet to be seen. Chapter 5 further discusses the data from the key-informant interviews in a broader contextual setting.

5 Chapter 5 Discussion

5.1 Introduction

The fundamental factors that influence sustainability principles in Canadian mineral policy have gradually shifted towards acknowledging environmental protection, social concerns and economic incentives (Russell, Shapiro, & Vining, 2010). While mining has long been a vital part of the Canadian economy, important aspects of sustainable mineral exploration and development such as Aboriginal community involvement have largely been ignored (Government of Canada, 2014a). Though there have been great leaps forward in the number of recognizable attempts at improving sustainability initiatives within government and industry sectors, it remains uncertain as to how effective these practices have actually been (Fitzpatrick et al., 2011).

In order for Aboriginal involvement within the mining industry and with policy development to continue, it is important for the various parties involved in mining activity to understand their potential roles within a sustainability platform (Hilson, 2000). Recently, the Federal and Provincial Governmental efforts in regulating natural resource use and extraction has come into conflict with increased recognition of processes pertaining to matters that may impact or infringe upon Aboriginal and treaty rights (Panagos & Grant, 2013). Throughout the analysis in Chapter 4, it was evident there were many conflicting views as to the effectiveness and implementation of the provincial policies in Manitoba.

5.2 Policy Development

5.2.1 Sustainability

The concept of sustainable development was adopted into Canadian environmental policy around 1995 (Shinya, 1998). The shift in policy necessitated an effort to meet the needs

of the current generation while ensuring that future generations' needs would equally be met (Shinya, 1998). The term "sustainable development" has been argued as a concept limited to a meaning of environmental management and protection. A focus only on issues pertaining to environmental damage, however, do not allow for sustainable development to include a concern for potential social and economic impacts (Hilson, 2000).

Three common traits of sustainability: environment, economic and social, when balanced with one another, result in an approach that ensures multiple dimensions of sustainable development (Hilson, 2000; Shinya, 1998). Environmental sustainability focuses on environmental protection, conservation and rehabilitation. Economic sustainability is often discussed as the supply of jobs and small businesses that will remain after the completion of a project. Social sustainability is concerned with local communities and societies that have the potential to be impacted by a project.

Prior to the 1970s, mining activity was not highly regulated. The mining industry has had a legacy of a lack of regulation often associated with moderate to severe environmental damage and almost non-existent community consultation. This historical, negative reputation has created a tough path for the mining industry of today to follow (Hilson, 2000). The public's perception of mining activity has, however, greatly impacted both the industry and government's role at addressing concerns in order to demonstrate an environmental consciousness (Hilson, 2000). The Canadian government's responsibility is to work towards enhancing possibilities for improvement of policy structures through refining accountability measures such as transparency, demonstration and reporting (Gattinger, 2012).

5.2.2 The Evolution of Policies and Sustainability

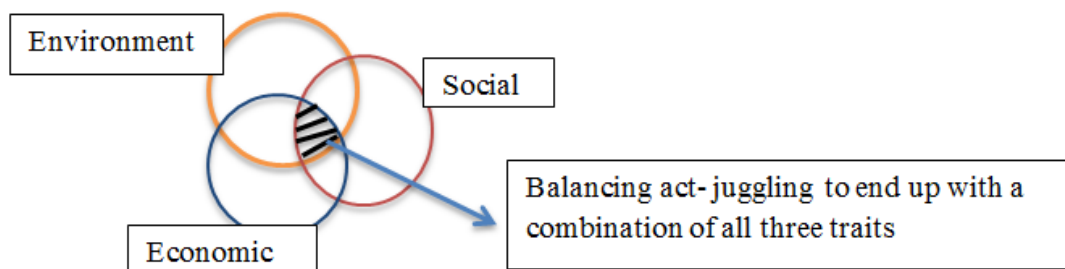
Policies regarding mining activity need to address the continued depletion of mineral resources and should focus on enhancing social sustainability principles. There is a need for sustainable mineral policy because mining activity is often accompanied by potentially high risks both environmentally and socially. A variety of social and economic opportunities can be made available with the presence of a mine that has the potential to add aspects of sustainability to resource development (Hilson, 2000). Policies are needed in order to cover a wide range of potential outcomes, and to manage implementation and management processes (Hilson, 2000).

Significant policy developments have contributed to influencing national and provincial acknowledgement of Aboriginal inclusion in mining related activity. The Constitution Act 1982, Section 35, transformed Aboriginal and treaty rights in a way that disrupted the previously existing manner in which policy was administered in the mining industry (Panagos & Grant, 2013). The Supreme Court determined through numerous decisions occurring from the 1990s-2013 that Aboriginal communities must be consulted with by the government when their suite of Aboriginal rights have the potential to be compromised (Association for Mineral Exploration British Columbia (AMEBC), 2014; Natcher, 2001; Prno & Slocombe, 2012). The 1990 Supreme Court decision of *Regina v. Sparrow* determined that certain Aboriginal rights such as hunting, fishing and trapping are rights that must be considered over any other use of land (Natcher, 2001). If Aboriginal rights are infringed, it then becomes the responsibility of the government to compensate (Natcher, 2001). A report conducted by Thomas (2000) on concerns raised about the supports for Aboriginal issues within Manitoba policy highlighted a gap in the integration of policies and the need for

making sure that policies attempt to showcase the assortment of values among Aboriginal peoples. Respondents commented on a lack of governmental responsiveness in enacting changes to policies, which has confused and frustrated both industry and Aboriginal communities.

Respondents had similar interpretations of the term sustainability to mean balancing and incorporating environmental, economic and social aspects. The balancing act was illustrated by respondent A02 in Table 10.

Table 10 Balancing Sustainability



The balancing act was described by Respondent A02 as if sustainability could be the combination of different percentages within each circle. For example, total sustainability could be made up of a mixture of 70% social, 20% environmental and 10% economic. Definitions of sustainability from an industry and an Aboriginal view respectively explain the suggested balancing act.

So sustainability is about realizing the maximum benefit for the greatest amount of people. We want to be as good for Canada as it can possibly be, managing the risk to as low as it can possibly be, while returning the maximum benefit...and that we leave something that is much bigger than a mine (A14).

Sustainability from my point of view is a balance. It's balancing economy and balancing the environment and balancing social and balancing cultural....like the medicine wheel...that's all it is, balance of the different directions of your personal self, mental, emotional, spiritual, physical (A22).

Throughout the respondent interviews, mining was considered to not be sustainable in cases where the term “sustainable” was used interchangeably with “infinite use”. Once ore has been removed from the ground, the material of economic value will never be returned to the ground (Respondents A06 A09 A15 A19 A21 A26). Aboriginal respondents expressed that though mining had the potential to be sustainable, there had been no positive examples of sustainable mining yet; much improvement is still needed in communication and the development of relationships that would ensure that the environment is protected and that communities are put first (Respondents A10 A15 A17). Industry respondents wanted to emphasize that sustainability in the industry required promoting exploration activities in the province if the government wanted to have mines generate revenue in the future. Respondents were concerned that if the Province continued on the current path, a lack of exploration would result in the collapse of the entire mining industry (Respondents A07 A09 A28).

5.2.3 National Policy Development

Federal jurisdiction over national initiatives such as the Clean Air Act (1971) and the Canadian Environmental Protection Act (1988) were the result of the public’s growing environmental concerns (Hilson, 2000). Federal regulations with regards to mining activity are more limited and relate to mineral activities mainly in territories or federally owned land (Shinya, 1998). The transfer of jurisdiction over natural resources to the provinces in the NRTA (1930) remains an issue of concern for many Aboriginal Canadians (Respondent A22).

In the mid-1990s the global minerals and metals industry expanded, and so did concerns around the potential damages caused by mining to the environment, and ultimately a need for sustainable actions. The main initiative of *The Minerals and Metals Policy of the Government of Canada: Partnerships for Sustainable Development* 1996 was the overarching

concept of sustainability and the building of partnerships involving government, industry and “other stakeholders” (Fitzpatrick et al., 2011; Shinya, 1998). A more recent attempt at sustainable policy development involved the creation of Towards Sustainable Mining (TSM) in the 2000s. TSM transitioned from a broad, generalized approach that was the basis for WMI to a more specific initiative that was monitored by required membership within TSM (Fitzpatrick et al., 2011). What TSM was lacking, however, was more strict implementation and accountability measures that would ensure Aboriginal peoples’ rights were fully acknowledged (Fitzpatrick et al., 2011).

5.2.4 Provincial Policy

In Canada, the Crown owns any unoccupied land, which in turn signifies the provincial right and ownership to all existing subsurface rights (Panagos & Grant, 2013). Provinces have jurisdiction over the use and development of natural resources and as a result, each province has developed specific policies and guidelines relating to mineral exploration, mine development and Aboriginal consultation procedures. Provinces across Canada have enforced more rigid environmental regulations that have resulted in improved environmental cleanliness and the development of sustainable company policies throughout the mining industry as a whole (Hilson, 2000). In Manitoba, the Province’s main responsibility is to oversee policies and create regulations regarding natural resource development, which includes mining-related activities (Hilson, 2000). The Province is in control of and regulates daily mine project operations such as health and safety and labour relations, as well as economic and other resource developments (Shinya, 1998).

Since each province is able to determine the depth and breadth of internal environmental policies, there can be quite a variation across the provinces as to the depth of

the incorporation of sustainability principles and Aboriginal inclusion related to mining activity.⁶ Figure 5.1 displays various opinions from the respondents relating to which provinces had policies and practices that were favoured in comparison to Manitoba’s policy. The three parties indicated that Manitoba’s policies needed to improve when compared with other provincial policies regarding Aboriginal consultation and mining activity.

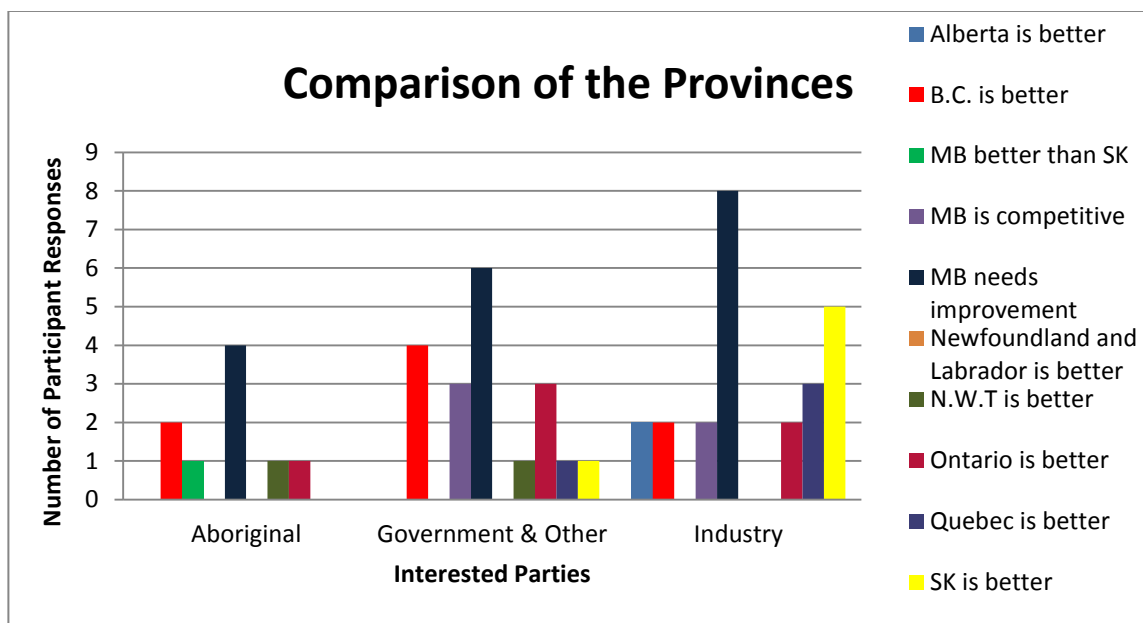


Figure 5.1 Comparison of Provincial Policies Favoured by Respondents

Industry respondents mentioned a range of provinces that had desirable qualities for improving the interaction among the three parties. Particularly, the qualities highly favored by industry respondents included provinces where:

- Deadlines were clearly outlined and implemented to local Aboriginal communities which ensured permits were delivered in a timely manner,
- Transparent systems identifying the rules and proponent responsibilities were clearly identified,

⁶ A comparison of various provincial policies and guidelines from Alberta, British Columbia, Manitoba and Quebec were reviewed in detail; aspects of each policy are highlighted in Appendix D.

- A rating system for land availability and the level of community consultation required for Aboriginal communities was accessible, and
- More staff were working in the provincial mining associations which allowed for lighter workloads and a more efficient process (Respondents A02 A03 A07 A08 A26).

Both Aboriginal and government respondents were in agreement that British Columbia had made a sufficient effort to improve Aboriginal inclusion, however, government respondents stated the effort was made easier by the lack of treaties within British Columbia. One Aboriginal respondent stated that B.C. communities did not share as much land base as Aboriginal communities did in Manitoba. The sharing of less of a land base would in turn make consultations easier (Respondent A10). One respondent positively mentioned that the *Tsilhqot'in v. British Columbia* Supreme Court decision was increasing the ability for Aboriginal communities across Canada to better influence policy-making decisions (Respondent A17). An Aboriginal respondent also commented that many other provinces appeared to be more concerned with ensuring that consultation was more meaningful, and Manitoba needed to follow suit (Respondent A22).

5.3 Policy and Practices

There are two sets of draft consultation procedures in Manitoba, one for mineral exploration where the impacts on Aboriginal communities was identified as minimal and short-term, and one draft policy for mine development where more long-term impacts were considered (Respondent A06). Starting in 2007, Manitoba has recognized a need for a greater focus on improving Aboriginal participation. However, the Province's first attempt at creating

consultation procedures never was accepted by the Assembly of Manitoba Chiefs (AMC).⁷ Respondents appeared to be optimistic that the next attempt at policy re-development will be more widely accepted because of more Aboriginal involvement in the decision-making procedures (Respondent A11).

The Minister's Mining Advisory Council appears to be viewed by some as a second chance at creating consultation procedures with a more collaborative approach to policy development. The Minister's Mining Advisory Council has been seeking to address the gaps within policy in Manitoba and intends to create legislation in terms of the permitting and approval process (Respondents A05 A06 A11). Following the Council's enactment in 2013, a recent announcement was made about a Provincial-Community agreement to share revenue generated from mine development. However, coupled with the optimism surrounding the new Council, some respondents were of the opinion that the Council will not contribute to an improved ability for interested parties to influence policy decisions (Respondents A02 A03 A22 A26).

Throughout the interviews, it became evident that the way in which policies were developed and intended were not lining up with the respondents' expectations on how the policies in general should be performing. Each respondent viewed and understood policy development differently, which shaped their responses. What one respondent might consider a policy, another respondent might believe it to be a guideline. Therefore, the term "policy" was used throughout the interviews to generally describe provincial rules and regulations. One respondent identified a policy spectrum including; legislations, regulations, guidelines, and

⁷ Procedures for Crown Consultation can be found at: (http://www.manitoba.ca/iem/mines/procedures/pdfs/procedures_minedevelopment.pdf) and (http://www.manitoba.ca/iem/mines/procedures/pdfs/procedures_mineralexploration.pdf). The Procedures, though in draft form, detail the importance of consultation and note timelines for procedures pertaining to mineral exploration permits.

procedures (Respondent A05). Respondents noted that no current legislation exists within Manitoba on Aboriginal consultation; however, there are interim policies and exploration guidelines that work well in scenarios where there is a continuous evolution of Aboriginal case law. Guidelines have the ability to adapt more than legislation (Respondent A05). Table 11(p.106) summarizes the intended implementation procedures and legislative basis of three provincial policies, and identifies the areas where policies could be improved. The information reflects a collaboration of concerns identified by respondents listed in Appendix H, and information gathered from the literature review.

Throughout the comments on policies and practices, it is clear that communication and understanding among the parties needs to be improved. The differences among the parties' expectations and perceptions of policy implementation demonstrate a need for ensuring the decisions pertaining to policy development and improvement include representatives of each of the three parties. Many Aboriginal respondents commented about how the government would issue permits before the community approves a project. The particular issue of "approval" is one that requires significant clarification, as there are many opposing views relating to Aboriginal "approval" or consent over resource development projects. Industry respondents referred to the need for improving MELC and the processes of designating land. Exploration activities should be conducted throughout the province prior to any further land designations to ensure decisions about future land use are well-informed. The issues of permitting approval also are a main concern with many industry respondents, signifying a need for clarification. The respondents appear to be of the opinion that the Province is not fulfilling its duty to consult with communities of interest in a timely manner, or communicating the government's progress well.

Table 11 Provincial Policies and Intended Outcomes for Implementation

Provincial Documents	Intended Outcomes and Context	Areas Needing Policy Improvement
<p><i>Procedures for Crown Consultation with Aboriginal Communities on Mineral Exploration...and Mine Development (2007)</i></p>	<ul style="list-style-type: none"> ▪ Crown recognizes duty to consult with Aboriginal peoples. ▪ Consultation should occur when a community is concerned with the allocation of a resource. ▪ Timely decisions are recognized as important to the processes of consultation. ▪ Accommodation is a Crown responsibility and shall address the concerns a community raises about project development. ▪ Provides a framework for which the government is meeting its responsibilities 	<ul style="list-style-type: none"> ▪ Consultation efforts are not being communicated with industry, nor are the amount of consultation and the communication efforts viewed as satisfactory by Aboriginal peoples. ▪ There are substantial delays in obtaining work permits, reflected by industry respondents' comments and a recent court case. ▪ Aboriginal respondents need more time to be able to be informed properly in order to negotiate effectively; these timelines need to be identified. ▪ The responsibility of accommodation has not been clear as either a Provincial or industry obligation. More clarity is needed on the definitions of "meaningful" accommodation. ▪ Displayed timeline in the policy document is not being met- as it is currently written.
<p><i>Mines and Minerals Act (M162)</i></p>	<ul style="list-style-type: none"> ▪ All mines must have closure plans. ▪ The holder of an exploration licence has exclusive right to explore on Crown land. ▪ Promote and facilitate exploration and mine development. 	<ul style="list-style-type: none"> ▪ Respondents do not view Manitoba as a jurisdiction that promotes exploration- due to a lack in responsiveness to identified uncertainties. ▪ Having an exploration license has not enabled prospectors to explore on claimed land. There have been delays in obtaining permits, and projects have been prevented from further activity due to conflict with local communities.
<p><i>The Planning Act (P80)</i></p>	<ul style="list-style-type: none"> ▪ Areas of high mineral potential must be protected from conflicts with other uses of land. ▪ Accessing land with mineral potential is vital to ensuring future mining in the province. 	<ul style="list-style-type: none"> ▪ Areas of high mineral potential are no longer being identified by the Province, and there is no understanding of the mineral potential prior to designation of protected sites. ▪ There is no consultation of either industry or Aboriginal communities affected by land designations. Inter-governmental departments are lacking communication regarding areas to be designated as protected sites.

5.3.1 *Proper Consultation*

Consultation was recognized by the three parties as the responsibility of the Crown. While most respondents agreed the Crown referred to the Province in cases of community consultation, there were a number of Aboriginal respondents who had the opinion that the Federal Government should be the party consulting; some Aboriginal respondents did not agree to the transfer of land that was a result of the NRTA of 1930 (Respondents A21 A22 A30). One Respondent mentioned the lack of consultation the Metis peoples have received from the Province concerning land use and resource development projects (Respondent A10). Many Aboriginal respondents agreed that the Province was downplaying the importance of consultation, and that the government was slow to react to Supreme Court decisions, only doing the minimal amount required when absolutely necessary (Respondents A10 A20 A21 A25).

We don't have the capability, we don't maybe even have a qualified person to deal with issues like this, we are lacking education and we're lacking technology and we're lacking financial resources, and we're lacking a process to handle these things...so I would give the Provincial government an 'F' in terms of consulting with First Nations [though] I'm optimistic that things will improve in the future (A22).

There were differing views among the Aboriginal respondents as to the proper timing of consultation. Some respondents wanted consultation to happen as early as possible, or before the claim staking stage (Respondents A10 A15 A17 A20 A22 A27). Other Aboriginal respondents understood that communities would only receive benefits if a mine was found, and therefore communities should be contacted following a mineral discovery, when benefits could be discussed and negotiated (Respondents A21 A29).

I would rather allow someone to go into our traditional territory, go look for whatever minerals are there and then if they find something or there is potential to develop [a mine] then that's when the consultation process should start because that's when we have something serious to talk about- why create an issue before there is one (A29).

Aboriginal respondents also noted the Provincial duty was to consult *and* accommodate; and the creation of a clear and thorough policy would reflect a form of meaningful accommodation (Respondents A10 A21 A22 A25). The respondents understood that the consultation process was still new for the three parties, and that learning was a continuous process that would happen together. Aboriginal respondents were of the opinion that the Province has had no idea where or how to start consultation. Respondents mentioned that the government has been forgetting that Aboriginal peoples are rights holders, and that agreeing to consultation should not mean an agreement to any proposed mining activity (or permitting approval) (Respondents A20 A21 A22 A25). Table 12 displays an amalgamation of Aboriginal respondents' opinions as to what consultation should be like and what the *process* of consultation should look like.

Table 12 Respondent Commentary on Consultation

Consultation Should be :

- Done by the Province (though some say Federal Government). The company does not consult, but they must adhere to the laws set by the government and by the community.
 - Community driven and lead, with full staff to support every step of the process.
 - Early and immediate, during the early exploration phase, before permits or licenses are issued.
 - Focussed on building relationships.
 - About really listening to community members and recognizing Aboriginal sovereignty over the government. It's more than telling people what you are going to do but it's asking questions, as much as it is talking about a project.
 - Reflective of a timetable that reflects the capacity and lifestyle of the Aboriginal peoples being consulted.
 - Ongoing and not stopping once a company is partially 'in the door'.
 - About finding out if the impacts are worth the risks or not.
 - Fitting to the community. Consultation can't be one size fits all, but could have common aspects as far as engagement and involvement of community members goes.
-

The Processes of Consultation Should be:

- A process that is determined by Aboriginal peoples.
 - Notices and responses done by the government because the government has a responsibility to us. This should happen before anything starts. The government needs to come tell members what is happening.
 - Providing information in the first stage through pamphlets, letters, presentations...everything.
 - Done by the government first meeting with Chief and Council, then Elders, then the community, and then land users (fishers and trappers).
 - Creating the space where community members can have access to experts who understand the information that is presented at consultation meetings.
 - Providing the right people and allowing for the right amount of time to process the information so members and leadership can formulate a position.
 - Involve industry contacting the community to set up a meeting, which does not count as consultation, but is where a community can discuss how the members want to be consulted and accommodated, and allows for time to make sense of everything.
 - Include the translation of documents with information for Elders.
 - A process that results in something at the end of the consultations, permits should not be issued right away.
 - Requiring the companies and the government to write annual reports on when and if mineral potential is found, and what the next steps are. Reports on the progress would help communities determine the opportunities that exist for contract positions, training, and apprenticeships.
-

When industry respondents were asked about consultation, most respondents stated without prompting that the industry's job was to "engage" with Aboriginal communities and that the government had the legal duty to consult (Respondents A01 A02 A03 A07 A08). Company-community engagement was thought to not have been initiated by any particular governmental policy, but rather has been realized as making good "business sense" to the respondents. The term "business sense" was used by a number of respondents to refer to why companies started to communicate with communities regarding resource development projects; effective engagement has been known to reduce overall risk and costs in the long run of many mining projects (Respondents A01 A02 A07). Industry respondents recognized that government consultation meetings would not be successful without company representation. The respondents understood that the government representatives could not be expected to be knowledgeable about all aspects of a project, but the respondents stated that the government party needs to be more of a link between the Aboriginal communities and mining companies to properly facilitate interactions (Respondents A07 A09 A26). Industry respondents found that the difficulties with consultation started with establishing contact with community members, and ensuring attendance at consultation and information meetings (Respondents A01 A02).

The economic costs of consultation efforts varied among the government and industry respondents. Respondents representing senior mining companies were of the opinion that money did not affect the ability to engage with Aboriginal communities, while junior company respondents or individual prospectors stated the opposite. Industry respondents noted that the ability to communicate with communities had been significantly affected by the

recent downturn in the market; less available money has hindered the ability to stay in touch with communities of interest (Respondent A02 A03 A09).

5.4 Lessons Learned

When policy is originally established, there is often a specific industry or issue in which a policy is centered (Rayner, 2009). When multiple companies start to enter into an existing policy context, the reshaping and restructuring of a policy becomes more complicated (Rayner, 2009). Obstacles within an existing policy framework are dependent on being identified by the policy makers' understanding around how a policy framework is or is not working (Panagos & Grant, 2013). Policy development mainly relies on the interactions of the respective regional and economic leaders (Anderson, 1997).

Like most policies surrounding land management issues, the results based on the reviewed literature are inconclusive as to whether policy has contributed to any practical, effective solutions toward incorporating Aboriginal involvement (Jackson, 2002; Wyatt et al., 2011). In many cases, policy has proven to be difficult to enforce and implement (Panagos & Grant, 2013; Weitzner, 2010). Inadequate resources and a lack of time and money often limit the ability for policies to adapt in a timely manner (Weitzner, 2010).

Integrating numerous policies into an all-encompassing strategy surrounding land use and management has often not been a successful approach. When considering changes to provincial policies regarding Aboriginal consultation, space must be created for the acknowledgement that the various Aboriginal communities in Manitoba carry different values that must be respected on a case-by case basis. British Columbia's Integrated Land Management (ILM) system worked well to combine policies in a manner that attempted to account for the potential impact on certain ecological areas involving numerous resource

development projects (Rayner, 2009). The reorganization of ILM policies in Western Canada has attempted to collectively organize dispersed policy elements into unified policy regimes; however, policies have proven to be more difficult to alter rapidly (Rayner, 2009).

The development of policy is further challenged when the goals within the policy do not match the means in which the objectives of the policy are fulfilled and implemented. Ensuring goals are laid out in a simple manner warrants less confusion later in the implementation processes (Rayner, 2009). Often discrepancies in policy formation can occur among governments, land owners, Aboriginal communities, labour industries...etc. (Rayner, 2009). Designating land as “protected areas” within Manitoba was originally viewed as a way to ease the tensions among conflicting industries and communities. However, research now points to the uncertainties in land claims and designation as being a source of frustration in Manitoba. In order for policies to be accepted by the majority of parties involved, policies should be centred on relational aspects, values and histories of land and resources as opposed to a more common narrow focus of following market demand trends (Anderson, 1997).

Policy-oriented learning is important so that future policy has the ability to adapt to changes (Fitzpatrick et al., 2011). In order to critically assess and learn from policy, one must understand the problems within the policy, the main goals of the policy, where the policy is in effect, how it is implemented, and how it can be adapted (Fitzpatrick et al., 2011). Policy-makers who learn from previous policies are then able to ensure that creative policy formation does not become stifled in the process of reformation (Jackson, 2002). An ideal way to ensure that a policy is implemented in the manner in which it was designed is to involve all the potentially affected parties in the creation of a policy when possible. A more decentralized form of decision making would enable greater cooperation and shared responsibilities

(Jackson, 2002). Ultimately, however, no policy will be effective without “government buy-in”. Collaboration is of utmost importance due to the government’s ability to determine necessary policy changes; only implementing the policies that the majority government wishes to support (Weitzner, 2010).

5.4.1 Learning from Others

Aboriginal respondents reflected both aspects of concern and self-respect in the discussions related to impacts from mineral exploration and mine development. Some Aboriginal communities in Manitoba have had a history with mining activity, while other communities are only now being introduced to mining activity for the first time. Family trap lines have been disrupted by construction and development, and the introduction of jobs has left some community members with an amount of money not normally earned in remote communities. Increased traffic into communities due to road development combined with increased wages has also been attributed to a greater availability of drugs and alcohol (Respondents A15 A21).

Some of the Aboriginal respondents had a positive response to the previously mentioned adverse effects. Characteristics of resilience have been represented by respondents through stories of working together and jointly responding to adversity. The potential impacts to a community are often experienced collectively. A balance between individual rights and collective rights are viewed as equally important to community members (Respondents A10 A17 A21 A25). Respondents mentioned ways in which communities have prepared for future jobs in order to be more dynamic and available for work. Some Aboriginal respondents expressed personal views that mining activity would be welcomed in their respective communities (Respondents A17 A21 A15). Aboriginal respondents mentioned that the

hardships experienced within communities in the past have shaped the members' ability to adapt to the hardships presented before them related to resource development (Respondents A21 A22 A25 A29).

Aboriginal respondents noted that community members are not always unified with decisions pertaining to mining activity or resource development. Community members will always express opposition which one respondent stated was frustrating for those trying to make positive changes (Respondent A15). Opposition was not always the result of discussions about mining activity but was viewed by one participant as rather political in nature; opposing whoever would be in the leadership roles at the time. Ultimately though, respondents stated that opposition and negative experiences have fueled a mindset for change, and a need to continue to strive towards self-sufficiency. Aboriginal respondents with leadership roles felt a heavy responsibility for ensuring community members had the best future opportunities. Choosing either land conservation or mineral development seemed to be the only options available. Respondents stated that making these choices were very difficult. Some leaders felt as if they were at a cross-road; only communicating with government and industry because it seemed to be the only way to become more self-sufficient and less reliant on tax-payer dollars (Respondent A17 A22 A25 A30).

5.5 Conclusion

Government and industry have yet to be fully active in leading and developing sustainable principles relating to mining activity. However, over the last few decades these parties have shown major improvement in recognizing a need for sustainability in policy development. The respondents' views on policies and practices were consistent with the literature that reviewed the development of policies and the implementation of sustainable

mining practices. Figure 5.2 summarizes the link between the criteria formulated from the literature with the themes generated from the key-informant interviews and general observations. Each criterion became the foundation within which the themes were further emphasized. The outer-most ring on the conceptual map represents an amalgamation of some of the main points discussed by the Aboriginal, government and industry respondents. The lack of an integrated and coordinated approach across governmental departments has led to a need for improved communication and implementation of existing policy structures. Frustration due to the government inconsistencies has further led to the uncertainties related to land claims, land access, and land use planning. These uncertainties in turn have reduced the feasibility of exploration and have dampened relationship development among the Aboriginal, government and industry parties in Manitoba.

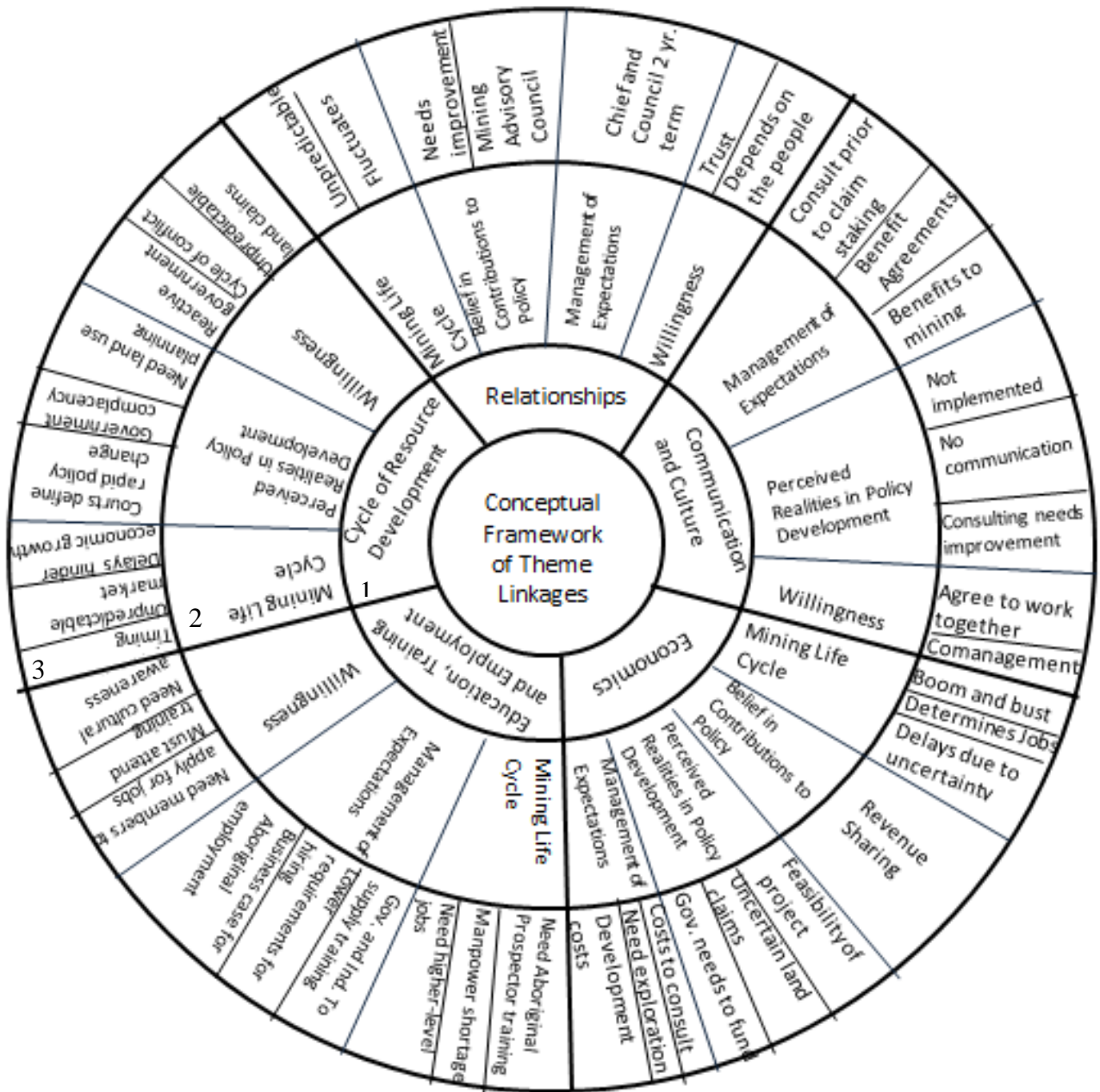


Figure 5.2 Conceptual Framework of Theme Linkages

1. Criteria formulated from the literature review.
2. Themes that emerged from the key-informant interviews.
3. Amalgamation of the main points obtained from the key-informant interviews.

Greater government involvement and leadership would enhance society's perception that sustainability needs to be a top priority. Both Federal and Provincial Governments should provide further incentives for corporations that take voluntary action toward sustainable initiatives. Likewise, industry has the potential to improve upon continuing community development workshops, developing capacity, and generating knowledge about mining and exploration. The Government has seemingly enacted an approach that more-so "encourages" responsible behaviours as opposed to regulating and enforcing such actions. The future of Manitoba requires the continued development of holistic policies that fairly incorporate Aboriginal peoples. Examples set by provinces such as British Columbia have taken the lead in continuously updating and adapting policies and guidelines to address recent Supreme Court decisions. These actions likely will provide a model for other provinces to follow.

Though the majority of the tone throughout the respondent interviews was related to a need for governmental improvement, there was a matching pair of industry and Aboriginal respondents, who were in agreement that the existing provincial policies were acceptable, that processes were being implemented properly, and that there was adequate communication and a good existing relationship. Though the two respondents' reactions stood mostly alone throughout the data analysis, perhaps the positive relationship example can be a sign of improvement within the province.

The intent of interviewing 30 respondents, ten from each party, was to ensure a variety of opinions was obtained so the best representation of the existing relationships could be characterized. The research recognizes that the perspectives discussed throughout the interviews may not reflect all those who are currently interested or impacted by mining activity within the province. The findings of the research can be applied to uncovering gaps in

the existing relationship and identifying areas for improvement. Further research identifying the communication structures within each of the three parties would be useful in creating an understanding of the manner in which each party communicates with fellow “members” and could uncover potential gaps in communication and identify areas for improvement.

6 Chapter 6.0 Summary, Conclusions, and Recommendations

6.1 Research Summary

The purpose of the thesis was to evaluate the respondents' views on how relationships have been cultivated and how related policies in Manitoba have framed and informed the development of the relationships among Aboriginal, government and industry representatives. The research for the evaluative study was based on a qualitative approach that comprised of a literature review, key-informant interviews, and general observations.

6.1.1 Formation of Criteria

A literature review examined the social, economic and environmental matters regarding Manitoba land use and mineral policy. Documentation from various environmental, planning, and mineral policies and guidelines were reviewed as part of the literature review process. The literature review generated information regarding how Aboriginal, government and industry members have fit into the existing structure of provincial policies concerning access to land for mineral exploration and development. Criteria were formulated from the literature review, which assisted in the formation of knowledge pertaining to the development of lasting policies reflecting values of culture, environment and economy.

6.1.2 Key Informant Interview Outcomes

A total of 30 respondents were interviewed for the field work portion of the study. The respondents were designated into three parties; Aboriginal, government and other, and mining industry. Each group was asked a separate set of questions based on a semi-structured interview format guided by the pre-determined criteria. The three interested parties had similar reflections on the need for improved consultation, a more educated public, improved cultural sensitivity, and building relationships with trust and time.

Particularly, Aboriginal and industry representatives were concerned with the need for clarification and improved performance with current policies and guidelines. Provincial policies were identified as needing improvement and needing improved methods of implementation by many Aboriginal and industry respondents. A number of respondents from each of the three parties were concerned with the lack of consultation in regards to the designation of protected parks within the province. Government and industry respondents stated there was little effort made by the conservation branch of the government to consult prior to protected area designation. Respondents also emphasized a need for ensuring that future communication among the parties is effective and meaningful.

Positive steps were being taken at the time of the interviews and data analysis. In November, 2014 the Minister's Mining Advisory Council announced a revenue sharing plan between the Provincial Government and Aboriginal communities in Manitoba. Many respondents were optimistic that the advisory council would produce tangible results in bettering communication and relationships. The Mining Advisory Council was thought to be a key component in continuing dialogue. However, there was also reflection that the Council needed to expand the members in order to include more diverse and knowledgeable perspectives, otherwise the Council may not be successful in the long term. There were a select number of respondents who were of the opinion that the council was not sufficient to rely on, and that the Province should be moving faster towards finding ways in which to resolve existing conflicts. Figure 6. 1 details the interactions of the parties in relation to The Mining Advisory Council and reviews the dynamics policy interaction.

The Federal Government has created a series of policies related to Aboriginal consultation, mineral exploration, and mine development for Canada. The Province of

Manitoba developed provincial policies that reflected aspects of the related federal policies. The provincial policies have become the foundation for the interactions among various government departments, mining industry representatives and Aboriginal communities in Manitoba. The arrows represent the interactions among the parties.

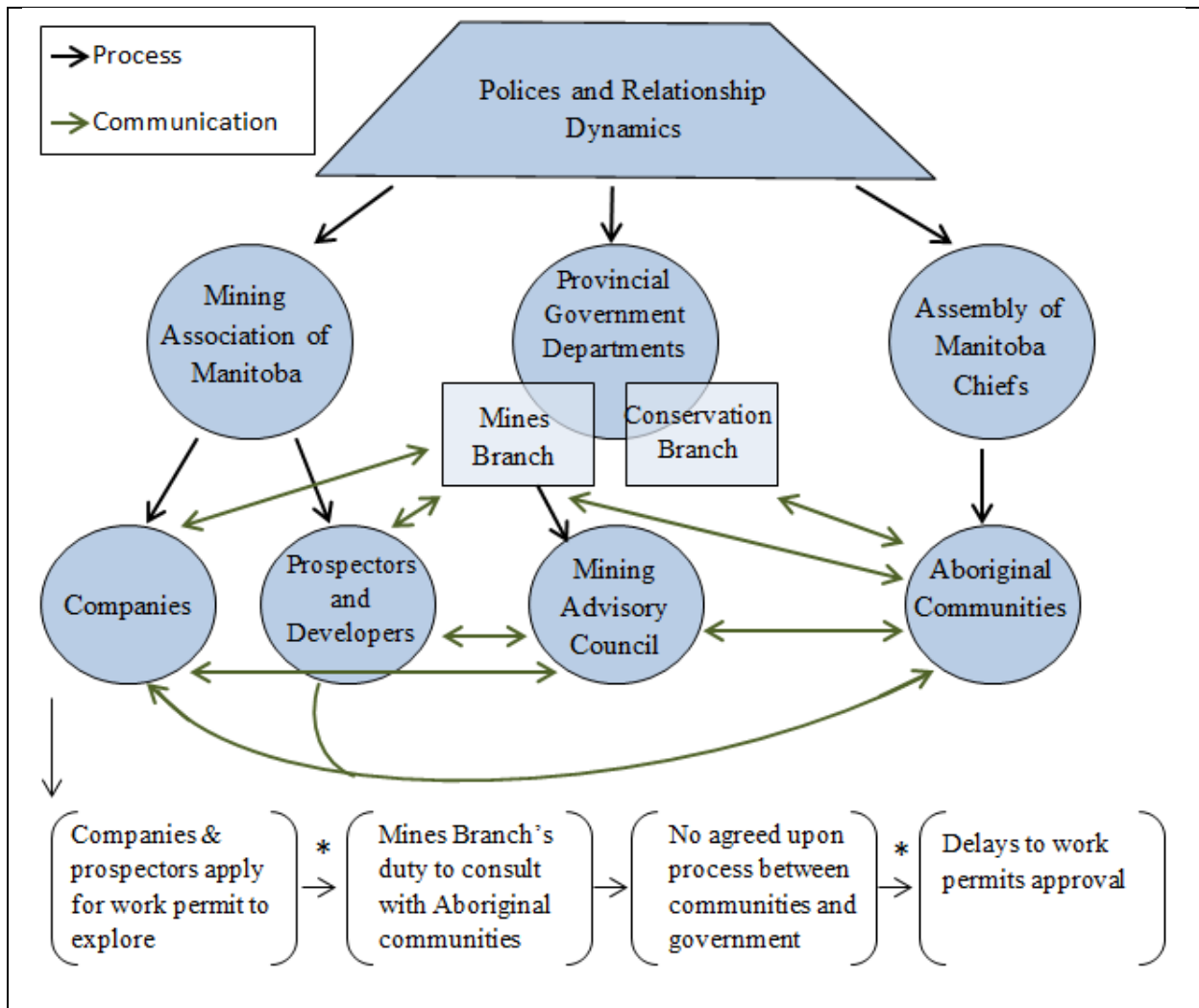


Figure 6. 1 Party Interactions and Policy Dynamics

* Breakdown in policy and implementation. Respondents' comments:

- 1) Prospecting work permits are not being issued in a timely way because communities need to be consulted about project decisions. (Industry respondents)
- 2) Section 35 consultation processes are considered not meaningful. Work permits are being issued regardless of community concerns that makes it seem like there is no point to consultation. Respondents noted an absence of the Federal Government in consultation procedures. (Aboriginal respondents)

What has been identified by the research is a disconnect between the policies and the application of the policies. The Procedures for Crown Consultation (2007) for example, detail a series of timelines that do not reflect respondents' views of current delays in obtaining work permits for exploration. Equally so, the procedures for consultation have not reflected a process that has been agreed upon by Aboriginal community representation. Therefore, policies have not been able to clarify the uncertainties in land claims, the uncertainties in land area designations, and the uncertainties associated with community consultation.

6.1.3 *General Observations*

Throughout the field work season, the researcher was able to witness community consultations, and was able to tour the Vale Nickel Mine in Thompson, Manitoba. The experiences contributed significantly to an understanding of how policies and guidelines have operated. Consultation meetings were confidential, however, and were specifically meant for furthering knowledge of existing structures of interaction, and therefore no official notes were taken during the experiences. The insights gained from the general observations of events were reflected throughout the discussion in Chapter 5 and contributed to the researcher's understanding of concerns raised by community members and of the frustrations in communication. The mine tour was equally valuable in furthering an understanding of both the environmental footprint of resource development, as well as the necessary skilled labour required to operate a mine.

6.2 Research Conclusions

The following conclusions respond directly to the research objectives.

1. The criteria developed from the literature review consisted of five main categories: i) communication and culture, ii) the cycle of resource development, iii) economics, iv)

education training and employment, and v) relationships. Separate interview schedules were developed for Aboriginal, government and industry respondents that reflected questions based on the criteria. Each criterion became the foundation within which the themes generated from the key-informant interviews were further emphasized. Through the evaluation of the relationships and policies regarding access to land for mineral exploration and mine development in Manitoba, *the respondents reflected not only concern and frustration for the evolving relationships but also discussed significant improvement and continued progression of the relationship among the parties since colonial past.*

2. The policies within Manitoba are multifaceted, and numerous departments within the government oversee the formation of different policies and guidelines. For example, the conservation branch oversees the development of protected areas, whereas the mines branch has the responsibility to issue exploration and development permits. The mines branch also has been responsible for the development of the Minister's Mining Advisory Council. *A disconnect between the policies and the application of policies has been led by multiple and conflicting interpretations of the expected roles of the parties.*

Uncertainties regarding obtaining work permits, being consulted meaningfully, and resolving conflict in a timely manner were representative of both a possible imbalance of power and a series of dysfunctional communications among the parties. Significant effort has been made more recently by the three parties in addressing these frustrations through agreeing to work together on a committee designed specifically to address the evolving awareness of Aboriginal rights through consultation and accommodation measures. However, whether or not the committee can successfully enact change remains to be seen.

3. After applying the criteria in the evaluation of existing relationships, the relationships were found to be highly dependent upon the willingness of the specific people involved in establishing communication. The earlier a relationship was initiated, the more cohesive the resulting relationships among the respondents appeared because more time for dialogue and information sharing was made available. Government support in developing the relationships among Aboriginal and industry parties was favoured in cases where the government worked efficiently and in a timely manner.

Based on respondent discussions, *government support was found to be rarely occurring and policies and guidelines pertaining to land access and mineral exploration and development have contributed to the frustrations in relationship development.* Table 11 in Chapter 5 revealed the intended outcomes and the actual practices of policies commented on by respondents. The comments revealed that policies have been unclear as to the necessary steps in communication and consultation that each party should adopt. Policies and guidelines have not aided in absolving the uncertainties in land claims and land designation that would make exploration in the province more preferable. The relationships were also reflective of a power imbalance. Though interview discussions revealed recognition of “government to government relationships” the necessary actions of including Aboriginal members in resource development decisions was not evident to the Aboriginal respondents.

4. The transformation of relationships has been shaped by the cycle of resource development, the unpredictability of land claims and the establishment of the Minister’s Mining Advisory Council. Senior mining companies appeared to have fewer obstacles in establishing and maintaining communication with local communities than did junior mining and exploration companies. Building relationships with remote communities who had never

been exposed to mining activities also presented a larger variety of obstacles. There was optimism among the respondents that the parties were attempting to better communication and understanding. Common ground was identified in the parties' recognition that relationships are developed over time, and good communication can be established through the willingness of peoples to participate in open and consistent dialogue.

Variations and uncertainty with policies and practices have the potential to manifest itself the more mineral rich areas are discovered, making the transition from exploration to mine development difficult to achieve in a timely manner. The causality of these frustrations is due to the combination of a slow-responding government to updating policy changes, and differing worldviews of the parties. Though respondents have stated there are many common interests among the parties such as being prosperous and successful, the weight which each party allocates to these interests varies. The way to achieve the respective common interests is therefore mutually exclusive and is related to the product of one's worldview and set of beliefs.

5. Developing relationships is one of the most important aspects in gaining access to land for mineral exploration and mine development. *Both the future of the mining industry and the economic future of Aboriginal communities are largely dependent on access to mineral rich areas and access to potential job opportunities or small businesses development.* Many of the complications of establishing trust and creating the space for necessary dialogue among the three parties have appeared to be rooted in the exploration stage. Respondents expressed that a relationship should start at the very first stages of contact. The advancement of relationships should also be associated with public policy. Industry tax dollars underpin the social fabric of the quality of life for the majority of Manitobans and the ability for Aboriginal communities to

be lifted up in cases of struggling economic circumstances. The uncertainty in gaining investment dollars for exploration and mine development in Manitoba impacts the revenue the Provincial Government receives.

6.3 Recommendations

Further recommendations on ways to move forward have been developed that reflect the respondents' concepts of sustainable mining practices and aspirations of future mineral policy development. Based on the previous conclusions, broad policy change is needed. The following recommendations are proposed.

1. Land use planning was identified as a necessary tool both for furthering Aboriginal self-government, and for clarifying potential areas for exploration and mine development. Industry representatives agreed that working with communities who wanted development was the most preferable situation. It was mentioned by numerous industry respondents that Aboriginal communities that wanted development projects needed to be identified on a map. Government consultations with Aboriginal communities would lead to effective land use planning that would outline areas where development is welcome and areas where discussions regarding development were underway, ultimately saving time and money. Shared federal and provincial collaboration to conduct and complete land use mapping projects with all Aboriginal communities would be ideal.
2. The MELC process was valued by many industry and government respondents. The process was thought to be able to diminish conflict and worked well to clarify and designate areas for various land uses. However, the previous MELC process did not include Aboriginal perspectives. A remodeled MELC committee consisting of representatives from several government branches, Aboriginal communities, conservation groups and resource industries

would greatly improve efforts of communication and understanding, and resolve uncertainties regarding land claims and designation. The newly formed committee could identify land for various uses while simultaneously define the necessary levels of consultation required.

3. The need for clarification of the existing related policies and the roles of the interested parties involved in mining activity necessitates the development of a guidebook similar to that of the *Aboriginal Engagement Guidebook* developed by the Association of Mineral Exploration British Columbia (AMEBC). Respondents favoured British Columbia for a continued recognition of recent Supreme Court decisions regarding Aboriginal consultation and accommodation, and for more clearly identifying the provincial expectations of the mining industry. The B.C. government's ability to develop guidelines that define the evolution of Aboriginal engagement within the province and describe the importance of continued policy development proves the guidebook to be exemplary. The creation of such a guidebook for Manitoba would relate similar efforts to the Aboriginal and industry parties involved in mining activity within the province. A guidebook that details how the three parties should interact would be useful in providing clarification and structure to alleviate existing uncertainties.

4. Improving education and training availability for Aboriginal respondents and cultural awareness education for government and industry respondents was identified as important by the respondents. Specific requests from Aboriginal respondents were for more training programs located within each community. One respondent suggested a training program that would rotate from community to community, ensuring that the same level of training was fairly provided for all communities in Manitoba. Community members would then vote from a selection of courses to be offered every three years. The prospect of continued training and

education opportunities within a community would potentially assist members in acquiring jobs when opportunities become available and would potentially provide youth with areas of future employment. Educational programs would mainly be a government responsibility; whereas the level of mining activity within a community would further reflect education and training programs provided by the company(s) involved.

5. The unpredictability of relationships was emphasized as being influenced by the two-year election cycle common for Chief and Councils within Manitoba. Presumably good existing relationships among mining companies and Aboriginal communities can be influenced by constant campaigning and elections. A number of Aboriginal communities have already made the switch from a two year term to a four year term, which has allowed for more stability in communication processes. The shift may be necessary in order to achieve stronger, lasting relationships, and maintain consistent dialogue.

6.4 Conclusion

The need for willing individuals to communicate was emphasized regularly throughout respondent conversations. Historic legacies of environmental damage, lack of transparency and the mistreatment of Aboriginal communities need to be transformed into legacies that display positive communication and relationships.

The lack of an integrated and coordinated approach across governmental departments has led to a need for improving the understanding as to the roles and responsibilities of the interested parties. Existing relationships among the parties have revealed frustration with policies and communication structures, but also point to a progression of continued improvement. Respondents communicated that there is insufficient implementation of existing provincial policies, and this has increased the uncertainties regarding land claims, designation of protected areas, and delays with obtaining work permits. These uncertainties have

continued to diminish the Province's ability to attract mineral exploration and mine development, and to foster lasting relationships among Aboriginal, government and mining industry members. Relationships have improved greatly since colonial past. It is important that future relationships are framed by clarifying responsibilities, respecting differences and building trust. Updating and clarifying policies and guidelines will assist in a process of accommodation, and would allow for the parties to understand what is expected. Emphasis should be to improve the process by which policies are agreed upon by the interested parties. The sooner an agreement can be reached; the better relationships can advance and partnerships can be established.

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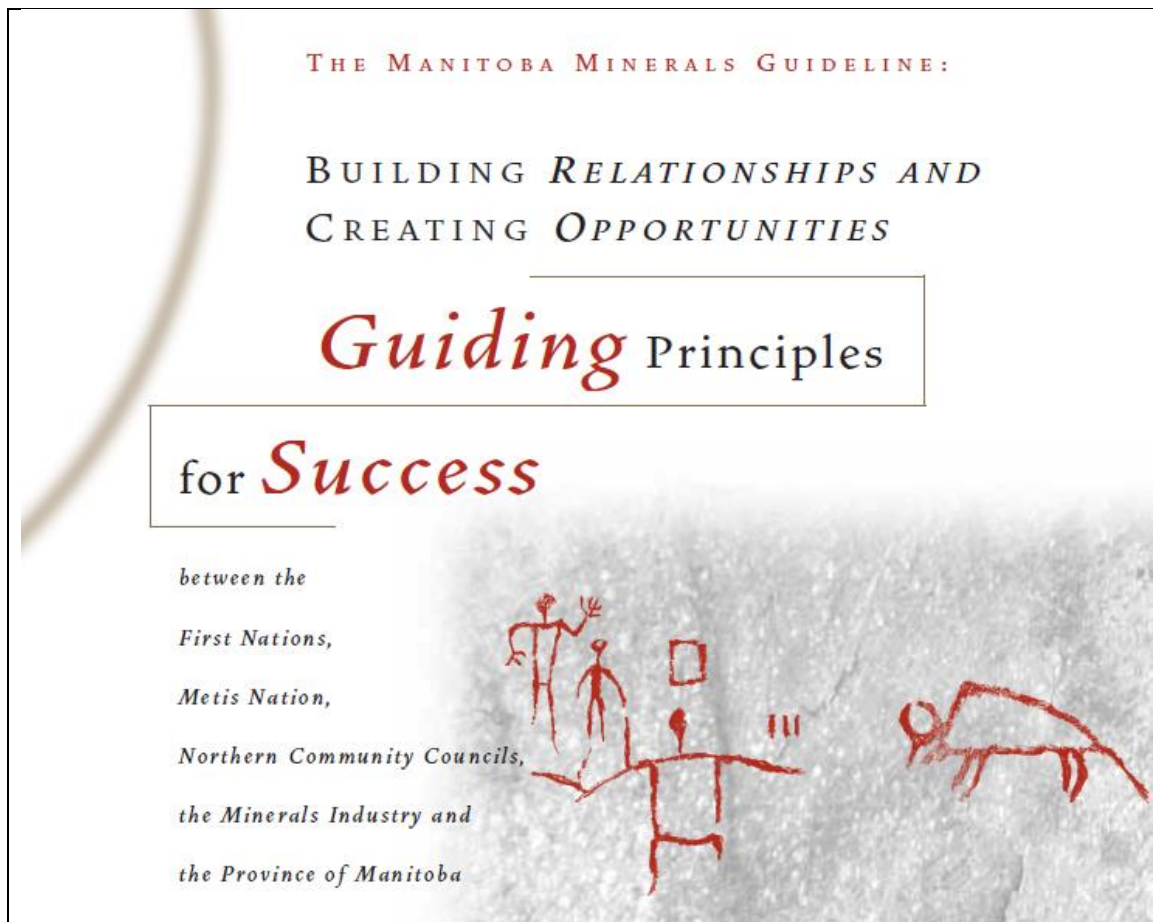
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8 Appendix

A. Provincial Policy Documents



THESE GUIDING PRINCIPLES WERE DEVELOPED BY REPRESENTATIVES FROM THE FOLLOWING ORGANIZATIONS WITH THE SUPPORT OF ELDER FRANK WESLEY AND ELDER SANDY BEARDY:

- Assembly of Manitoba Chiefs
- Cross Lake Mineral Exploration
- Manitoba Energy and Mines
(now Manitoba Industry, Trade and Mines)
- Manitoba Prospectors and Developers Association
- Manitoba Heavy Construction Association
- Manitoba Keewatinowi Okimakanak
- Manitoba Metis Federation
- Manitoba-Saskatchewan Prospectors and Developers Association
- Mining Association of Manitoba
- Northern Association of Community Councils



Manitoba has been in the mining business for hundreds, if not thousands of years. In fact, no one can say for sure when minerals were first extracted from the Manitoba terrain, but it is known who initiated the activity. Aboriginal people who settled in Manitoba used to quarry red ochre/hematite from the Red Cliff area on what is now called Black Island. This deposit became a valuable resource for many tribal rituals, as the red rock was crushed to make a pigment used in body decoration and rock art.

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BACKGROUND

In May 1998, a process was initiated by the Province of Manitoba's Energy and Mines department (now Manitoba Industry, Trade and Mines) to bring together representatives of First Nations, Metis Nation, Northern Communities and the Manitoba Minerals Industry to begin a relationship building process. The purpose of this process continues to be to strengthen the links between parties, learn about common aspirations, cultural values and communication needs, and to create a climate for mutually beneficial opportunities related to the building of a strong minerals industry* within Manitoba. The document is a guide to facilitate relationship building between those involved in, or affected by minerals activity within the province. The document is divided into three sections entitled Mission Statement, Goals and Objectives and Recommended Actions.

**minerals does not include oil and gas*



BUILD LONG-TERM RELATIONSHIPS BASED ON
MUTUAL TRUST, RESPECT AND UNDERSTANDING

MISSION STATEMENT

These guiding principles reflect a commitment to building and sustaining positive long-term relationships between the First Nations, Metis Nation, Northern Community Councils, the Minerals Industry and the Province of Manitoba.

The initiative is an investment in the future and well-being of communities and the industry. It creates an opportunity to establish a balance between the needs of industry, communities and the environment. The parties will benefit from equity in communication and decision-making and the creation of new opportunities for sustainable growth and human development.



GOALS AND OBJECTIVES

The goal of this initiative is to build long-term relationships based on mutual trust, respect and understanding with regards to rights, culture, values and traditions. These guiding principles will not result in any infringement of the exercise of the existing Aboriginal Rights and Treaty Rights and jurisdictional autonomy. Within these guiding principles existing third party rights will be respected.

The parties recognize the importance of developing guiding principles related to the following objectives:

- keeping the commitment strong
- information sharing
- open consultation
- creating opportunities and building capacities
- protecting environmental integrity
- policy review and development

WORK TOGETHER TO ACHIEVE ENVIRONMENTALLY
SOUND AND SOCIALLY RESPONSIBLE ECONOMIC DEVELOPMENT

OBJECTIVE 1.0: *Keeping Commitments Strong*

The parties are committed to working together to achieve environmentally sound and socially responsible economic development. The parties will demonstrate a willingness to work responsibly towards sustainable development within the context of socio-economic realities.

The parties are committed to identifying and resolving barriers, both real and perceived, in the government regulatory and business environments.



OBJECTIVE 2.0: *Information Sharing*

The parties recognize that access to and sharing of information is a key to the environmentally sound development and management of Manitoba's mineral resources.

This information is necessary to create a common understanding of how each party's interests, including community well-being, the minerals industry, government, the environment, natural resources, and the economy are interrelated.

The parties will ensure effective decision-making through the sharing of accessible, accurate, equal and timely information. It is recognized that some information may be subject to confidentiality and intellectual property considerations.

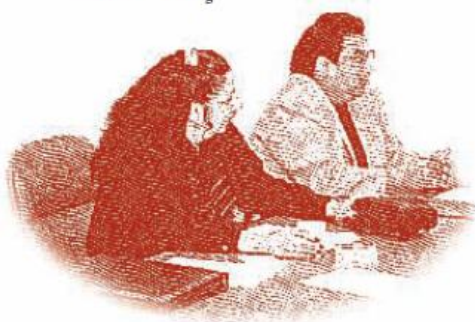


ENCOURAGE AND PROVIDE OPPORTUNITY FOR CONSULTATION AND MEANINGFUL PARTICIPATION IN DECISION-MAKING PROCESSES

OBJECTIVE 3.0: *Open Consultation*

The parties will work together to establish appropriate forums which encourage and provide opportunity for consultation and meaningful participation in decision-making processes.

The parties will endeavour to ensure due process, notification and appropriate and timely participation in the matters of government and corporate policy and program development and decision-making.



OBJECTIVE 4.0: *Creating Opportunities*

The parties are committed to ensure that all Manitobans continue to receive the benefits derived from its mineral endowment. The parties are committed to working together to create opportunities that provide greater control and self-reliance for northern, First Nations and Metis Nation individuals, families and communities.

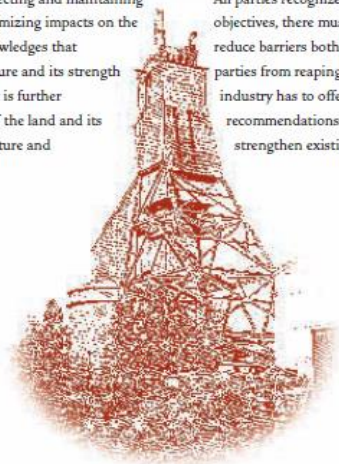
Through improved communication, the parties can build a better relationship that will ensure greater community participation in the development of education, employment, business, land and environmental management opportunities.

The initiative aims to build a positive business climate that reduces uncertainty, attracts mining investment and maintains existing mineral operations, fosters a stable fiscal regime to attract investment, exploration and development, and builds and maintains community and cultural well-being of all parties involved.

REDUCE BARRIERS THAT PREVENT ALL PARTIES FROM REAPING BENEFITS THAT THE MINERALS INDUSTRY HAS TO OFFER

OBJECTIVE 5.0: *Protecting Environmental Integrity*

The parties are committed to protecting and maintaining environmental integrity, and minimizing impacts on the environment. The initiative acknowledges that traditional culture is linked to nature and its strength is drawn from that relationship. It is further acknowledged that stewardship of the land and its resources is an integral part of culture and community life.



OBJECTIVE 6.0: *Policy Review and Development*

All parties recognize that in order to implement these objectives, there must be a commitment to work together to reduce barriers both real and artificial that often prevent all parties from reaping the full benefits that the minerals industry has to offer. This may include the development of recommendations to a specific party to modify, amend or strengthen existing policies where necessary.





These guiding principles were developed by representatives from the following organizations with the support of Elder Frank Wesley and Elder Sandy Beardy:

- Assembly of Manitoba Chiefs
- Cross Lake Mineral Exploration
- Manitoba Energy and Mines (now Manitoba Industry, Trade and Mines)
- Manitoba Prospectors and Developers Association
- Manitoba Heavy Construction Association
- Manitoba Keewatinowi Okimakanak
- Manitoba Metis Federation
- Manitoba-Saskatchewan Prospectors and Developers Association
- Mining Association of Manitoba
- Northern Association of Community Councils



RECOMMENDED ACTIONS

OBJECTIVE 1.0: *Keeping Commitments Strong*

The parties will endeavour to keep these commitments strong through:

- establishing clear principles statements that reflect mutual understanding and expectations
- the integration of mineral management with natural and human resource needs
- public participation in decision-making
- the protection of unique, distinct and sacred areas

OBJECTIVE 2.0: *Information Sharing*

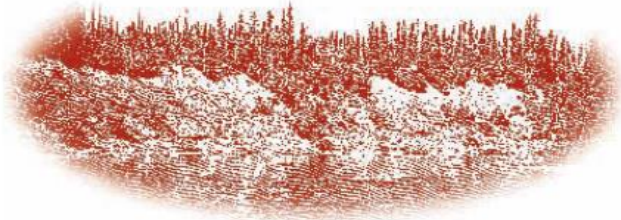
The parties will further encourage information sharing through:

- the development of an effective communication plan
- open forums for public participation
- joint social and scientific research activities
- access to information and policies, recognizing that some information may be subject to confidentiality and intellectual property considerations

OBJECTIVE 3.0: *Open Consultation*

The parties will ensure open consultation through:

- culturally sensitive approaches or dialogue and consultation
- cross cultural training, education and facilitation
- development of information packages
- development of consultation strategies



OBJECTIVE 4.0: *Creating Opportunities*

The parties will seek to maximize economic and social benefits through:

- joint identification of funding sources
- education and skills training in the potential workforce
- new approaches to recruitment
- stay in school strategies
- cultural awareness
- technical and instrumentation training
- trade and scientific training
- identifying business opportunities
- access to investments and joint ventures
- resource management



OBJECTIVE 5.0: *Protecting Environmental Integrity*

The parties are committed to work towards protecting environmental integrity and minimizing the impact on the environment through:

- building awareness of the significance of the environment to First Nations and Metis Nation peoples
- practice of culturally viable sustainable economic development
- community involvement in the development of natural resources
- maintaining healthy and diverse eco-systems
- adopting sound environmental management practices
- providing healthy and safe work environments
- respecting culturally based processes
- addressing the rehabilitation of lands due to mineral exploration or development

**Interim Provincial Policy For
Crown Consultations with First Nations,
Métis Communities and Other Aboriginal Communities**

POLICY STATEMENT:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal right of that First Nation, Métis community or other aboriginal community.

OBJECTIVES:

The objectives of this Policy are:

- To ensure the Government of Manitoba informs itself and gains a proper understanding of the interests of First Nations, Métis communities and other aboriginal communities, with respect to a proposed government decision or action;
- To seek ways to address and/or accommodate those interests where appropriate through a process of consultation while continuing to work towards the best interests of the citizens of Manitoba;
- To advance the process of reconciliation between the Crown and First Nations, Métis communities and other aboriginal communities.

BACKGROUND:

Subsection 35(1) of the Constitution Act, 1982, provides that “the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. Subsection 35 (2) defines the aboriginal peoples of Canada as including the Indian (First Nation), Inuit and Métis peoples of Canada.

Canadian courts, including the Supreme Court of Canada, have made judgments clarifying the meaning of section 35. One element of these judgments is the recognition that the Crown has a legal duty to consult with aboriginal peoples about any action or decision (including enacting a law or regulation) that might affect the exercise of an aboriginal or treaty right, before taking that action or making that decision. The Crown must also reasonably accommodate concerns about the effects of the decision or action raised in the consultation by the aboriginal peoples, by attempting to substantially address those concerns. This duty of consultation and accommodation arises out of the principle of the “honour of the Crown”; the Crown is to act honourably and in good faith in its relationships with aboriginal peoples. One of the main goals of the Crown-Aboriginal relationship is to further the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown.

May 4, 2009

1

The failure on the part of the Crown to engage in meaningful consultations in such circumstances may result in any laws passed, actions taken or decisions made in the absence of consultation being declared invalid.

APPLICATION:

This Policy applies to all provincial government departments and agencies.

EVALUATION:

This Policy will be reviewed periodically to determine if consultation is sufficiently occurring to meet the Crown's obligation to consult.

**Guidelines for Crown Consultations with First Nations, Métis Communities
and Other Aboriginal Communities**

The following guidelines support the Policy for Crown Consultation with Aboriginal Peoples and are intended to provide a framework for the development of a consultation process with individual First Nations, Métis communities and other Aboriginal communities that will guide consultations, when required. They are subject to change over time as departments discover and understand new information during implementation of the policy.

More detailed working-level procedures for implementation of the Policy will need to be established by each department as they undertake their specific consultation processes. Once established, these working-level procedures will be reviewed for best practices and shared with other departments to ensure a consistent approach.

Lead Department or Agency

- The department or agency principally responsible for the decision or action has the lead role on behalf of Government in the consultation process; with the support of other appropriate departments.
- The lead department or agency may obtain assistance from the Aboriginal Consultation Unit and may seek legal advice from Manitoba Justice.

Initial Assessment

- An initial assessment of the proposed law, regulation, decision or action must be conducted to determine if it will require consultation and, if so to determine the First Nations, Métis communities and other aboriginal communities that should be consulted.

- Consultation is required with First Nations, Métis communities and other aboriginal communities where it appears, or where the government is uncertain as to whether, a proposed Government decision or action might infringe upon or adversely affect the exercise of an aboriginal or treaty right.
- If consultation is warranted, the appropriate level of consultation should be determined, with assistance from Manitoba Justice if necessary. The nature, scope and content of a consultation may vary from situation to situation depending on the particular circumstances. Factors that influence this are the strength of the case supporting the existence of the right or title and the seriousness of the potential adverse effect. Depending on the nature, scope and content appropriate for the particular situation, consultation methods could range from a phone call to a letter, to a meeting, to community dialogue.

Guiding Principles

- The Crown has a duty to act honourably and to demonstrate good faith and openness in conducting consultations.
- When a consultation process is required, the representatives of the Government of Manitoba should work with representatives of each affected First Nation, Métis community and other aboriginal community to design a consultation process that reflects the nature, scope and content appropriate for the particular situation. . In some cases, particularly where

May 4, 2009

3

consultations relate to a large-scale project or may be lengthy or complicated, a written “consultation protocol” may be developed jointly by the Government of Manitoba and the First Nation/Métis community/other aboriginal community to guide the process. The following guiding principles can be used to help design the consultation process and may assist in developing consultation protocols. They are not intended to be exhaustive; some or all may be used and other principles may be agreed to as part of a consultation process.

- The consultation process should be designed in a manner to effectively communicate the questions and issues upon which the Government of Manitoba seeks input and to allow for relevant feedback. Consultation should be respectful of the traditions of the potentially affected First Nation/Métis Community/other aboriginal community.
- The consultation process should be designed and developed with participation from the First Nation/Métis Community/other aboriginal community to ensure the process is mutually acceptable.
- Consultation should occur as early in the decision-making process as possible, before decisions are made and at a strategic planning level, where possible.
- Consultation should take place within the First Nation/Métis community/other aboriginal community if this is desired by the community and is practical.
- Adequate resources should be directed to the process in order to ensure meaningful consultations.
- The Government of Manitoba should ensure the consultation process is reasonable and workable.

- An appropriate timetable for consultation should be devised in order to ensure that the process is both effective and cost efficient
- In situations that require a rapid response, consultation will of necessity be very limited, or in some emergency circumstances even non-existent, but in those situations the Government of Manitoba should consider whether a more extensive consultation is warranted once the urgency or emergency has been resolved.
- The Government of Manitoba should share all relevant information before or during consultation and should ensure that any documentation that is shared is in a manageable and understandable format.
- Consultation should be conducted in the language or languages that best provide for effective and respectful communication. Therefore, translation or interpretation may be required.

May 4, 2009

4

- The Government of Manitoba should use the information obtained during consultation and should make all reasonable efforts to address the concerns identified by the First Nations/Métis communities/other aboriginal communities.
 - The Government of Manitoba should ensure that the outcome of the consultation is reported to the affected First Nations/Métis communities/other aboriginal communities. The reporting should include feedback as to how the information provided by the First Nations/Métis communities/other aboriginal communities was incorporated into the decision-making process and how concerns were addressed.
 - Consultation should be considered in situations where it is not legally required but is still desirable as a matter of good government.
 - Consultation should not detract from the desirability of entering into other types of arrangements with First Nations/Métis communities/other aboriginal communities such as negotiated settlements, consensual arrangements, or co-management agreements.
- If the Government of Manitoba provides a reasonable consultation process and the First Nation/Métis community/other aboriginal community chooses not to participate, it may limit the ability of the First Nation/ Métis community aboriginal community to challenge a government action or decision for failure to consult.

Process Design Considerations

- Where consultation is required, a consultation process should be initiated by the department or agency proposing the decision or action. The following points should be considered in designing the consultation process:
 - what process will work best
 - what pre-consultation communications should be made with First Nations/Métis communities/other aboriginal communities
 - who should be included on the Government of Manitoba's consultation team
 - what issues should be on the table for discussion
 - what documents or studies should be collected or prepared in advance of the process
 - what is an appropriate budget
 - what is an appropriate time frame
 - who should the Government of Manitoba consult with
 - where should the consultation take place
 - how will the consultation activities be documented
 - how will the information obtained be organized and forwarded to appropriate government decision makers
 - how will the First Nations/Métis communities/ other aboriginal communities be notified regarding how their input was used and their concerns addressed
- Both the process and all information obtained throughout the process about First Nations/Métis communities/other aboriginal communities' interests should be documented prior to making a decision.

May 4, 2009

5

EVALUATION:

The Guidelines will be reviewed periodically to determine if consultation is sufficiently occurring to meet the Crown's obligation to consult.

GLOSSARY:

These terms are used in the Policy and Guidelines or are frequently used in respect of Crown-Aboriginal consultation. The Government of Manitoba considers them to mean the following:

Aboriginal peoples: includes Indian (First Nation), Inuit and Métis; as defined in Subsection 35 (2) of the Constitution Act, 1982 (Canada).

Aboriginal rights: distinctive activities that are a part of a practice, custom or tradition integral to the distinctive culture of an aboriginal group and that continue from traditional practices to the present.

Accommodation: the obligation on a government to meaningfully address concerns raised during the consultation by taking steps to avoid irreparable harm or to minimize the effects of the infringement on treaty or aboriginal rights or the adverse effects on the exercise of treaty or Aboriginal rights.

Consultation: a process of two-way communication in which advice and opinions of the consulted party are sought prior to government action for the purposes of ensuring that both parties are better informed.

Infringement of treaty or Aboriginal rights: a law, regulation, action or decision that (i) unreasonably limits a right, or (ii) imposes undue hardship, or (iii) denies the right holders their preferred means of exercising the right.

Treaty: a legally enforceable agreement made between the Crown and First Nations that has been constitutionally protected since 1982. Manitoba First Nations are signatories to seven different numbered treaties (Treaties 1, 2, 3, 4, 5, 6, and 10).

Treaty rights: rights established in an agreed treaty between the Crown and a group of Aboriginal peoples and include the right under paragraph 13 of the Manitoba Natural Resources Transfer Agreement of First Nations' members to hunt, trap and fish for food at all seasons of the year on unoccupied Crown land and other land to which they have a right of access.

Section of Planning Act P80

PLANNING

P80 — M.R. 81/2011

POLICY AREA 8: MINERAL RESOURCES

PROVINCIAL INTEREST

Mineral resources are non-renewable resources that are indispensable in our daily lives; however, their contributions to our material well-being are often overlooked. Manitobans use **minerals** in many forms and combinations and incorporate them into a wide range of products. For example, the nickel, copper and zinc produced in Manitoba mines are essential in the manufacturing of products such as buses, airplanes and health care equipment. Mining is also a vital component of the economy. It provides significant employment opportunities and is the second leading primary resource sector after agriculture. Much of Manitoba's **mineral** product is exported and significantly contributes to the province's merchandising export.

Manitoba has ownership and authority of its mines and mineral rights, including royalties. Manitoba has a system of dual land tenure where surface rights and **mineral** rights can be separate and owned by different parties. As a result, potential for access, use and occupation conflicts exists. It is in the provincial interest to honour **mineral** access and development rights associated with **mineral** disposition and ensure that appropriate security of tenure is achieved.

Mineral exploration and development is an interim land use. Access to lands containing **mineral** potential is essential to ensure the availability of construction materials and other materials that contribute to Manitobans' economic and social well-being.

Manitoba's aggregate and quarry **minerals** industry produce essential raw materials that are required to support private and public sector construction and infrastructure needs. This non-renewable resource has no cost-effective substitute for most end uses, and it is therefore in the public interest to protect high quality aggregate and quarry **mineral** resources from conflicting surface land uses to minimize both construction and environmental costs. Quarry **mineral** extraction, particularly aggregate, is Manitoba's largest **mining** sector by land area disturbed and volume produced. Other types of quarry **mineral** extraction, such as sphagnum peat moss harvesting, possess unique land use and planning requirements and considerations.

8.1 MINERAL RESOURCE PLANNING

GOALS

To ensure access to **mineral**, oil and natural gas resources and the development rights associated with mineral disposition by protecting economically valuable **mineral**, oil and natural gas resources from land uses that would preclude exploration, extraction and development.

To provide long-term security and access to high and medium potential **mineral** lands.

To ensure that quarry **mineral** extraction and harvesting occurs in an environmentally responsible manner.

POLICIES

8.1.1 **Mineral**, oil and natural gas resources, including lands containing high **mineral** potential, such as **greenstone belts** and the Thompson Nickel Belt, must be identified and protected from conflicting surface land uses that could interfere with access to the resources.

8.1.2 Only uses that are compatible with exploration, extraction and development of the resources should be accommodated on lands adjacent to land identified under policy 8.1.1. In addition, appropriate buffers must be identified and enforced to ensure that adjacent land uses do not unduly restrict exploration, extraction and development.

8.1.3 Without limiting policy 8.1.1, in accordance with the provincial designation of land respecting **mineral**, oil and natural gas resources, for an area of land designated as

- a) "high", the dominant land use should be exploration and extraction; and
- b) "medium", conflicting surface land uses may be accommodated only after provincial consultation and approval.

For the purposes of this policy, the province will designate the following areas as "high" and "medium":

High:

- 1 Mineral management areas and limited use lands, as designated under *The Mines and Minerals Act*.
- 2 Areas that contain known deposits of valuable **mineral**, oil and natural gas resources.
- 3 Areas that have high potential for the discovery of deposits of valuable **mineral**, oil and natural gas resources.
- 4 Areas that contain valid mining claims or quarry mineral leases in good standing, if the existing surface land use allows for exploration and extraction.

Medium:

- 1 Areas that contain known deposits of **mineral**, oil and natural gas resources that are not of high quality or have not had the full potential of the deposits proven.
- 2 Areas for which an exploration licence or quarry exploration permit have been issued.

8.1.4 **Mineral**, oil and natural gas exploration and development is to be recognized as an interim land use. As such, a non-conflicting land use may be permitted for the surface of areas designated by the province as "high" or "medium" before development and extraction begins.

8.1.5 The **mineral** tenure system and rights must be effectively integrated into land use and resource planning. Valid **mineral** access rights — including the right to enter, use and occupy the surface of land to prospect or explore for or develop, mine and produce **minerals** — must be honoured and appropriate security of tenure must be ensured.

8.1.6 Before establishing a land use that will permit a commercial sphagnum peat moss harvesting operation, consideration should be given to such things as access requirements and potential offsite drainage impacts.

8.1.7 If extraction of **minerals**, oil or natural gas ceases on land, the surface of which was **prime agricultural land** before the extraction began, the land must be rehabilitated to the same average soil quality for agriculture as is found on the surrounding lands.

Procedures for Crown Consultation with Aboriginal Communities on Mineral Exploration – Mineral Resources Division, Manitoba Science, Technology, Energy and Mines

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of an aboriginal right or treaty right of that Aboriginal community. This duty arises out of the recognition and affirmation of aboriginal and treaty rights under section 35 of the [*Constitution Act, 1982*](#).

Manitoba Science, Technology, Energy and Mines (the Department) has developed these Procedures for consultation with First Nations, Métis communities and other Aboriginal communities (collectively called “Aboriginal communities” in these Procedures) about mineral exploration activities. The Procedures outline the approach that the Mineral Resources Division (MRD) of Science, Technology, Energy and Mines will use to carry out the Crown’s duty to consult about mineral exploration activities.

In these Procedures, “consultation” means the duty of consultation of the Crown relating to the recognition of Aboriginal or treaty rights under section 35 of the *Constitution Act, 1982*. In these Procedures, references to “adverse effects” means “adverse effects on the exercise of aboriginal or treaty rights” and “affected Aboriginal community” means any Aboriginal community whose aboriginal or treaty rights may be infringed or adversely affected.

Objectives

The objectives of these Procedures are to:

- provide for a consultation process of a nature and scope that is commensurate with the potential level of effect on the exercise of treaty and Aboriginal rights;
- clarify the roles of the Department and minerals industry in consultation; and
- establish a clear, certain, timely, and effective process for communication, information sharing and meaningful consultation with respect to mineral exploration and development.

Manitoba views the consultation process reflected in these consultation procedures as helping to build positive relationships between the Government of Manitoba, Aboriginal communities and the minerals industry on issues related to mineral exploration and development.

It is important for the Crown and Aboriginal communities to actively participate in the consultation process in a full and timely manner. An effective consultation procedure

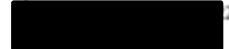
B. Ethics
Ethics Approval Certificate



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Research Ethics and Compliance
Office of the Vice-President (Research and International)

Human Ethics
208-194 Dafoe Road
Winnipeg, MB
Canada R3T 2N2



APPROVAL CERTIFICATE

August 5, 2014

(Advisor T. Henley)

TO: Gail Ferguson
Principal Investigator

FROM: Susan Frohlick, Chair
Joint-Faculty Research Ethics Board [Redacted]

Re: Protocol #J2014:110
"An Evaluation of Aboriginal, Government, and Mining Industry
Relationships and Policies Regarding Access to Land for Mineral Exploration
and Mine Development in Manitoba"

Please be advised that your above-referenced protocol has received human ethics approval by the Joint-Faculty Research Ethics Board, which is organized and operates according to the Tri-Council Policy Statement (2). This approval is valid for one year only.

Any significant changes of the protocol and/or informed consent form should be reported to the Human Ethics Secretariat in advance of implementation of such changes.

Please note:

- If you have funds pending human ethics approval, please mail/e-mail/fax (261-0325) a copy of this Approval (identifying the related UM Project Number) to the Research Grants Officer in ORS in order to initiate fund setup. (How to find your UM Project Number: <http://umanitoba.ca/research/ors/mrt-faq.html#pr0>)
- If you have received multi-year funding for this research, responsibility lies with you to apply for and obtain Renewal Approval at the expiry of the initial one-year approval; otherwise the account will be locked.

The Research Quality Management Office may request to review research documentation from this project to demonstrate compliance with this approved protocol and the University of Manitoba *Ethics of Research Involving Humans*.

The Research Ethics Board requests a final report for your study (available at: http://umanitoba.ca/research/orec/ethics/human_ethics_REB_forms_guidelines.html) in order to be in compliance with Tri-Council Guidelines.

umanitoba.ca/research



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Interview Consent Form

An Evaluation of Aboriginal, Government, and Mining Industry Relationships and Policies Regarding Access to Land for Mineral Exploration and Mine Development in Manitoba

This consent form, a copy of which will be left with you for your records and reference is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something 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 purpose of this research is to evaluate mining policy integration by using key factors determined from a Canadian assessment of Impact Benefit Agreements. This interview will particularly focus on evaluating processes of policy integration related to mineral exploration and development within the Province by asking questions relating to the expectations from numerous government members, mining industry representatives and Aboriginal communities. The information from this study will be published in a thesis and other publications and presentations. Recommendations will be provided regarding policy integration in Manitoba.

I would like to find out more about how land designation and management has related to mining development in Manitoba and more specifically how you feel your community or industry is represented in the processes. Your interview will assist in collaborating your experiences with the other respondents regarding mining activity.

The interview will take approximately one hour and you can withdraw at any time. With your permission I would like to tape record the interview, if you are not comfortable with being recorded I will take hand-written notes. The information you give me will be kept confidential- your name will not appear in any documents that result from this study. Feedback will be provided to respondents in the form of a short summary report and presentations to be conducted after the research has been concluded. A token gift will be provided to each respondent of the study.

The risk of participating in the individual interviews is minimal as data will be aggregated with no personal identifiers. The benefit of participating in this interview is the opportunity to provide your input into the questions and sub-questions this research seeks to address.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions for their legal and professional responsibilities. You are free to withdraw from the study at any time, and / or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation. The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way. All remaining records of the research and data will be destroyed after a period of five years.

Principle Researcher: Gail Ferguson @ 204- ***-****

Supervisors: Prof. Thomas Henley @ 204- ***-**** and Dr. Emdad Haque @ 204- ***-****

This research has been approved by the Joint Faculty Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above named persons or the Human Ethics Coordinator at 204-***-****, or email [REDACTED]. A copy of this consent form has been given to you to keep for your records and reference.

I will consent to have this session voice recorded YES NO _____

I would like a copy of the transcript _____ and summary _____ to be sent to me

Respondent

Date

Thank You,

Gail Ferguson, Researcher

Natural Resources Institute, University of Manitoba

Copyright permission for Figures and Tables

Figures and Tables	Page #	Date	Copyright Permission
Figure 1.1 Mineral Claims in Canada	3	April 16, 2013	Hi Gail, The map is from the report "Mining Exploration Conflicts in Canada's Boreal Forest" and is available at: http://www.pewenvironment.org/news-room/reports/mining-exploration-conflicts-in-canadas-boreal-forest-8589940947#sthash.IQ9FYqOG.dpuf I'm cc'ing Peter Lee (Executive Director of GFWC) to grant you permission to use the map. Hi Gail, yes you can use the map. Thanks for asking! Peter
Figure 1.3 Aboriginal Mining Agreements, 2014	6	May 2, 2014	Reply to your inquiry/En réponse à votre demande Thank you for your message. We ask that you indicate the source and acknowledge Natural Resources Canada/Minerals and Metals Sector as the author of the map. Good luck with your thesis. Catherine Peltier Mavin
Figure 1.4 Land Access for Mineral Exploration and Development, 2014	10	June 9, 2014	Good afternoon, Permission is granted to use the map (http://www.manitoba.ca/iem/mines/sustain/images/landuse.pdf) in your thesis, as outlined in your request. It is understood that the map will not be reproduced/sold for profit. Please cite the source as "Courtesy of the Government of Manitoba, June 2014" Thank you, Copyright
Figure 2.1 Minerals and Mining Map 2013	18	May 20, 2014	Reply to your inquiry/En réponse à votre demande Dear Ms. Ferguson, thank you for your interest in data produced by Natural Resources Canada. Please note that the "Open Government Licence - Canada" applies to the use of the Atlas of Canada maps, and no further permission is required. You will note that this license agreement gives free and unrestricted use of the data. You can review the full licensing agreement at the following page: http://data.gc.ca/eng/open-government-licence-canada Sincerely, Joanne Tremblay GeoAccess Division Division GéoAccès Earth Sciences Sector Secteur des sciences de la Terre Natural Resources Canada Ressources naturelles Canada Government of Canada Gouvernement du Canada

<p>Figure 2.3 Map of Manitoba Mine Sites, 2015</p>	<p>24</p>	<p>June 6, 2014</p>	<p>Good afternoon, As discussed over the phone, permission is granted to use the map as outlined in your request. It is understood that the map will not be reproduced/sold for profit. Please use the following citation for the GIS Map Gallery: Manitoba Mineral Resources 2013: Mine Sites, Manitoba; in Map Gallery - Geoscientific Maps, Manitoba Mineral Resources, URL <http://web15.gov.mb.ca/mapgallery/mgg-gmm.html> ["INSERT Month day", 2014]. Regards, Copyright</p>
<p>Figure 2.4 Aboriginal Canadian Opinions of the Mining Industry, 2014</p>	<p>37</p>	<p>Feb. 10, 2015</p>	<p>Hi Gail, Yes, you have permission to use the figure provided your figure caption specifies the data limitations from the report and you reference the report appropriately. Best, Megan Megan Helmer Account Director PR Associates</p>
<p>Table 8 Manitoba Operating Mines</p>	<p>67</p>	<p>January 30, 2015</p>	<p>WPG725 - Copy Right (TCHSCP) Fri 1/30/2015 3:21 PM To: Gail Ferguson; Good afternoon, Permission is granted to use the figure, as outlined in your request. It is understood that it is being used for educational purposes and that it will not be sold/reproduced for profit. Please be sure to properly cite the source. Regards, Copyright</p>

C. Statistics for Figure 2.2

Table 379-0028 Gross domestic product (GDP) at basic prices, by North American Industry Classification System (NAICS), Survey or program details: provinces and territories; annual (percentage share)(1.9)

Gross Domestic Product by Industry - Provincial and Territorial (Annual) - 1303

Geography	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
NL Energy sector [T016] (7)						37.71	43.47	28.99	31.02	34.89	28.45
NL Agriculture, forestry, fishing and hunting [11]	2.45	2.42	2.5	1.88	1.42	1.44	1.31	1.34	1.34	1.34	1.41
NL Mining, quarrying, and oil and gas extraction [21]	26.6	29.71	32.06	37.98	38.48	45.71	49.08	31.01	37.54	40.92	32.98
Total Natural Resources	29.05	32.13	34.56	39.86	39.9	84.86	93.86	61.34	69.9	77.15	62.84
NL Manufacturing [31-33]	5.25	5.24	5.1	4.53	3.9	3.54	3.41	4.1	2.96	2.88	3.05
PE Energy sector [T016] (7)						x	x	x	x	x	x
PE Agriculture, forestry, fishing and hunting [11]	9.76	7.69	8.14	7.53	7.69	6.56	6.06	4.21	5.23	5.3	5.65
PE Mining, quarrying, and oil and gas extraction [21]	0.1	0.07	0.01	0.01	0.01	0.04	0.1	0.07	0.05	0.07	0.08
Total Natural Resources	9.86	7.76	8.15	7.54	7.7	6.6	6.16	4.28	5.28	5.37	5.73
PE Manufacturing [31-33]	11.18	11.43	11.58	9.81	9.65	9.79	9.32	9.69	8.74	8.41	8.9
NS Energy sector [T016] (7)						7.02	7.95	4.17	4.54	4.45	3.65
NS Agriculture, forestry, fishing and hunting [11]	3.13	3.1	2.74	2.72	2.5	2.16	2.08	1.93	2.12	2.16	2.23
NS Mining, quarrying, and oil and gas extraction [21]	3.84	5.18	4.64	5.85	4.86	4.53	5.53	2.22	2.36	2.19	1.43
Total Natural Resources	6.97	8.28	7.38	8.57	7.36	13.71	15.56	8.32	9.02	8.8	7.31
NS Manufacturing [31-33]	10.86	10.63	11.18	10.54	8.89	8.5	8.04	8.14	8.41	8.54	8.37
NB Energy sector [T016] (7)						6.89	5.72	5.11	4.96	5.09	4.77
NB Agriculture, forestry, fishing and hunting [11]	4.42	3.6	3.7	3.5	3.37	2.44	2.45	2.46	2.54	2.42	2.46
NB Mining, quarrying, and oil and gas extraction [21]	1.11	1.05	1.48	1.57	3.65	3.32	3.25	2.07	2.61	2.58	2.17
Total Natural Resources	5.53	4.65	5.18	5.07	7.02	12.65	11.42	9.64	10.11	10.09	9.4
NB Manufacturing [31-33]	14.82	15.36	15.33	13.66	12.44	11.28	10.08	9.49	10.23	10.44	10.32
QC Energy sector [T016] (7)						4.35	4.36	4.38	4.41	4.36	4.25
QC Agriculture, forestry, fishing and hunting [11]	1.86	1.88	1.97	1.76	1.77	1.64	1.53	1.51	1.41	1.51	1.51
QC Mining, quarrying, and oil and gas extraction [21]	0.55	0.61	0.67	0.78	0.94	1.03	1.14	0.91	1.47	1.54	1.38
Total Natural Resources	2.41	2.49	2.64	2.54	2.71	7.02	7.03	6.8	7.29	7.41	7.14
QC Manufacturing [31-33]	21.21	19.86	19.77	19.07	18.22	16.77	15.7	14.56	14.44	14.18	13.67

(Statistics Canada, 2014)

provinces and territories, annual (percentage share)(1.9)												
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
ON Energy sector [T016] (7)												
ON Agriculture, forestry, fishing and hunting [11]	1.13	1.01	1.02	0.96	0.88	0.8	0.85	0.77	0.84	0.9	0.89	
ON Mining, quarrying, and oil and gas extraction [21]	0.63	0.66	0.83	0.87	1.2	1.39	1.28	0.8	1.05	1.33	1.13	
Total Natural Resources	1.76	1.67	1.85	1.83	2.08	4.36	4.37	3.84	4.26	4.54	4.3	
ON Manufacturing [31-33]	21.72	20.74	19.43	18.26	17.03	15.95	14.06	12.77	12.8	12.75	12.69	
MB Energy sector [T016] (7)												
MB Agriculture, forestry, fishing and hunting [11]	5.06	4.81	4.62	3.72	3.67	3.61	4.9	3.92	3.45	3.35	3.82	
MB Mining, quarrying, and oil and gas extraction [21]	1.67	1.94	2.53	2.74	4.72	5.2	3.88	2.76	4	4.64	4.71	
Total Natural Resources	6.73	6.75	7.15	6.46	8.39	13.82	13.98	11.13	12.42	13.74	14.56	
MB Manufacturing [31-33]	12.93	13.24	13.46	13.11	12.91	11.42	11.37	11.01	10.24	10.44	9.95	
SK Energy sector [T016] (7)												
SK Agriculture, forestry, fishing and hunting [11]	7.92	8.3	8.83	6.55	4.64	5.66	9.55	7.85	5.97	7.38	7.54	
SK Mining, quarrying, and oil and gas extraction [21]	17.2	18.65	20.77	24.95	24.48	24.87	29.73	22.36	25.24	27.93	26.7	
Total Natural Resources	25.12	26.95	29.6	31.5	29.12	55.7	67.04	52.4	53.79	58.13	56.51	
SK Manufacturing [31-33]	6.97	6.7	7.12	6.7	6.45	6.43	6.4	6.84	5.77	5.57	6.04	
AB Energy sector [T016] (7)												
AB Agriculture, forestry, fishing and hunting [11]	2.16	2.23	2.31	1.59	1.35	31.25	34.76	25.09	27.17	28.59	26.67	
AB Mining, quarrying, and oil and gas extraction [21]	22.67	27.83	29.52	33.17	30.87	28.16	32.1	21.88	24.25	25.35	23.33	
Total Natural Resources	24.83	30.06	31.83	34.76	32.22	60.85	68.66	48.28	52.85	55.56	51.61	
AB Manufacturing [31-33]	8.74	7.52	7.91	7.34	7.28	7.38	6.41	6.62	7.01	7.27	7.2	
BC Energy sector [T016] (7)												
BC Agriculture, forestry, fishing and hunting [11]	3.49	3.22	3.25	2.92	2.64	6.62	8.57	5.81	6.4	7.24	6.19	
BC Mining, quarrying, and oil and gas extraction [21]	3.46	4.68	5.11	7.05	6.45	5.36	7.02	3.98	4.73	5.5	4.23	
Total Natural Resources	6.95	7.9	8.36	9.97	9.09	14.14	17.48	11.52	12.9	14.55	12.17	
BC Manufacturing [31-33]	10.8	9.89	10.78	9.73	9.65	8.62	7.63	6.79	6.85	6.72	6.74	

(Statistics Canada, 2014)

		provinces and territories, annual (percentage share)(1,9)										
		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
YT	Energy sector [T016] (7)						2.84	3	2.04	2.05	1.9	1.86
YT	Agriculture, forestry, fishing and hunting [11]	0.34	0.33	0.36	0.31	0.17	0.23	0.21	0.24	0.24	0.23	0.23
YT	Mining, quarrying, and oil and gas extraction [21]	4.33	4.5	5.41	5.8	5.64	6.06	11.53	11.38	11.99	12.16	15.05
	Total Natural Resources	4.67	4.83	5.77	6.11	5.81	9.13	14.74	13.66	14.28	14.29	17.14
YT	Manufacturing [31-33]	0.86	0.79	0.83	0.85	0.78	0.84	0.87	0.86	0.7	0.85	0.91
NT	Energy sector [T016] (7)						16.42	17.09	11.37	10.69	9.9	11.07
NT	Agriculture, forestry, fishing and hunting [11]	0.58	0.5	0.44	0.52	0.51	0.34	0.34	0.4	0.37	0.38	0.41
NT	Mining, quarrying, and oil and gas extraction [21]	32.78	44.18	47.42	41.62	39	40.22	43.64	30.95	39.18	38.11	33.52
	Total Natural Resources	33.36	44.68	47.86	42.14	39.51	56.98	61.07	42.72	50.24	48.39	45
NT	Manufacturing [31-33]	0.71	0.44	0.46	0.47	0.31	0.29	0.23	0.09	0.18	0.16	0.05
NU	Energy sector [T016] (7)						x	x	x	x	x	x
NU	Agriculture, forestry, fishing and hunting [11]	0.09	0	0.17	0.16	0.08	0.17	0.15	0.17	0.12	0.1	0.1
NU	Mining, quarrying, and oil and gas extraction [21]	7.13	1.35	1.88	0.75	2.35	3.6	2.86	2.23	16.07	22.55	24.93
	Total Natural Resources	7.22	1.35	2.05	0.91	2.43	3.77	3.01	2.4	16.19	22.65	25.03
NU	Manufacturing [31-33]	0.21	0.14	0.1	0.13	0.18	0.1	0.11	0.11	0.18	0.13	0.25

Suppressed to meet the confidentiality requirements of the Statistics Act

1 Current price weights represent the gross domestic product (GDP) share of each industry of the provincial/territorial total economy.

9 For the gross domestic product (GDP) by industry and provinces and territories in current dollars and chained dollars refer to CANSIM table 379-0030.

7 This combines the North American Industry Classification System (NAICS) codes 211, 2121, 21229, 21311A, 2211, 2212, 32411, 32419, 486.

Source:

Statistics Canada. Table 379-0028 - Gross domestic product (GDP) at basic prices, by North American Industry Classification System

(accessed: March 13, 2014) (NAICS), provinces and territories, annual (percentage share)

(Statistics Canada, 2014)

Real Per Capita Gross Domestic Product, Expenditure Based, by Region						
Chained (2007)dollars						
	2007	2008	2009	2010	2011	2012
British Columbia	45,927	45,815	44,033	44,924	45,777	45,993
Alberta	73,729	73,285	68,716	70,773	73,331	74,201
Saskatchewan	52,146	54,242	50,787	52,078	53,903	53,865
Manitoba	41,421	42,710	42,238	42,901	43,177	43,705
Ontario	46,834	46,335	44,509	45,540	46,076	46,177
Quebec	39,761	40,150	39,483	39,964	40,267	40,470
New Brunswick	37,388	37,658	37,084	37,688	37,669	37,181
Nova Scotia	36,261	36,998	37,042	38,008	38,147	38,082
Prince Edward Island	33,546	33,568	33,436	33,760	33,526	33,762
Newfoundland and Labrador	58,375	57,413	51,214	53,706	54,949	52,359
Yukon	54,550	58,118	61,277	62,233	62,850	63,316
Northwest Territories	106,930	96,770	84,567	86,256	79,584	80,697
Nunavut	43,606	48,257	43,436	51,630	52,228	52,445
Outside Canada	-	-	-	-	-	-
Canada	47,613	47,654	45,834	46,856	47,569	47,809

(BC Stats, 2014)

D. Provincial Policies and Guidelines Table

	Date	Document	Government Involvement	Access to Land	Environmental	Economic	Social
Alberta	2002	<i>Alberta Mineral Development Strategy</i>	Recognizes consultation should occur to 'convey an accurate image of their mining and reclamation activities' p. 22	Attempts to 'streamline' the administration of mining regulation.	Ensures exploration in order to further development. Need for more geologic mapping.	Land access, mineral tenure and regulatory review processes are important for 'business climate' p. 14	Sustainability is defined through a social lens-creating jobs and wealth.
	2013	<i>The Government of Alberta's Policy on Consultation with First Nation on Land and Natural Resource Management</i>	Recognizes a legal duty to consult. Consultation is a process of understanding the potential concerns and impacts of Aboriginal peoples. Province has drafted another document which classifies levels for which consultation is necessary.	Alberta will consult with First Nations where management decisions will have an effect on the traditional uses of land.	Both impacts on Treaty Rights and on traditional uses of land will be considered with consultation.	The Province will 'develop a program to increase capacity funding to First Nations and to fund government-led consultation for Crown projects' p. 9	Seeks to reconcile the relationship with Aboriginal peoples in a meaningful way. Impact Benefit Agreements are promoted.
British Columbia	2014	<i>Aboriginal Engagement Guidebook ; A Practical and Principled Approach for Mineral Explorers</i>	Recognition of Crown's responsibility and legal duty. The Triggers for consultation come early in mining activity	Access depends on relationship.	Recognizes court decisions that require consultation where Aboriginal rights are infringed upon, and those rights include hunting, fishing and trapping.	Timely discussions are valuable. Province has worked towards establishing monetary benefits through pre-treaty agreements. Sharing Province's mineral taxes through the Economic and Community Development Agreement (EDCA).	Early engagement educates communities. Respectful of tradition and culture.

Manitoba	2000	<i>The Manitoba Minerals Guideline: Building Relationships and Creating Opportunities:</i>	Sharing information and having open consultation. Protecting unique areas is important.	Protecting environmental integrity is a goal of the guidelines.	Sustainable growth has an opportunity to flourish with greater communication efforts.	Relationships are an investment into the future. Timely process is important. Joining of funding sources. Further education and training opportunities.	Relationship building is of key importance. Accessible information will allow for all parties to work together, and reduce barriers. Cultural sensitivity, and cross-cultural training.
	2009	<i>Interim Provincial Policies for Crown Consultations with First Nations, Métis Communities and other Aboriginal Communities.</i>	Understands its Duty to Consult 'meaningfully' with First Nation, Métis and others where rights are/ may be infringed. Crown has legal Duty to Consult. Consultation process should respect all traditions.	No mention of access to land or supreme court decisions.	Consultation should occur when a community is concerned with the allocation of a resource.	Timely decisions are important in the process of consultation.	Reconciliation processes should be done between the Crown and Aboriginal communities. Accommodation seeks to address concerns, and is a Crown responsibility.
Quebec	2008	<i>Quebec: Amerindiens and Inuit of Quebec, Interim Guide for Consulting the Aboriginal Communities</i>	Courts have Outlined Aboriginal rights to consultation. The province's guidelines intend to allow for greater consideration of Aboriginal peoples in processes. The Province relays the duty to consult as part of territorial negotiations which involves the Federal Government.	Growth in recognition that consultation must occur where Aboriginal communities have claimed land and there rights are potentially impacted. Aboriginal Rights are also existent because of historical use of the land	Aboriginal Rights include hunting, fishing and tapping. No specific mention of environmental concerns.	Third parties (the proponent) may be delegated procedural aspects. Departments must work together if there is a need and funding available to do so.	Initiate reconciliation with Aboriginal communities while courts continue to define consultation. The Crown must act in good faith. Consultation does not give communities a veto power.

	2009	<i>The Future of Quebec's Mineral Sector: Quebec Mineral Strategy</i>	<p>Consultation was done to create this policy document, however no mention of Aboriginal inclusion.</p> <p>Province sees the Federal Government has having a role in enhancing research and development.</p> <p>Subsurface belongs to government, while surface areas are privately owned, and current regulations to not require there be notification to a surface owner about a claim to subsurface, however access to private land must be granted.</p>	<p>Rights to land depend on the strength of the claim</p> <p>Improvements need to be made to geological mapping.</p> <p>Province wants to further exploration.</p> <p>Province is continuing to work to establish a network of protected areas.</p> <p>Supreme Court has determined that consultation must be done prior to issuing mining titles.</p>	<p>Sustainable development is described as driving the wealth of creation and social progress while respecting the environment.</p> <p>Environment Quality Act, Mining Act, work to continue environmental protection.</p> <p>Public Land Use Plans (PLUPs) are used to determine policy in terms of use and protection of land and resources.</p>	<p>Minerals are important for society and employment.</p> <p>Province has high mineral potential.</p> <p>Enhancement of Education and Training Opportunities and promoting employment.</p> <p>Native mining fund assistance program to encourage community involvement in mineral development.</p>	<p>Combine opportunities for research in universities to enhance research and development in the industry.</p> <p>Province looks forward in mine development to ensure future generations have equal opportunity.</p> <p>Province seeks to foster 'integrated, community related mineral development' p. 38</p> <p>Province encourages Aboriginal participation.</p> <p>Encourages negotiation agreements.</p>

E. Interview Schedule

Code	Date	Representation
A01 A02 A03 A04 A05 A06 A07 A09	August 2014	Industry and Government
A10 A11 A12 A13 A13 A14 A15 A16 A17 A18 A19 A21 A23 A24 A25 A27	September 2014	Industry, Government and Aboriginal
A20 A28 A29 A30	October 2014	Industry and Aboriginal
A22 A26	November 2014	Industry

F. Interview Schedule of Questions

Aboriginal Respondent Interview Questions

1. What type of work have you been involved in and for how long? How does it relate to mining activity?
2. What is your perception of your relationship and/or your community's relationship with government and industry?
3. What mining activity are you currently in the vicinity of / or is your community [or the community you represent]? (i.e. what company is involved/ what activities are happening)
4. Have there been any effects from mining? (positive/ negative)
5. What types of cultural or traditional activities need to be acknowledged by government and/or mining industry?
6. How does/ has the presence of the mining affected other uses of land in your community? [or your perception of other communities]
7. Has your community decided to only allow mining in particular areas around your reserve? [does the community have the power to do so?]
8. Have land designation policies in Manitoba seem to have affected your community in any way that you know of?
9. Do you think it is possible for more than one group to manage the rules about mining activity and land use?
10. What are the processes a mining or exploration company go through to claim land to explore? (What do you think about this process...how it's done and the communication your community receives)?
11. Do you feel as though your community [a community] should have the right to stop mining activity from happening (exploration, development?)[why/why not?]
12. How are concerns /complaints handled for current projects in your area?
13. What is your definition of proper consultation?
14. What is the current need for employment in your community?
15. How many people in your community would you say are able (ready) to be employed for mining or exploration jobs? (why? Do they need training?)
16. What do you think is the motivation for you/ community members to work in mine related employment?
17. Can benefits from mining (i.e. employment) outweigh the costs of the uses of the land?
18. Do you know of any training that has been provided by mining companies or the government in MB to assist in employment opportunities within the community? [is it sufficient/ or can the system be improved?]
19. Are the companies involved in the mining activity welcoming to local employment? How can you tell?
20. Whose responsibility is it to provide funding for training/education?

21. What/ if any agreements have been negotiated and signed with the mining company (i.e. to offer employment, or use of local services such as catering, trucking...etc)?
22. What role (if any) does the Federal Government have in decisions pertaining to land designation and consultation?
23. How has your community benefited monetarily from mining activity?
24. When you think about sustainability, what comes to mind? Can mining be sustainable?
25. How can mining development contribute to where you hope to see your community in the future in terms of economic development, and success?
26. What do you think are the government and industry's obligations to the community after the mine closes?
27. What type of improvements can be made to policy in order to encourage mining in MB in the future?
28. Do you see any room for Aboriginal communities to influence new mining policies?
29. (If your community is opposed to mining) how could the mining industry and the province approach reaching a compromise with development near your community?
30. What more can the government do to facilitate partnership with Aboriginal communities and industry?

Government and Other Interview Questions

1. What is your specific job title? And what type of work do you do?
2. How long have you worked in the (specific) government sector?
3. What is your perception of your sector's relationship with the Aboriginal communities involved in/ or affected by mining activity in MB?
4. How do you establish connection with communities, and how do you determine who should be consulted?
5. What is your understanding of Land use regulation? How have land-use, designation and protected area policies impacted mineral exploration and mine development activity?
6. What are the processes involved in claiming land areas to explore for minerals and develop a mine and how well do these processes work?
7. Are there any land use policies and mining policies that your department upholds (is responsible for) and do you find they are being enforced?
8. What is the current need for mine employment in MB?
9. What skills are most in need in the mining industry in MB?
10. What does your department do currently to foster education and training for the jobs needed?
11. Does your department provide training for Aboriginal peoples?
12. How does the government benefit from educating people about mining industry jobs?
13. Whose role is it to fund education and training opportunities?
14. Is there a budget in your department for community engagement or involvement?

15. What are the costs and benefits associated with consulting local communities?
16. Where would revenue best be spent to benefit the communities while also being cost effective for industry and government?
17. Does your department consult with Aboriginal communities?
18. How can community members voice their concerns with a project?
19. What considerations are given to different cultural values in your department?
20. What is your opinion on the differences in the roles of both industry and government consultation?
21. What role (if any) does the Federal Government have in decisions pertaining to land designation and consultation?
22. What is being done to assist and encourage consultation between industry / government and Aboriginal peoples?
23. Is there room to establish a co-management system with industry /government and Aboriginal communities?
24. Do you see any room for industry and Aboriginal communities to influence new mining policies?
25. What more can the government do to facilitate partnership with Aboriginal communities?
26. When you think of sustainability, what comes to mind? Can mining be sustainable?
27. What do you think is the government's obligation to the community after the mine closes?
28. What type of improvements can be made to policy in order to encourage mining in MB in the future?
29. How can land disputes between Aboriginal communities, mining industries and the province be solved?

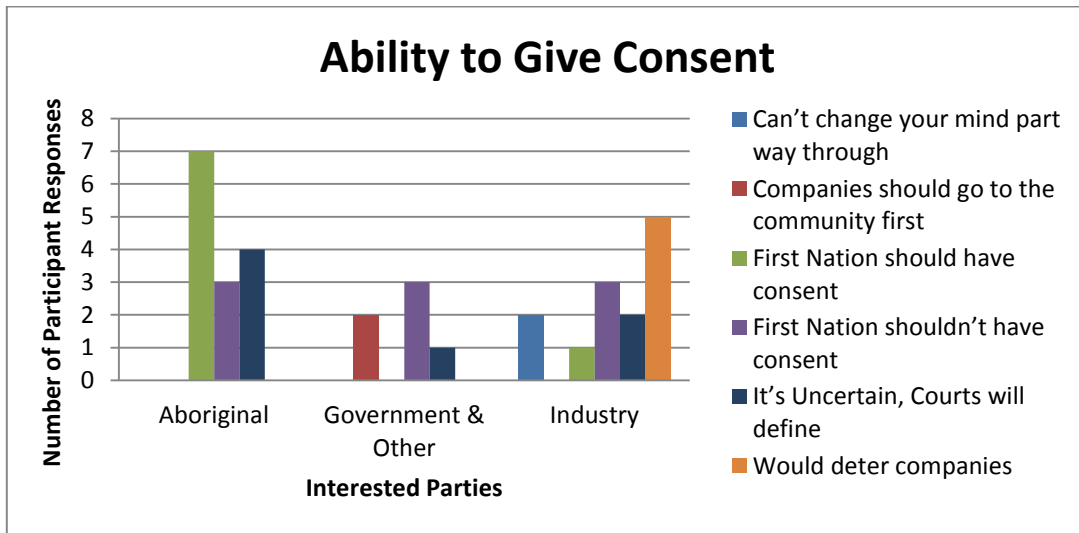
Industry Interview Questions

1. What type of work does your company do?
2. Where does your industry work mainly within Manitoba?
3. What is your specific job title?
4. What is your perception of your company's relationship with the local Aboriginal communities around your projects? Why?
5. Do you feel your relationships with local Aboriginal communities are reflected by how much money your company has to allocate to consultation efforts?
6. What is your understanding of Land use regulation?
7. How does your company fit in the process of land designation processes?
8. How have land use, designation and protected areas policies impacted your company's exploration and development activity?
9. In your industry, is there a manpower shortage in MB? (In terms of employment/ people needed to conduct exploration?)

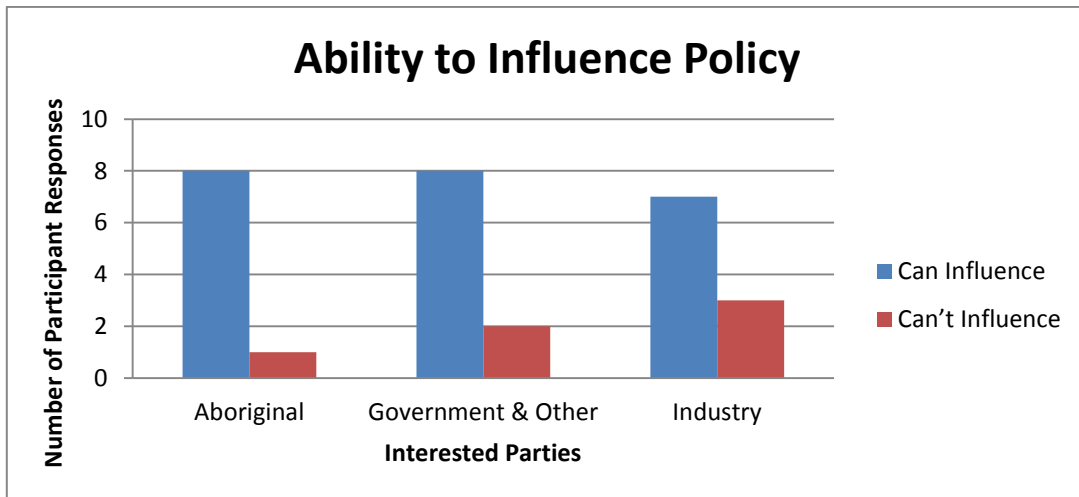
10. What skills are most in need in the mining industry in MB?
11. What does your company do currently to foster education and training for the jobs needed?
12. Approximately what percentage of your workforce is local to the mine? Aboriginal?
13. Can we collaborate better with Aboriginal communities and government and industry on how to improve training programs?
14. So how do you/ your company fund its projects? (Where does funding come from)
15. What types of agreements has your company negotiated/ signed with Aboriginal communities?
16. Is there a budget in the company/ organization for community engagement or involvement?
17. What types of costs and benefits can be associated with community consultation?
18. Where would revenue best be spent to benefit the communities while also being cost effective for industry and government?
19. How has your company approached the increased need for community consultations?
20. What considerations are given to various cultural values in your industry?
21. How well do you feel your company/ organization communicates its progress with local communities?
22. When you meet with communities, is it considered *consultation*?
23. How has the province consulted, or attempted to consult with the neighboring communities of your projects?
24. What is your opinion on the role of the Crown's duty to consult?
25. What role (if any) does the Federal Government play in responsibilities to land designation and consultation?
26. What is being done to assist and encourage consultation between industry / government and Aboriginal peoples in MB?
27. Have you had any experience with any co-management type systems?
28. Is there room to establish a co-management system with industry /government and Aboriginal communities?
29. What more can the government do to facilitate your company's partnership with Aboriginal communities?
30. When you think of sustainability, what comes to mind? Can mining be sustainable?
31. What do you think is the mining industry's obligation to the community after the mine closes?
32. Do you see any room for your industry to influence new mining policies?
33. What type of policy changes can contribute to the future of mining in MB?
34. Does your company plan to invest in mining exploration or activity in the future in MB?
35. How could policy be developed in a way to solve current (and future) land use conflicts regarding mining activity?

36. If a community is opposed to mining, is it possible to reach a compromise regarding exploration and development activity?
37. Do you have any final thoughts on the issue of land use and community relations?

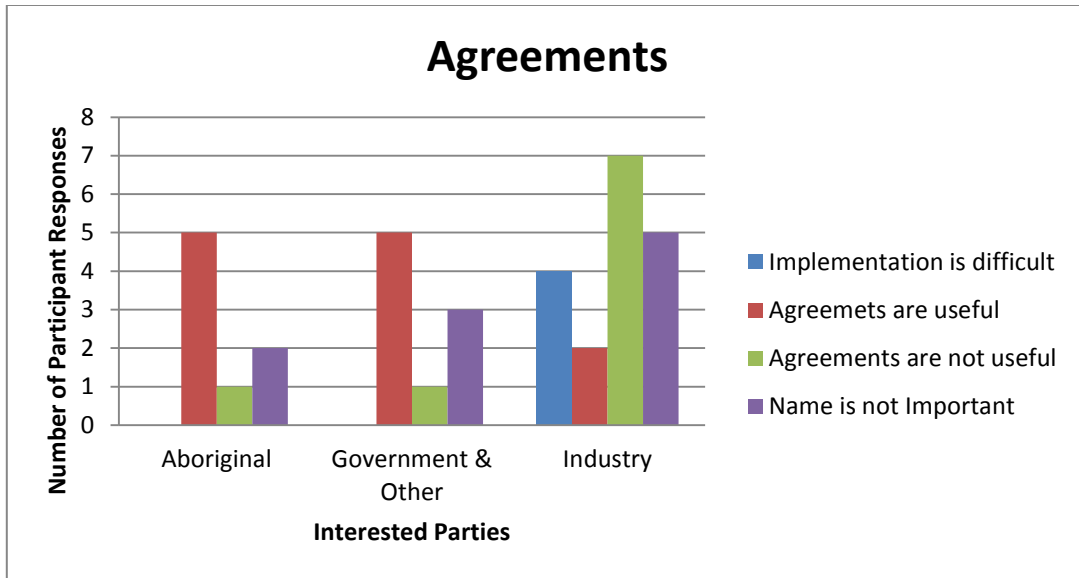
G. Interview Data
Nvivo™ Node graphs



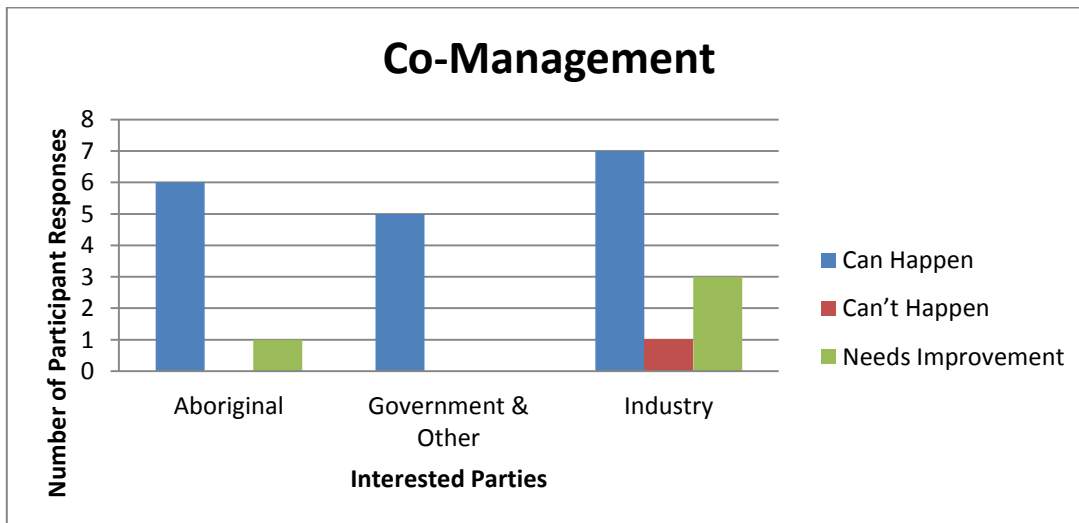
See Figure 4.1 for explanation.



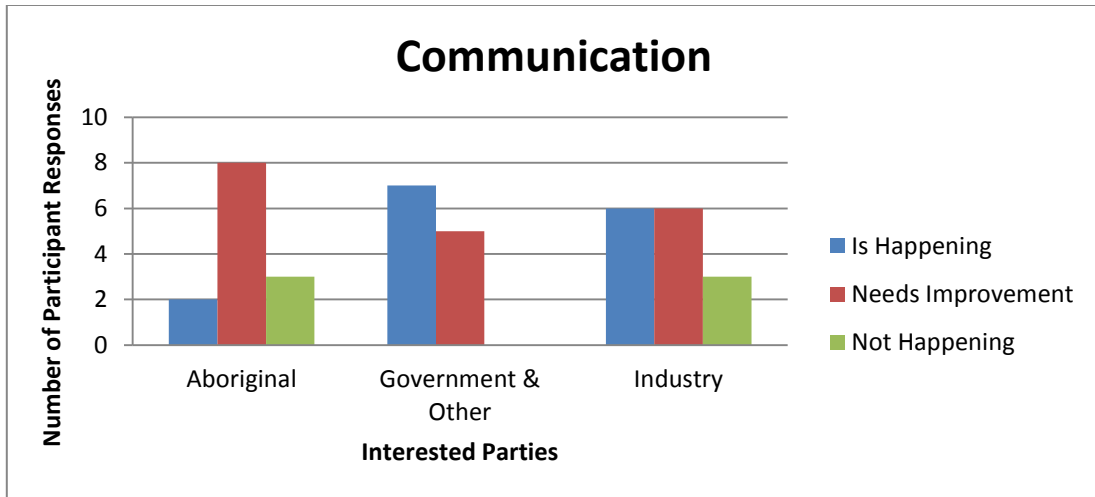
Aboriginal, government and industry respondents mostly mentioned that they have the ability to influence policy. Aboriginal respondents referred to Supreme Court decisions as the main avenue for influencing national policy. The government respondents referred to the Mining Advisory council as enabling the parties to contribute to policy development. Industry mentioned that their ability to influence policy decisions seemed to be diminishing; that government was not adapting to industry concerns.



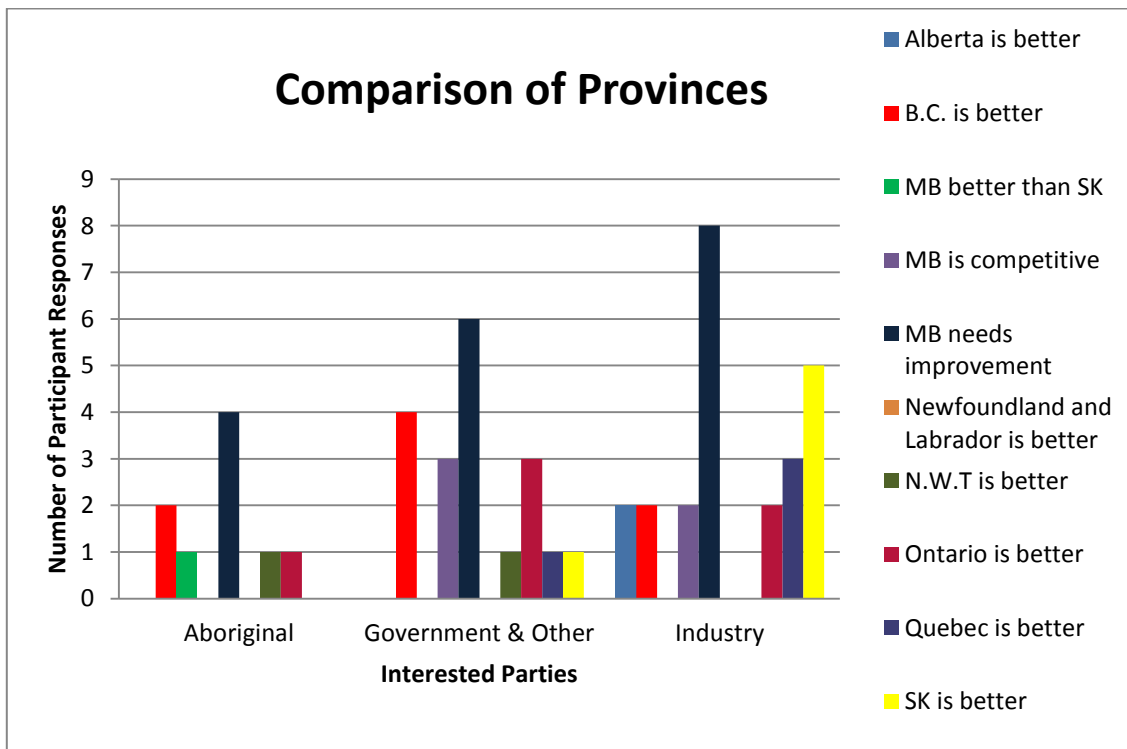
See Figure 4.2 for explanation.



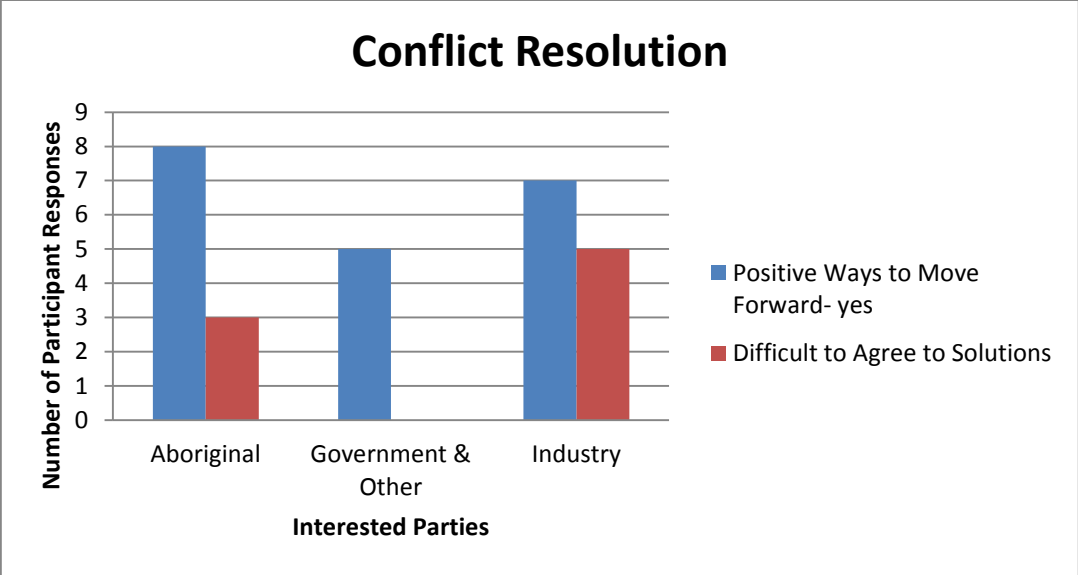
Respondents talked about aspects of co- management. Industry respondents mentioned that co-management could happen, but should be between government and Aboriginal communities. Industry respondents stated that mines could not be co-managed, as this would lead to complications, and inefficiency. Government respondents noted the resource management areas as co-managed systems; however Aboriginal respondents did not agree these areas were adequate examples.



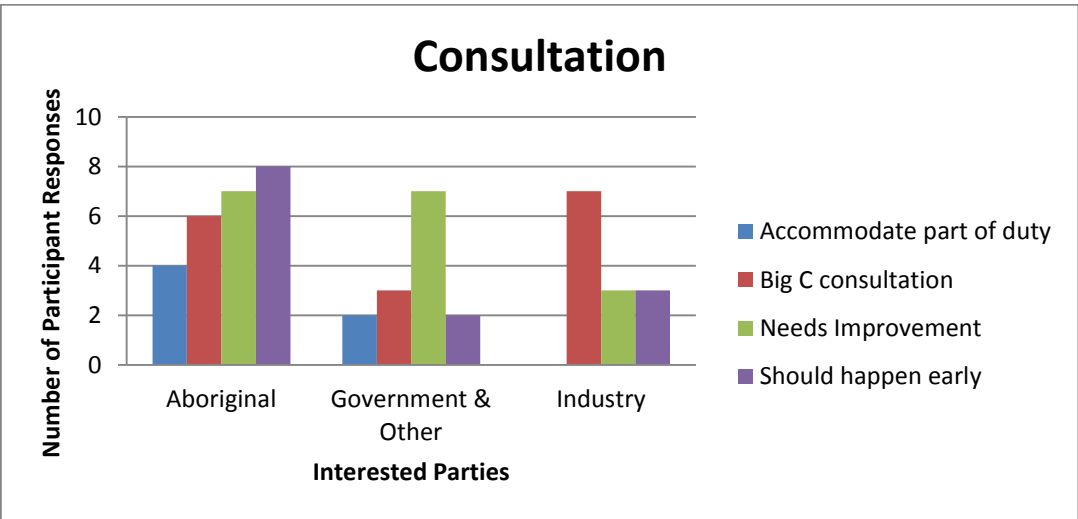
See Figure 4.5 for explanation.



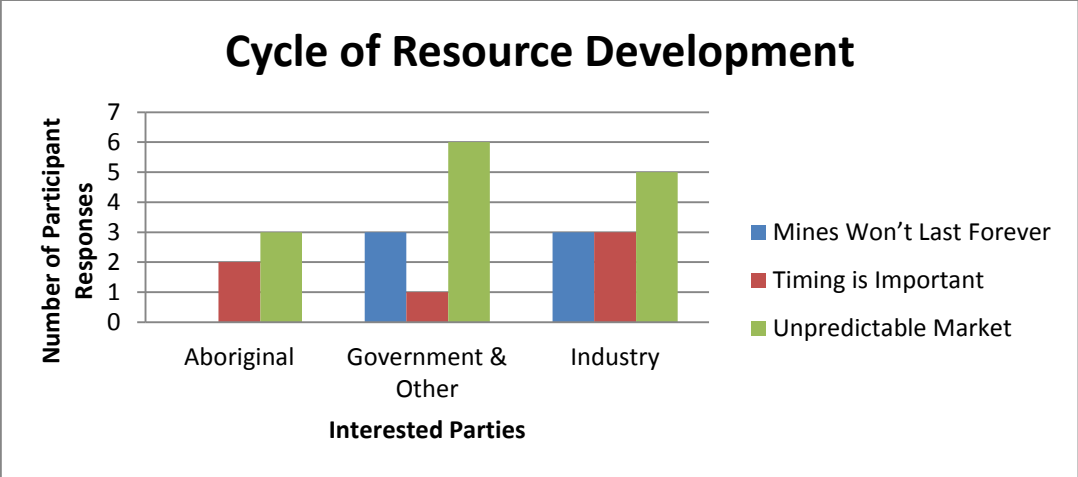
See Figure 5.1 for explanation.



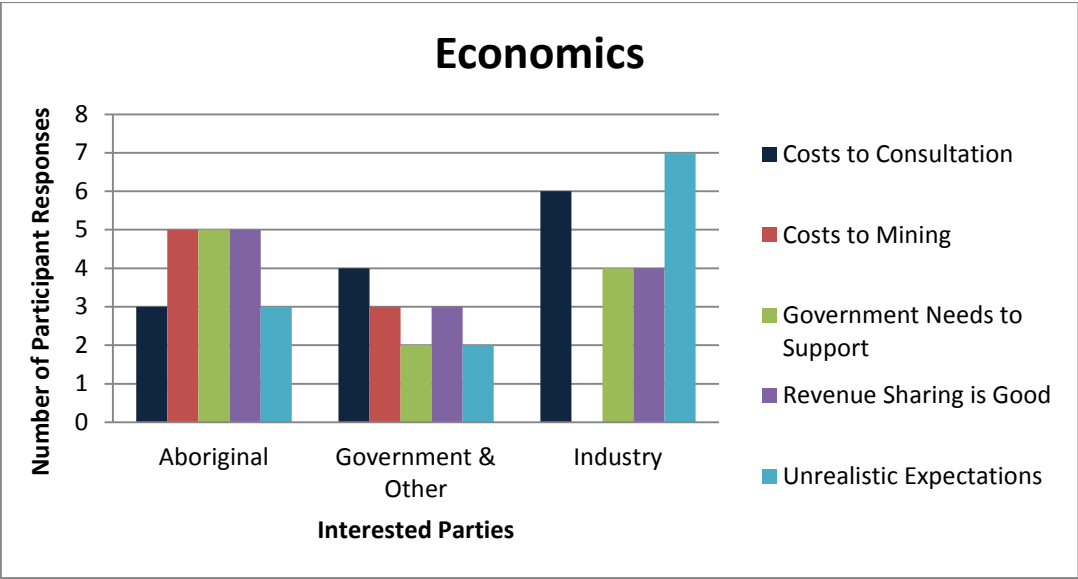
Overall a positive view on ways to move past conflict relating to mining activity was noted by respondents. Aboriginal respondents in particular agreed that there needed to be many improvements, but that there were ways to move past conflicts- typically involving more time needed, improved communication, and improved consultation efforts. Many industry respondents stated both the ability to move forward with conflict, and that the particular solutions were often hard to agree upon, and that companies ultimately do not want to work where they are not wanted.



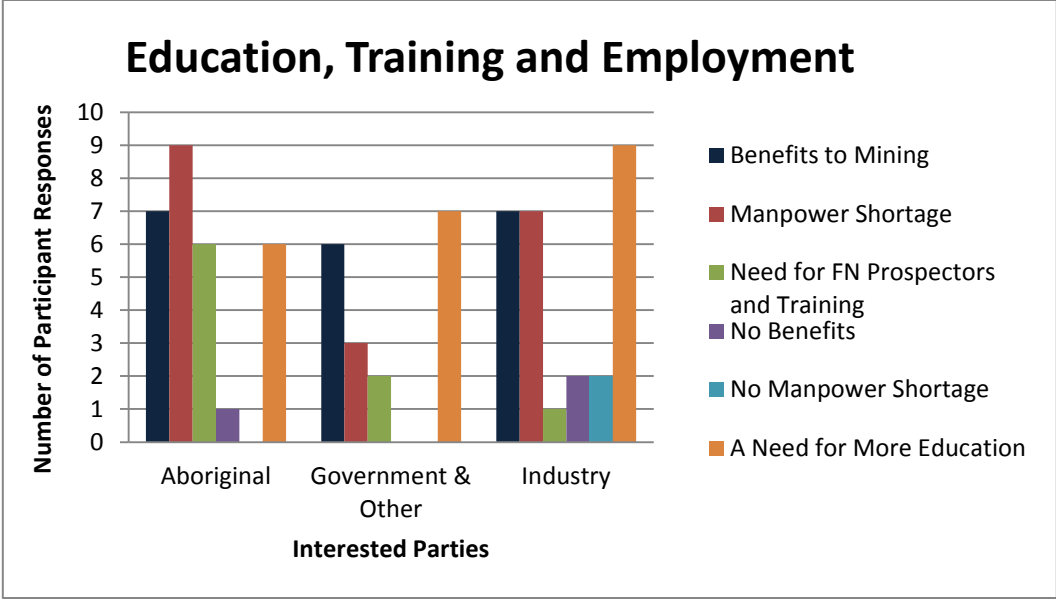
See Table 12 for detailed responses from Aboriginal respondents. Big C consultation referred to the Provincial duty to consult. Industry respondents referred to engagement as the process of communication with Aboriginal respondents. Consultation was recognized as needing improvement.



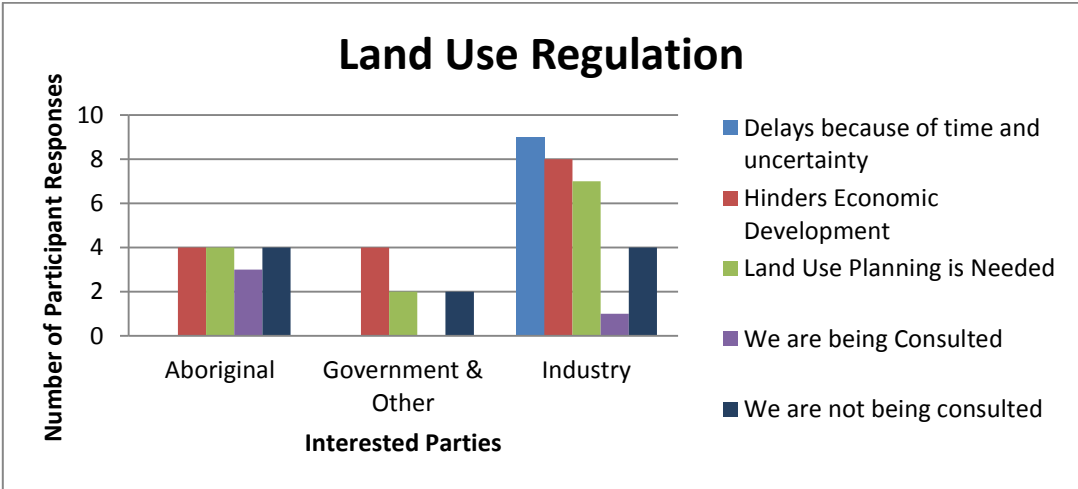
The cycle of resource development was noted as being unpredictable, which was attributed to the global economy, commodity prices, relationship development, and changes in leadership, and changes in company ownership.



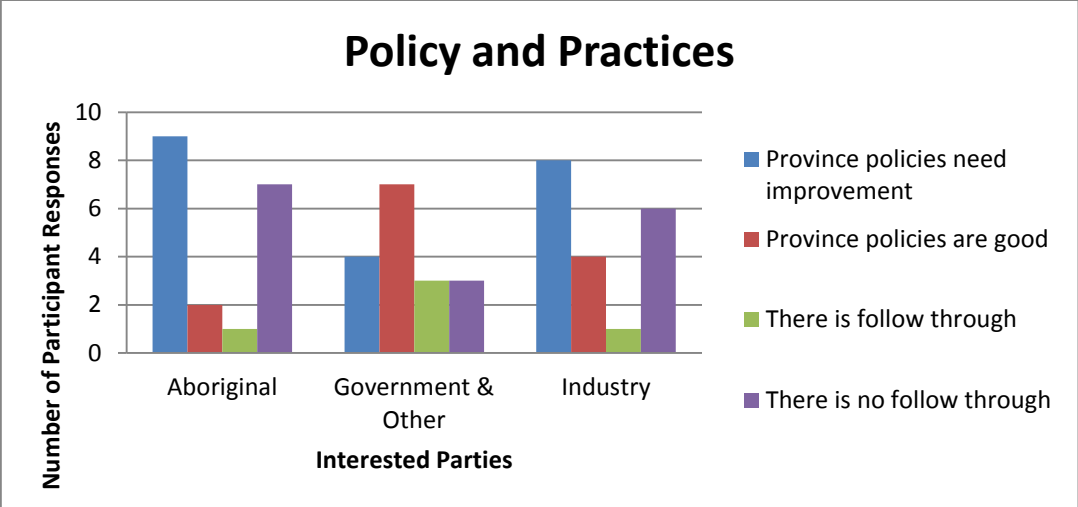
Industry respondents mentioned that communities had unrealistic expectations associated with what projects companies could fund, due to publicly or privately funding, or related to the size of the company. Costs were perceived high for consultation and engagement efforts, whereas Aboriginal respondents mentioned costs to having mining activity in traditional area- associated with increased traffic, increased drugs and alcohol. Aboriginal and industry respondents mentioned that government needed to support communities more in building economic capacity. Revenue sharing was viewed positively.



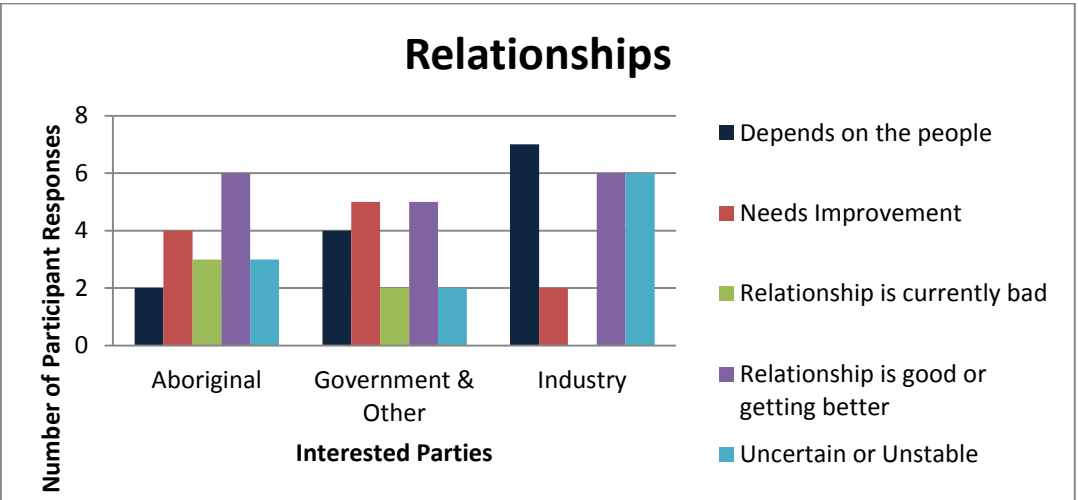
See Figure 4.3 for explanation.



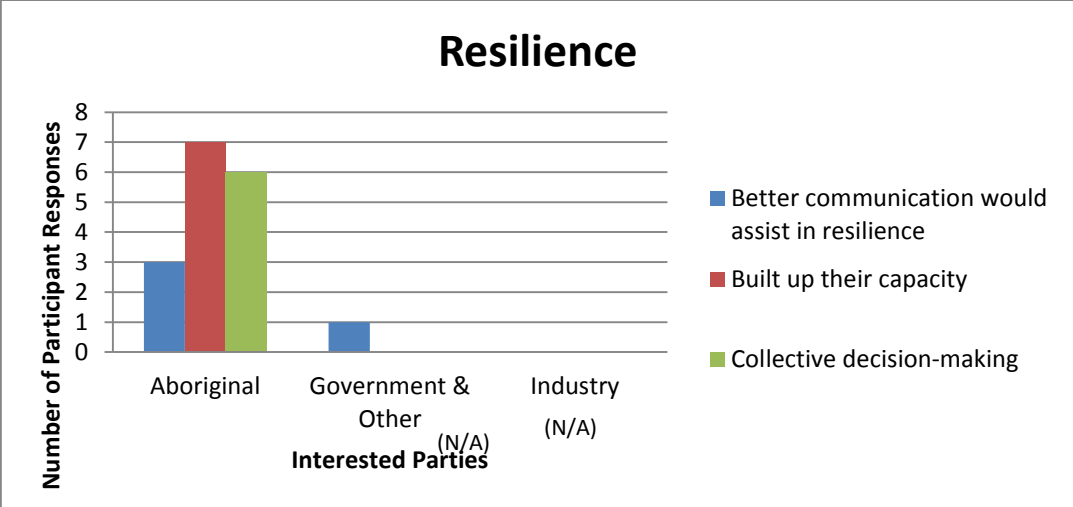
See Figure 4.4 for explanation.



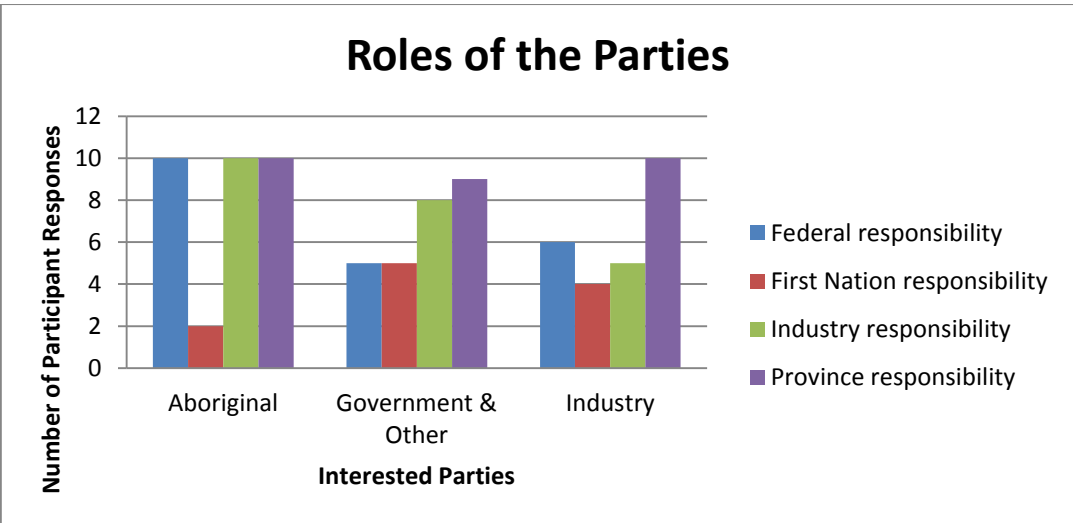
Aboriginal and industry respondents mentioned a need for provincial policies to improve, attributing this to a lack of follow through with the written policies and what is being done. Government respondents were more so of the opinion that provincial policies were adequate.



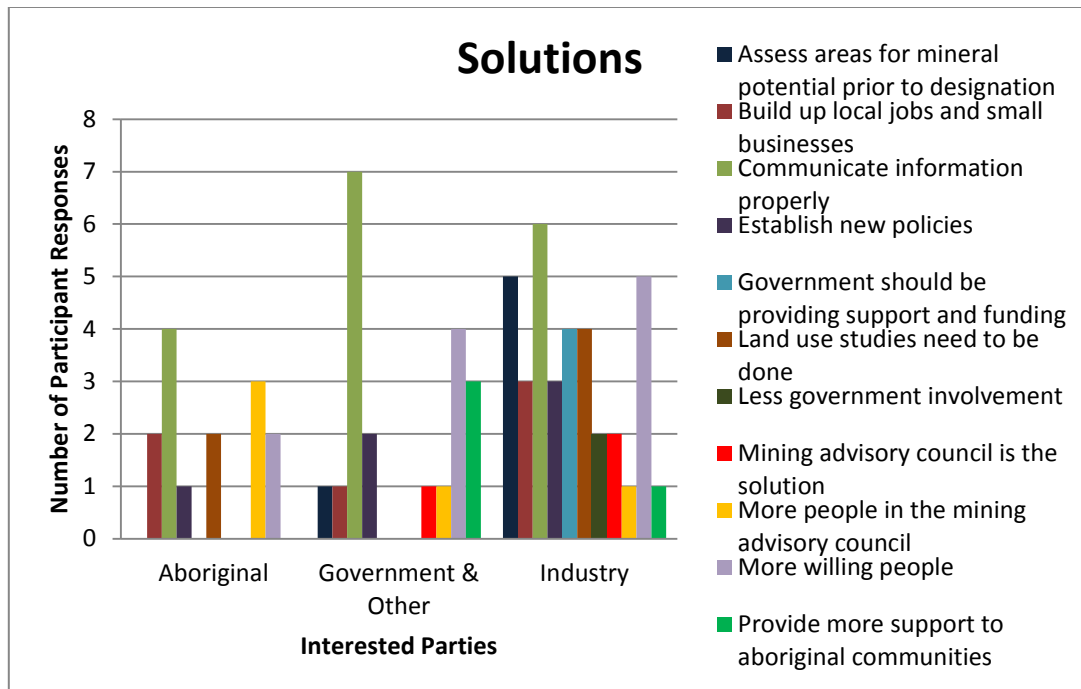
Relationships were viewed as needing improvement, but getting better. Industry respondents stated that these relationships were highly uncertain and unstable, and each relationship depended on the specific people behind them. Industry respondents stated it was hard to continue relationship development with changes in chief and council, and Aboriginal respondents attributed uncertainties with communicating with large companies and changes in mining company owners.



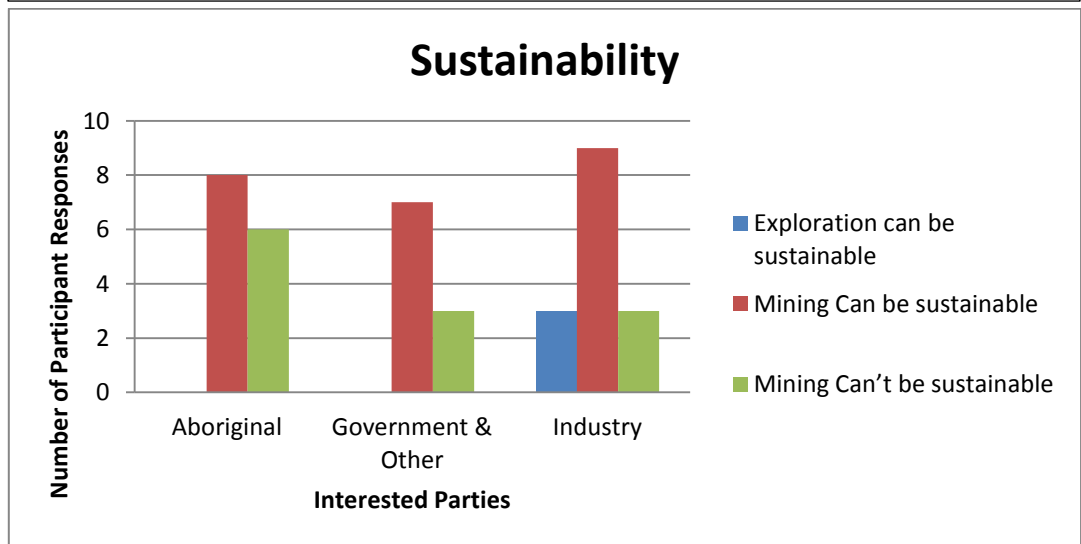
No questions were specifically asked about resilience to the parties, but throughout discussions with respondents, Aboriginal respondents in particular mentioned community attributes in response to change and adversity. Communication was seen as a way to improve community capacity. Respondents noted that members have managed to build up their own capacity and strive to continue self- government. Collective- decision making was highly valued by respondents.



Roles of the parties were mentioned by respondents. Aboriginal respondents stated there was a role for Federal, Provincial governments and industry, in building economic opportunities, funding education, training and employment, and for consultation. Government respondents mentioned that sole responsibility should not be placed on the Province alone and that each party needed to take ownership of sharing information with respective members. Federal responsibility was discussed as assisting communities with education and housing.



The solutions graph discusses solutions suggested or mentioned by respondents. These comments were aggregated and shaped the recommendations presented in this thesis. Respondents noted the necessity of creating more opportunity for communication and dialogue, identifying all areas of mineral potential in the Province, building up economic opportunities in local communities, and having more willing people in the industry to discuss opportunities and negotiate.



Aspects of sustainability are discussed in detail in Section 5.2. Respondents noted that mining can be sustainable; part of this sustainability was attributed to continuing exploration (by industry respondents). Aboriginal respondents noted that there have been no examples of sustainable mining just yet.

List of Nodes

	Aboriginal	Government & Other	Industry
Ability to Give Consent	9	5	5
<i>Can't change your mind part way through</i>	0	0	2
<i>Companies should go to the community first</i>	0	2	0
<i>First Nation should have consent</i>	7	0	1
<i>First Nation shouldn't have consent</i>	3	3	3
<i>It's Uncertain, Courts will define</i>	4	1	2
<i>Would deter companies</i>	0	0	5
Ability to Influence Policy	8	8	10
<i>Can Influence</i>	8	8	7
<i>Can't Influence</i>	1	2	3
Agreements	7	6	9
<i>Implementation is difficult</i>	0	0	4
<i>Agreements are useful</i>	5	5	2
<i>Agreements are not useful</i>	1	1	7
<i>Name is not Important</i>	2	3	5
Co-Management	7	6	7
<i>Can Happen</i>	6	5	7
<i>Can't Happen</i>	0	0	1
<i>Needs Improvement</i>	1	0	3
Communication & Culture	9	10	9
<i>Is Happening</i>	2	7	6
<i>Needs Improvement</i>	8	5	6
<i>Not Happening</i>	3	0	3
Conflict Resolution	10	5	10
<i>Positive Ways to Move Forward- yes</i>	8	5	7
<i>Difficult to Agree to Solutions</i>	3	0	5
Consultation	10	10	10
<i>Accommodate part of duty</i>	4	2	0
<i>Big C consultation</i>	6	3	7
<i>Needs Improvement</i>	7	7	3
<i>Should happen early</i>	8	2	3
Cycle of Resource Development	3	8	7
<i>Mines Won't Last Forever</i>	0	3	3
<i>Timing is Important</i>	2	1	3

<i>Unpredictable Market</i>	3	6	5
Economics	10	9	10
<i>Costs to Consultation</i>	3	4	6
<i>Costs to Mining</i>	5	3	0
<i>Government Needs to Support</i>	5	2	4
<i>Revenue Sharing is Good</i>	5	3	4
<i>Unrealistic Expectations</i>	3	2	7
Education, Training and Employment	10	9	10
<i>Benefits to Mining</i>	7	6	7
<i>Manpower Shortage</i>	9	3	7
<i>Need for FN Prospectors and Training</i>	6	2	1
<i>No Benefits</i>	1	0	2
<i>No Manpower Shortage</i>	0	0	2
<i>A Need for More Education</i>	6	7	9
Land Use Regulation	8	7	10
<i>Delays because of time and uncertainty</i>	0	0	9
<i>Hinders Economic Development</i>	4	4	8
<i>Land Use Planning is Needed</i>	4	2	7
<i>We are being Consulted</i>	3	0	1
<i>We are not being consulted</i>	4	2	4
Policy and Practices	10	9	10
<i>Province policies need improvement</i>	9	4	8
<i>Province policies are good</i>	2	7	4
<i>There is follow through</i>	1	3	1
<i>There is no follow through</i>	7	3	6
Provincial Comparison	6	8	9
<i>Alberta is better</i>	0	0	2
<i>B.C. is better</i>	2	4	2
<i>MB better than SK</i>	1	0	0
<i>MB is competitive</i>	0	3	2
<i>MB needs improvement</i>	4	6	8
<i>Newfoundland and Labrador is better</i>	0	0	0
<i>N.W.T is better</i>	1	1	0
<i>Ontario is better</i>	1	3	2
<i>Quebec is better</i>	0	1	3
<i>SK is better</i>	0	1	5
Relationship	10	10	10
<i>Depends on the people</i>	2	4	7
<i>Needs Improvement</i>	4	5	2

<i>Relationship is currently bad</i>	3	2	0
<i>Relationship is good or getting better</i>	6	5	6
<i>Uncertain or Unstable</i>	3	2	6
Resilience	9	1	0
<i>Better communication would assist in resilience</i>	3	1	0
<i>Built up their capacity</i>	7	0	0
<i>Collective decision-making</i>	6	0	0
Roles of the Parties	10	10	10
<i>Federal responsibility</i>	10	5	6
<i>First Nation responsibility</i>	2	5	4
<i>Industry responsibility</i>	10	8	5
<i>Province responsibility</i>	10	9	10
Solutions	9	9	10
<i>Assess areas for mineral potential prior to designation</i>	0	1	5
<i>Build up local jobs and small businesses</i>	2	1	3
<i>Communicate information properly</i>	4	7	6
<i>Establish new policies</i>	1	2	3
<i>Government should be providing support and funding</i>	0	0	4
<i>Land use studies need to be done</i>	2	0	4
<i>Less government involvement</i>	0	0	2
<i>Mining advisory council is the solution</i>	0	1	2
<i>More people in the mining advisory council</i>	3	1	1
<i>More willing people</i>	2	4	5
<i>Provide more support to aboriginal communities</i>	0	3	1
Sustainability	10	8	10
<i>Exploration can be sustainable</i>	0	0	3
<i>Mining Can be sustainable</i>	8	7	9
<i>Mining Can't be sustainable</i>	6	3	3

H. Respondent Comments on Policy and Practice

Summary of respondents' comments on policy and practice. Respondents did not comment specifically on any particular policies; however comments about policy implementation have been aggregated in order stay true to respondents' original comments while ensuring confidentiality.

Government Activities and Implementation
Government Respondents (Respondents A06 A11)
<ul style="list-style-type: none">▪ Province conducts initial assessment of proposed project scope to determine which communities are potentially impacted.▪ Potential impact corresponds with a matrix to determine the level of impact and compared with the location of the proposed activity.▪ Sensitive areas can elevate the impact activities may have which would then require more detailed consultation.▪ Contacting communities regarding received application by letter, email and fax.▪ Letter includes a summary of the application and asks community if they need consultation.▪ After 30 days, another letter is sent to community with a reminder the decision is pending.▪ If community responds, consultation meetings are arranged.▪ Proponents are responsible for hiring community members for services, and should be aware of cultural and sacred areas as well as wildlife habitats restricting exploration.▪ Proponents are responsible for arranging site visits and inspections.
Respondent Views on ways Practice and Implementation can Improve
Aboriginal Respondents (A10 A15 A17 A20 A21 A30)
<ul style="list-style-type: none">▪ There is no consultation with the Metis community.▪ The government has the responsibility for accommodation. They are not doing what is written down on paper.▪ The government's budget for consultation is not used properly.▪ The government has the duty to consult but does not do it. Policies need to reflect the Supreme Court decisions.▪ The government files reports on impacts to communities but without the input of community members, this is bad consultation.▪ Provincial policies are old and haven't worked; they were developed when Aboriginal peoples did not have any rights or say.▪ The province gives permits to anyone before the community agrees. Or they give companies temporary permits every year that allow them to do work.▪ The province assumes that if they don't hear back from us [communities] after notification, then we are okay with a project so they approve permits.▪ Land use planning is the government's responsibility but it takes too much time for the government to get back to us.▪ Claiming our TLE lands are delayed by the government. Areas we've already claimed have been given to other First Nations.▪ The government's policies do not consider that First Nations need to participate in decision making processes.▪ When the government gives notice about a project they just share information- it is not an opportunity for us to understand and voice our concerns.

Industry Respondents
(A01 A02 A03 A08 A09 A14 A26 A28)

- The developers of these policies and guidelines are often very disconnected from the areas they write about.
- MELC was a process that worked well to identify areas of similar use and priority, this should be reinstated- it is not used any more.
- Manitoba is not investing money to find out what minerals are in the ground, and are instead protecting areas without sufficient knowledge.
- It is uncertain if government consultation is sufficient or not because we are not aware of what is being done.
- The government has failed to follow its own procedures for the designation of protected areas leading to uncertainty for exploration.
- We are not notified that land has already been designated.
- There is regulatory obligation of the province to take stock of mineral potential and they are not doing it.
- The government is not adhering to any sort of timeline. Financing is time-sensitive.
- There is no permitting process or defined end point.
- Province is very reluctant to issue permits without Aboriginal approval of projects.
- Current policies are not being enforced or followed in the way they were intended.
- The legislation in Manitoba is not attractive because there are rules defined, but that are not being followed, which leads to uncertainty.
- Conservation and NGO's seem to be driving the agenda for protection and withdrawal of large parts of the province without due process.
- The Provincial policies seem to say "they're open for business" but their actions don't demonstrate it. Mining is a low priority.
- There is no clarity around engagement and consultation. It is not clear who to contact and consult. There needs to be an outlined protocol about how to interact with communities.
- The government should play a better role in communicating and making decisions regarding land use.
- Manitoba puts a lot of money into consultation, but the processes and boundaries are not well defined.
- In order to get a permit we send a letter to the government, which should trigger consultation, but then the community tells us they won't allow any more permits until the government compensates the community for processing the permits.
- Community meetings are very expensive and there is no guarantee that members will show up.
- Manitoba hasn't exerted the Crown's rights in anyway; they seem to be waiting for the next Supreme Court decision. They're not taking a stand on anything.
- The province should be able to determine which communities are willing to have development. If communities are uncertain, then the province should make that clear.