

Decolonizing the Natural Resource Sector

Implementing free, prior and informed consent for a sustainable future

MELISSA GLADUE, CODY KENNY, COLE NYCHKA,
TYLER SACK, AND HEATHER WATTS





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About the Authors



MELISSA GLADUE (SHE/HER)

is a member of the Saddle Lake First Nation currently residing in Edmonton, AB. She has a Bachelor of Arts in Psychology from MacEwan University and graduated from the Aboriginal Management Program of the UBC Sauder School of Business. Melissa is a Senior Relationship Manager, Indigenous Financing for Farm Credit Canada.



CODY KENNY (HE/HIM)

is a member of Lac Seul First Nation and currently resides in Vancouver, BC, with his partner and two dogs. He holds a Master's degree in Indigenous Community Planning and a Bachelor's degree in Human Kinetics. Cody is a Manager with the Planning and Performance team at the First Nations Health Authority.



COLE NYCHKA (HE/HIM)

is a citizen of the Métis Nation of Alberta and lives in Edmonton, Alberta. He holds a Bachelor of Science in Mechanical Engineering and a Master of Business Administration from the University of Alberta. His work focuses on how utilities and policy can change to better serve society and enable the affordable, net-zero energy system the future requires of us.



TYLER SACK (HE/HIM)

is from Membertou First Nation in Mi'kma'ki and currently resides in Truro, Nova Scotia. He earned a Bachelor of Arts in Sociology and Anthropology from Saint Mary's University and a Master of Arts in Sociology from the University of Guelph. He currently works for the Confederacy of Mainland Mi'kmaq as the Director of Aquatic Resources & Fisheries Management and is on the Board of Directors for the Mi'kmawey Debert Cultural Centre.



HEATHER WATTS (SHE/HER)

is Mohawk & Anishinaabe from Six Nations of the Grand River Territory. She has a degree in Inclusive Education from Syracuse University, a degree in Literacy Coaching from Columbia University Teachers College, and an Ed.M. from the Harvard Graduate School of Education. Heather is currently a doctoral candidate in the Social Justice Education program at the Ontario Institute for Studies in Education – University of Toronto and serves as Principal of First Peoples Group, an all-Indigenous consulting firm.

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Defining Indigenous

First Nations, Métis and Inuit

When we use the term *Indigenous*, we mean the original peoples of what is now Canada, including First Nations, Inuit and Métis Nations and communities. These groups have distinct cultures, languages, histories and governance but share inherent rights and ties to their traditional lands. Recognizing their unique identities is essential to upholding reconciliation and respecting their self-determination.

“When the last tree has been cut down, the last fish caught, the last river poisoned, only then will we realize that money cannot be eaten.”

- *Indigenous Proverb*

For additional terminology definitions, see Appendix B.

Executive Summary

Canada's natural resources sector stands at a pivotal moment, shaped by the increasing recognition of Indigenous rights and the urgent demand for sustainable development.



Central to this transformation is the principle of free, prior, and informed consent (FPIC), as outlined in the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#).

UNDRIP achieved Royal Assent in Canada in 2021 with the [United Nations Declaration on the Rights of Indigenous Peoples Act \(UNDRIPA\)](#). Despite this progress, gaps remain in implementing FPIC, leaving federal and provincial governments, Indigenous Nations and proponents attempting to build the Canada of tomorrow in today's uncertain and contentious landscape.

This report examines the issues surrounding the implementation of FPIC in Canada's natural resources sector. It explores the challenges of aligning legislation with Indigenous

governance systems, identifies opportunities for collaboration and offers actionable recommendations to uphold the right to consent and foster reconciliation. FPIC is not just a legal or moral obligation but a practical framework to foster trust, mitigate conflict and unlock shared prosperity.

KEY FINDINGS

1

FPIC Provides a Framework for Meaningful Consultation of Indigenous Rightsholders:

FPIC is a pillar of Indigenous self-determination, providing Indigenous Nations the ability to give, withhold or conditionally grant consent to projects that may affect their lands and rights. Consent is not a veto, but a process that evolves alongside a project, allowing Nations to make decisions in alignment with their customs, traditions and collective will. However, inconsistencies in defining and implementing FPIC in Canada hinder its realization.

2

Legal and Jurisdictional Complexities:

Disputes over governance and authority – such as those between hereditary chiefs and elected band councils – expose gaps in Canada’s consultation frameworks, often rooted in colonial legislation like the Indian Act. High-profile conflicts, including those involving the Coastal GasLink and Trans

Mountain Pipeline projects highlight the need for clarity and recognition of Indigenous Nations’ governance systems.

3

Capacity Gaps:

Many Indigenous Nations face barriers to consultation, including limited funding and negotiation expertise, and navigating the enduring impacts of colonial policies. At best, these constraints force Nations to engage at a disadvantage. Too often, these factors can lead historically disadvantaged Nations to engage under economic duress. Similar capacity gaps in governments and industry compound these issues.

4

Opportunities for Collaboration:

Examples like the [Mi’kmaq consultation protocols](#) and [Tseil-Waututh’s environmental stewardship](#) demonstrate how co-management and Indigenous knowledge integration can create sustainable resource development models.

GOAL	RECOMMENDATIONS	GOV. OF CANADA	PROVINCES/ TERRITORIES	INDIGENOUS NATIONS	PROPOSERS
<p>Update Federal and Provincial Legislation to Align with UNDRIP</p>	<p>1a. Amend and implement legislation that explicitly respects the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).</p>	<p>x</p>	<p>x</p>		
	<p>1b. Reject the Doctrine of Discovery and recognize Indigenous sovereignty in federal and provincial laws.</p>	<p>x</p>	<p>x</p>		
	<p>1c. Enact Indigenous land rights recognition and treaty implementation acts to support fair and equitable treaty relationships.</p>	<p>x</p>	<p>x</p>		
<p>Mandate FPIC</p>	<p>2a. Establish FPIC as a legal standard for project approvals impacting Indigenous lands, territories or resources.</p>	<p>x</p>	<p>x</p>		
	<p>2b. Amend resource management legislation to include explicit FPIC provisions and enforce penalties for non-compliance.</p>	<p>x</p>	<p>x</p>		
	<p>2c. Support Indigenous Nations in developing FPIC protocols and governance frameworks.</p>	<p>x</p>	<p>x</p>	<p>x</p>	

GOAL	RECOMMENDATIONS	GOV. OF CANADA	PROVINCES/ TERRITORIES	INDIGENOUS NATIONS	PROPONENTS
Facilitate Land Restitution and Resource Management Reform	3a. Implement programs for land restitution and create tribunals with binding authority to resolve land disputes.	x	x		
	3b. Modernize laws governing natural resources to incorporate Indigenous knowledge systems and decision-making processes.			x	x
	3c. Ensure revenue-sharing agreements that benefit Indigenous Nations for projects conducted on their lands.	x	x		x
Enhance Indigenous Governance Capacity and Community Development	4a. Provide funding for capacity-building programs, governance planning and infrastructure development.	x			
	4b. Develop mechanisms to support Indigenous Nations in enacting governance models independent of the Indian Act.				
	4c. Address economic and infrastructure barriers to sustainable development and self-determination.			x	x

GOAL	RECOMMENDATIONS	GOV. OF CANADA	PROVINCES/ TERRITORIES	INDIGENOUS NATIONS	PROponents
<p>Establish Mechanisms for Collaboration, Monitoring and Compliance</p>	<p>5a. Form Indigenous-led regional working groups where Indigenous Nations collaborate to clarify rights and align priorities.</p> <p>5b. Train government and industry staff on FPIC principles, Indigenous governance, traditional knowledge and cultural protocols.</p> <p>5c. Develop transparent monitoring and compliance mechanisms to track legislative implementation and progress.</p>	<p>x</p>	<p>x</p> <p>x</p>	<p>x</p>	<p>x</p> <p>x</p>

Introduction

The Kanesatake Resistance.
The Mohawk Resistance.
The Oka Crisis.



These names represent one of the most pivotal moments in Canada's history of Indigenous resistance – a summer in 1990 when the Mohawk Nation stood against a planned golf course expansion on their unceded traditional lands. These lands, home to sacred burial sites and symbolic of their cultural heritage, had been the subject of ignored land claims since 1851. The resistance began with barricades and escalated into a confrontation with police and military forces, marked by tear gas, concussion grenades and the death of a police officer.¹

The Oka Crisis is one part of one chapter of Canada's historical colonial treatment of Indigenous Peoples. This history, based on Terra Nullius, the legal fallacy that Canada was unoccupied before colonization, has led to Indigenous Peoples suffering

because they were deprived of the lands and resources that sustained them.

But lessons from the Oka Crisis can also guide our future. Attitudes can be shifted. Reconciliation can be achieved. Canada can choose a path where Indigenous rights, once ignored but never extinguished, are restored and respected without a need for conflict. This could be a Canada that uplifts Indigenous and non-Indigenous Peoples by empowering Indigenous Nations and enabling more sustainable resource management. A millennium of Indigenous knowledge and ways of knowing about ecosystems and habitats could inform our present, shaping a more sustainable future.

Canada is a country with a wealth of natural resources and often overlapping

Ultimately, it is through negotiated settlements, with good faith and give and take on all sides, reinforced by the judgments of this Court, that we will achieve . . . “the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown.” Let us face it, we are all here to stay.

THE HONOURABLE GÉRARD LA FOREST, SUPREME COURT JUSTICE IN [DELGAMUUKW V BRITISH COLUMBIA](#)

Indigenous rights. Making the most of this opportunity means working collaboratively and proactively toward shared prosperity. Although there are barriers to implementing this vision, we believe it is compelling and greatly superior to a future where mainstream Canada ignores Indigenous rights that the Supreme Court has been affirming for decades – a future where Indigenous Nations feel they must resort to escalating conflict to assert their rights.

The implementation of free, prior, and informed consent (FPIC) promises to address these challenges. FPIC is a

framework central to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which establishes the minimum standards for the dignity, well-being and sovereignty of Indigenous Nations. Canada adopted UNDRIP in 2016 through the federal United Nations Declaration of the Rights of Indigenous Peoples Act (UNDRIPA), guaranteeing meaningful engagement with Indigenous Nations and upholding their right to consent to projects affecting their lands and communities.² Through the implementation of FPIC, Canada can unlock benefits for all Canadians.

What is Free, Prior and Informed Consent?

FPIC is a framework for ensuring Indigenous rights holders have their community's voice heard when projects and resource governance decisions impact their collective rights. According to the United Nations³:

FREE REFERS TO: Engagement must be voluntary, without coercion or external pressures. Indigenous Nations determine their process, timelines and decision-making structures, ensuring transparency and autonomy.

PRIOR REFERS TO: Consent must be sought well in advance of any project activity or resource governance decision. Adequate time must be provided for Indigenous Nations to assess information, conduct reviews and align decisions with their cultural protocols.

INFORMED REFERS TO: Indigenous Nations must have access to clear, accurate and culturally appropriate information about scope, potential impacts and expected benefits. This information should be delivered transparently and continuously throughout the FPIC process, including before decisions are made and throughout implementation.

CONSENT REFERS TO: Consent represents the collective decision-making of an Indigenous Nation, expressed through their established governance processes. It can take the form of "Yes," "No" or "Yes with conditions" and may evolve as projects progress or new information arises.

THE TRANS MOUNTAIN PIPELINE

The Trans Mountain Pipeline Expansion is a positive example of FPIC in Canada, with **over 130 Indigenous Nations collaborating to address environmental and cultural concerns** using governance systems, independent assessments and traditional knowledge. Trans Mountain Corporation implemented the best practices embodied by FPIC by sharing project details, respecting Indigenous governance and enabling meaningful dialogue, ensuring Indigenous voices were central to decision-making. Although the pipeline proceeded without receiving consent from all impacted Indigenous Nations, the collaboration showed how FPIC supports respectful consultations and prioritizes Indigenous input, setting a strong example for future projects.



DOES CONSENT MEAN INDIGENOUS RIGHTS HOLDERS HAVE A VETO?

Based on our findings and conversations with subject matter experts, we do not consider consent to be a veto power for Indigenous Nations over projects and project development. Consent is a collective decision made by the rights-holding Indigenous Nation through its established decision-making processes, reflecting the will of its membership.

This understanding allows the Nation to give, withhold or conditionally grant consent to a project that may impact their rights, lands, territories, or resources with the understanding that consent is not a one-time event but an ongoing process that evolves alongside the project. This approach respects Indigenous self-determination while ensuring decisions align with their culture, customs and traditions.

Implementing FPIC so that Indigenous communities can participate as economic partners in resource development is a safeguard to ensure respect and compliance with Canadian law. It is in place to protect Indigenous Nations from being forcibly dispossessed or displaced from their lands and territories.

A veto is an exercise in absolute power, whereas, the consideration of Indigenous and Treaty Rights in decision-making is a more authentic practice of collaborative governance. The lack of state support and preparedness for Indigenous Nations to say “no” to projects does not make the act a veto, but demonstrates the need for governments and industry leaders to establish accommodation measures, including openness to developing alternative proposals with the Nations.⁴

In the case where a mutually agreed-upon project cannot be achieved, the resolution will likely come from judicial review where the limitations of both Indigenous and Treaty Rights under Section 35 and the Constitution are tested. FPIC will be determined by the interpretation of article 46 within UNDRIP, where:

“Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.”⁵

Why is Free, Prior and Informed Consent Required?

The Oka Crisis is part of a broader pattern of Indigenous resistance in Canada against development projects that disregard traditional lands and rights. The list of conflicts includes the 1980–94 Clayoquot Sound anti-logging protests,⁶ the 1999–2002 Burnt Church Crisis over lobster fisheries,⁷ the 2021 Fairy Creek anti-logging protests⁸ and ongoing Wet’suwet’en pipeline blockades.⁹ These flashpoints offer just a sample of a longer history of Indigenous Nations acting to assert rights that mainstream society would otherwise ignore.

Equally long is the list of Supreme Court victories where Indigenous Nations have asserted their rights. The landmark *Calder*¹⁰ case established in 1973 that Aboriginal title¹¹ exists independently of the colonial land title system. In 1990, *Sparrow*¹² affirmed the protection of

unextinguished Aboriginal rights under Section 35 of the Constitution. In 2021, *Yahey*¹³ added that the cumulative development impacts matter, and must be addressed to protect Treaty Rights. In the 2004 *Haida decision*,¹⁴ the Supreme Court first recognized the Crown’s duty to consult Indigenous rights holders, a principle expanded in 2014’s *Tsilhqot’in*,¹⁵ which established meaningful consultation as a legal requirement. Through these decisions, the Supreme Court has repeatedly confirmed the existence of enduring Indigenous rights and that these rights must be addressed by governments and project proponents.

Yet, decades of political and court activism have largely been met with decades of government commission reports followed by institutional inaction. The Kanesatake

Resistance led to the creation in 1991 of the [Royal Commission on Aboriginal Peoples \(RCAP\)](#)¹⁶ to examine and address the systemic injustices faced by Indigenous Peoples. Following extensive hearings, RCAP recommended actions that included apologies and compensation. Unfortunately, little has changed. Reports from recent inquiries, namely the [Truth and Reconciliation Commission of Canada](#)¹⁷ and [Missing and Murdered Indigenous Women and Girls National Inquiry](#),¹⁸ echo similar themes that continue to marginalize Indigenous Peoples.

OUR COLLECTIVE APPROACH TO INDIGENOUS RIGHTS IMPACTS ALL CANADIANS

Clearly, society's historical approach has hindered Canada's ability to provide Indigenous Peoples an equivalent quality of life to other Canadians. Indigenous Canadians are 5 percent of Canada's population and growing, yet continue to experience significantly lower standards of living than non-Indigenous Canadians. Based on 2016 data, overall Canadian quality of life ranked 12th internationally while the Registered Indian Population would have ranked 52nd.¹⁹ A large factor in this outcome stems from being excluded from decisions impacting their lands.

Inaction and ignoring Indigenous rights have consequences for all of Canada.

Acknowledging and respecting Indigenous rights is not a zero-sum game where prosperity is simply transferred. Ignoring Indigenous rights creates a recurring need for Indigenous Nations to assert their rights through political and court activism. Canada becomes a place of perpetual conflict and lawsuits.

If Canada is to develop its natural resources going forward, it needs to de-risk major projects. Otherwise, its unlikely investors will choose Canada. By failing to address our past, we impact our ability to move toward future goals.

THE WET'SUWET'EN PIPELINE BLOCKADES

The [Wet'suwet'en pipeline blockades](#) were triggered when three companies began working on their respective pipeline projects in Wet'suwet'en and Gitksan lands without consent. After initial Wet'suwet'en protests, [solidarity rallies in support of the Wet'suwet'en occurred in over seventy communities across Canada](#), with some blocking rail lines. The Wet'suwet'en pipeline blockades demonstrate that ignoring Indigenous rights yields conflict and undermines the well-being of all Canadians compared to collaborative approaches.

PHOTO: GIDIMT'EN CHECKPOINT/TWITTER



A Better Path Forward

Integrating Indigenous Principles of Sustainability in Canada

Indigenous teachings, rooted in a connection to the land since time immemorial, offer guidance for sustainable development. Grounded in natural laws, these teachings emphasize environmental respect, balanced resource use and long-term stewardship.

Across Turtle Island (North America), many Indigenous Nations uphold land-based teachings that reflect their unique cultural values. The Haudenosaunee's Seven Generations Teaching, for instance, urges decision-making that protects the sustainability of land, water and resources for generations to come.²⁰ Similarly, the Mi'kmaq concept of *Netukulimk*²¹ stresses taking only what is necessary to sustain life, so that resource use does not harm others and facilitates a harmonious relationship with the environment.

Another Mi'kmaq principle is *Etuaptmumk*, or "seeing with two eyes," which integrates Indigenous and Western knowledge systems.²² By blending traditional ecological wisdom with scientific insights, *Etuaptmumk* offers innovative approaches to natural resource management, bridging cultural values with modern challenges.

Together, these principles offer a powerful framework for Canadian policy. They prioritize ecological sustainability, cultural respect and the well-being of future generations, pointing to a transformative path forward. Implementing FPIC in the natural resource sector would embed local Indigenous laws and concepts into every stage of project assessment, development and restoration.

Partnering with Indigenous Nations

A Pathway to Sustainability

Collaboration with Indigenous Nations is crucial for advancing environmental stewardship, economic progress and reconciliation.²³ Failure to engage meaningfully with Indigenous communities has led to resistance, legal challenges, delays and failed development projects. Infrastructure and energy initiatives on Indigenous lands without proper consultation or consent risk reputational damage, legal disputes, cost overruns and cancellations. Given that Indigenous territories cover vast areas of Canada, the success of projects relies on frameworks that respect Indigenous rights and prioritize meaningful collaboration with rights holders. The UNDRIP provides a global framework to address these challenges.²⁴

FPIC enables proactive alignment of development goals with principles of

equity, sustainability and mutual respect. Early and meaningful engagement with Indigenous communities minimizes conflict, de-risks projects and fosters transformative partnerships that advance sustainability ambitions while respecting Indigenous sovereignty.²⁵

As outlined in Article 32²⁶ of UNDRIP, Indigenous Nations have the right to determine priorities for their lands and resources. Governments and industries must consult in good faith to secure FPIC before approving projects.

FREE, PRIOR AND INFORMED CONSENT IN ACTION

On June 25, 2024, the [Haisla Nation and Pembina Pipeline Corporation](#) announced their decision to proceed with Cedar LNG, a project that will liquefy Canadian natural gas for shipping to overseas markets. For the Haisla Nation, this success was the fruit of decades of efforts aimed at building “a powerful, prosperous and proud community, healthy in mind, body, and spirit.”

Key factors to this success include:

- » [Cultivating a shared community vision.](#)
Elected and traditional governments follow different governance protocols, but work in a coordinated fashion toward a clearly articulated community vision and guided by Haisla Nuuyum (way of life and laws). Well-developed communication mechanisms support ongoing outreach to community members and encourage them to provide their voice to governance processes. Major decisions receive community consent through referenda.
- » [Enhancing strategic capabilities.](#)
The Haisla Nation used their experience engaging with the LNG Canada project to understand the capabilities needed for executing Cedar LNG. These capabilities include leveraging the expertise of enabling organizations such as the First Nations Financing Authority.
- » [Empowering FPIC through co-management.](#)
At the outset of the project, the Haisla Nation interviewed companies that could provide needed technical project delivery capabilities and would do so as equal partners. These actions set the stage for a project that cut through colonial frameworks that have historically been hesitant to empower Indigenous rightsholders. By becoming an equity partner and screening for a willing partner, the Haisla Nation ensured their priorities became reality through environmentally conscious choices such as powering the project with hydro-electricity.

Barriers to FPIC Implementation in Canada

Despite strong legal foundations for a consent-focused process, FPIC faces significant implementation barriers:

1

Lack of Federal, Provincial, and Territorial Legislative Alignment with UNDRIP

Canadian legislation reflects its history both in colonial frameworks and the constitutional separation of power between the federal and provincial governments. *Terra Nullius*, a doctrine that falsely declared lands unoccupied to justify European claims, continues to underpin Crown sovereignty alongside the [Doctrine of Discovery](#). The *Indian Act* enforces paternalistic governance, further restricting Indigenous self-determination. Federalism's fragmented jurisdiction leads to lagging legislative recognition of Indigenous rights in many provinces and territories, enabling resource projects to bypass meaningful consultations and consent.

2

Inconsistent Application of Free, Prior and Informed Consent

While the Federal Government takes a whole of government approach to implementing the UNDRIP articles into Canadian law, progress is slow. Similar provincial and territorial efforts are just getting started – only BC and the Northwest Territories have enacted UNDRIP legislation.^{27,28} Other provinces resist, leading to inconsistent policies that fail to respect nation-to-nation relationships, treating consultation as a box-ticking exercise, which erodes trust.

3

Need for Land Restitution and Resource Co-Management

Barriers to Indigenous Nations managing their own lands stem from historical, legal and systemic challenges. Many Indigenous communities face restrictions due to outdated colonial-era laws and policies that limit their autonomy over land use and resource management. Those same laws and a paternalistic approach to funding Indigenous communities restrict the financial resources these communities need to govern resources for the benefit of their members.

4

Indigenous Governance Capacity and Community Development

Economic constraints, including inadequate funding and access to capital, hinder Indigenous Nations' ability to develop the infrastructure and capacity needed to manage their lands effectively. In some cases, Indigenous Nations are simply too busy managing urgent issues such as unsafe drinking water to address other issues. Capacity gaps, such as a lack of technical expertise or access to legal and environmental resources, further exacerbate these challenges. Unclear Indigenous governance leaves a vacuum of uncer-

tainty for resource developers whose projects can face uncertainty and delays. Addressing these barriers requires equitable resource allocation and investment in capacity-building to ensure Indigenous Nations can exercise full sovereignty over their territories.

5

Mechanisms for Collaboration, Monitoring and Compliance

Resource development in Canada often sparks disputes over Indigenous consent and legal frameworks. Overlapping colonial and hereditary governance systems can create or expose tensions within and between Indigenous Nations, as seen with the Coastal GasLink project in BC. While many First Nations elected band councils approved the project, Wet'suwet'en hereditary chiefs disagreed with the Nation's band council's position, asserting authority over traditional lands. Historically, government and industry staff have not approached resource development from a place of cultural or legal understanding that would allow them to understand why a consent-based approach is required.²⁹

Recommendations to Bridge the Gaps

Specific recommendations reflect that many of the preconditions for successfully implementing FPIC are a work in progress, as are the capabilities parties need to engage in collaborative, consent-based processes.



The implementation of any of these recommendations should be done in consultation with an advisory council representative of the Indigenous Nations impacted.

Recommendation #1

Update Federal and Provincial Legislation to Align with UNDRIP

Updating federal and provincial legislation to align with UNDRIP is essential to addressing systemic inequities and historical injustices faced by Indigenous Peoples in Canada. Aligning with UNDRIP requires collaborative efforts, clear policies, public education and a commitment to reconciliation and inclusive decision-making.

1a. Amend and implement legislation that explicitly

respects the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

- 1b.** Reject the Doctrine of Discovery and recognize Indigenous sovereignty in federal and provincial laws.
- 1c.** Enact Indigenous land rights recognition and treaty implementation acts to support fair and equitable treaty relationships.

British Columbia and Northwest Territories Implementation of DRIPA

British Columbia and the Northwest Territories have enacted a Declaration on the Rights of Indigenous Peoples Act (DRIPA). This marks a milestone in FPIC implementation by affirming Indigenous rights apply to provincial areas of constitutional jurisdiction and committing their governments to align their legislation with UNDRIP principles. Ultimately these steps will empower Indigenous governing bodies through shared decision-making, setting a strong precedent for FPIC-based partnerships in Canada.

"Success will only come through partnership with Indigenous governments."

NORTHWEST TERRITORIES PREMIER R.J. SIMPSON

Recommendation #2

Mandate FPIC

Mandating FPIC as a minimum requirement aligns with the principles of justice, reconciliation and sustainable development, providing a foundation for respectful and collaborative decision-making.

2a. Establish FPIC as a legal standard for project approvals impacting Indigenous lands, territories or resources.

2b. Amend resource management legislation to include explicit FPIC provisions and enforce penalties for non-compliance.

2c. Support Indigenous Nations in developing FPIC protocols and governance frameworks.

Recommendation #3

Facilitate Land Restitution and Resource Management Reform

Facilitating land restitution and resource management reform addresses historical injustices that are preventing future resource developments and reconciliation with Indigenous Peoples. Colonial policies and practices have disrupted Indigenous communities' cultural, spiritual, and economic connections to their lands, creating and perpetuating systemic

inequities. Restitution and reform are essential for ensuring that Indigenous Peoples can exercise sovereignty over their territories and resources.

3a. Implement programs for land restitution and create tribunals with binding authority to resolve land disputes.

3b. Modernize laws governing natural resources to incorporate Indigenous knowledge systems and decision-making processes.

3c. Ensure revenue-sharing agreements that benefit Indigenous Nations for projects conducted on their lands.

Recommendation #4:

Enhance Indigenous Governance Capacity and Community Development

Enhancing Indigenous governance capacity and community development is foundational for empowering Indigenous resource management. Strong governance structures enable Indigenous leaders to advocate for their rights, implement community-driven solutions, and oversee resource management, economic development and social services. These efforts strengthen cultural preservation, promote economic resilience and enhance participation in decision-making processes.

4a. Provide funding for capacity-building programs, governance planning and infrastructure development.

4b. Develop mechanisms to support Indigenous Nations in enacting governance models independent of the *Indian Act*.

Hydro-Quebec: Addressing the Past to Move Forward

Hydro-Quebec has a long history of developing hydroelectric projects that have negatively impacted Indigenous communities and knows it must face this history to move forward. Why? Hydro-Quebec has a 2035 vision to achieve 9,000 MW of generation and 5,000 km of transmission lines. *This can't happen without collaboration with Indigenous communities.* In 2024, Hydro-Quebec released an economic reconciliation strategy stating that UNDRIP will guide their future approach. Other actions include signing a \$32 million agreement with the Innu community of Unamen Shipu as economic reconciliation for a dam built on ancestral territory in the 1990s. These actions reflect [Hydro-Quebec's recognition](#) of "Partnerships with Indigenous communities" as one of the five key strategies for achieving their 2035 goals.

4c. Address economic and infrastructure barriers to sustainable development and self-determination.

A Mechanism to Advance Indigenous Self-Government

To date, the Canadian government has signed 25 self-government agreements with 43 Indigenous communities. These agreements allow the creation of culturally appropriate laws over governance, social and economic development, and land management. By reducing friction with colonial frameworks and empowering Indigenous Nations to develop their capacity to effectively manage their lands.

Self-government agreements build trust and create the foundations for successful nation-to-nation relationships needed to foster economic prosperity.

The Government of Canada is working in partnership with Indigenous Peoples to undo federally imposed systems of governance and administration in favour of Indigenous control and delivery.

INDIGENOUS SERVICES CANADA

Recommendation #5:

Establish Mechanisms for Collaboration, Monitoring and Compliance

Effective collaboration ensures that Indigenous communities, governments and industries work together in good faith with cultural understanding is a foundation. Monitoring and compliance systems provide transparency and accountability, ensuring that FPIC processes are conducted ethically, commitments are enforced, and ultimately, ensure that Indigenous rights are upheld. These tools also facilitate continuous improvement by identifying challenges and adapting practices to meet evolving needs.

5a. Form Indigenous-led regional working groups where Indigenous Nations collaborate to clarify rights and align priorities.

5b. Train government and industry staff on FPIC principles, Indigenous governance, traditional knowledge and cultural protocols.

5c. Develop transparent monitoring and compliance mechanisms to track legislative implementation and progress.

Conclusion

The natural resources sector in Canada stands at a pivotal junction where reconciliation, sustainability and economic development intersect.

This report has highlighted that the path forward must be rooted in the recognition of Indigenous rights, with FPIC serving as a foundational framework.

A key finding of this report is that FPIC is not just a legal or moral obligation but a practical framework to foster trust, mitigate conflict and unlock shared prosperity. It provides a roadmap for governments to harmonize laws with Indigenous governance systems, for industry to de-risk projects through early and respectful engagement, and for Indigenous Nations to strengthen governance and capacity to assert their sovereignty for the benefit of their people.

Through in-depth analysis, case studies and actionable recommendations, this report highlights the systemic challenges and opportunities within FPIC implementation.



From the uneven adoption of UNDRIP to capacity gaps and the complexities of overlapping governance systems, it is evident that meaningful progress requires collaboration, clarity and commitment from all stakeholders – governments, industry and Indigenous Nations.

A CALL TO ACTION

As Canada moves toward its sustainability goals, it must also address the lingering injustices of its colonial past. This is not only a matter of reconciliation but a critical step in building a society that values equity, inclusivity and environmental stewardship.

This report invites policymakers, industry leaders and Indigenous Nations to embrace the challenge, uphold the right to consent and reimagine the future of Canada's natural resources sector.

Together, we can create a legacy of reconciliation, resilience and sustainable prosperity for generations to come.

CONSIDERATIONS AND LIMITATIONS

This paper is not intended to provide definitive solutions to the multifaceted challenges of reconciliation between Indigenous Nations and Canada. The aim of this report is to explain and demonstrate the importance of implementing FPIC in resource-based economies. The authors intentionally did not focus on a specific resource sector but rather on processes and practices that are broadly applicable. These processes and practices must be adapted to a Nation's local customs and laws around resource use and management.

REPORT METHODOLOGY

This report represents months of learning, dialogue and reflection as part of a 10-month leadership program delivered by Action Canada that aims to enhance emerging leaders' understanding of the country and public policy choices for the future.

Steps on this journey include:

- » Initial consultations with national Indigenous and industry leaders who identified the implementation of FPIC as a timely and transformational opportunity for Canada;

- » A literature review of FPIC implementation and case studies in Canada and other relevant jurisdictions;
- » Interviews and conversations with national thought leaders, legal experts, academics, business leaders and other interviewees from across Canada;
- » In-person experiential learning visits to Calgary, Alberta; Prince Rupert, District of Kitimat, and Kitamaat Village in British Columbia; and Trois-Rivières, Shawinigan, and Odanak in Quebec. These visits allowed the authors to meet with Indigenous and non-Indigenous business and community leaders about the impacts of historic, current and future resource development in their regions; and
- » Peer review of the report by an advisory council of industry leaders.

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Appendix A

Interview Participants

Dr. Megan Bailey, *Associate Professor*, Dalhousie University, *Canada Research Chair* in Integrated Ocean and Coastal Governance (Tier II)

Joel-Jean Beauchemin, *Director*, *UN Declaration Act Implementation and Indigenous Knowledge, Science, and Innovation*, Natural Resources Canada

Mike Degagne, *President & Chief Executive Officer*, Indspire

Rosalie Francis, *Lawyer*, RFrancis Law

JP Gladu, *Principal*, Mokwateh

Mike Jacobs, *Fisheries Manager*, Haisla Nation

Jamie Lavigne, *Director of Water*, Assembly of First Nations

Clayton Leonard, *Lawyer*, JFK Law

Dr. Sheryl Lightfoot, *Professor*, Political Science and First Nations and Indigenous Studies, University of British Columbia, *Canada Research Chair* in Global Indigenous Rights and Politics

Jesse McCormick, *Senior Vice President*, *Research, Innovation, and Legal Affairs*, First Nations Major Projects Coalition

Curtis McKinney, *Senior Policy Analyst*, *UN Declaration Act Implementation and Indigenous Knowledge, Science, and Innovation*, Natural Resources Canada

Nicole Minde

Senior Manager, *Indigenous Relations*, ATCO

Wanli Ou, *Special Advisor*, Assembly of First Nations

Cathy Ozimac, *Deputy Director*, *UN Declaration Act Implementation and Indigenous Knowledge, Science, and Innovation*, Natural Resources Canada

Mark Podlasly, *Chief Executive Officer*, First Nations Major, Projects Coalition

Tina Rasmussen, *Corporate Development Officer*, Meadow Lake Tribal Council Industrial Investments

Cole Sayers, *Executive Director*, Clean Energy BC

Tara Shea, *Vice President*, *Regulatory and Indigenous Affairs*, The Mining Association of Canada

Howard Vroon, *Haisla Environmental Liaison*, Haisla Nation

Robert Watts, *Former Vice-President*, *Indigenous Relations and Strategic Programs*, Nuclear Waste Management Organization

Julie Wildgoose, *Vice President*, *Programs and Student Success*, Indspire

Candice Wilson, *Environment Manager*, Haisla Nation

Appendix B

Terminology

Cultural Protocol: A system of rules that explain the correct conduct and procedures to be followed in formal situation.

The Doctrine of Discovery: A legal and philosophical framework used by European powers from the 15th century to justify colonization, asserting that lands not inhabited by Christians could be claimed, exploited and governed by European rulers.

Elder: Elders traditionally hold crucial roles in supporting formal and informal education in First Nations communities. They impart tradition, knowledge, culture, values and lessons using orality and role-modelling traditional practices. Elders are the carriers of communally generated knowledge. Conferment of the title of Elder is often based on community consensus and is not attached to an age requirement.

Knowledge Holder: An Indigenous person who is recognized by their community as holding traditional knowledge and teachings taught by an Elder or senior Knowledge Holder within their community.

Reconciliation: The effort made by individuals, groups, institutions and government to acknowledge past and ongoing effects of colonization on Indigenous Peoples and action to establish and maintain respectful relationships between Indigenous and non-Indigenous communities. Reconciliation in Canada is an ongoing process that involves addressing past harms and giving power back to First Nations, Métis and Inuit communities.

Traditional Territory: The geographic area identified by an Indigenous Nation as the land they and/or their ancestors traditionally occupied and used.

Turtle Island: The name used by some Indigenous people to refer to the continent of North America. This name is based on creation stories passed down through oral tradition that describe the role of a turtle in the formation of the land. Many versions of this story exist, and not all include a turtle.

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Wela'liq (Mi'kmaq, Tyler Sack)
Chi-Miigwech (Ojibway, Cody Kenny)
Ekosani (Cree, Melissa Gladue)
Nia:wen (Mohawk, Heather Watts)
Maarsii (Michif, Cole Nychka)

PARTNERS



ADVISORY COUNCIL

Shoshanna Saxe
Tom Rand
Sarah Daitch
Ahmed Hanafy
Guillaume Dubreuil
Kulvir Gill
Alexandria Shrake
Shaun Fantauzzo
Matt Garrow
Mark Cauchi
Niall O'Dea
Julie Tousignant
Carolyn Chisholm
Tina Rasmussen

MENTORS

Scott Taymun
Rachel Wernick
Kris Frederickson

COACHES

Suzanne Nault
Karim Djinko
Sally Diab

PPF TEAM

Inez Jabalpurwala
President & CEO

Sara-Christine Gemson
*Executive Director, PPF Academy
& Action Canada*

Alison Uncles
*Vice-President, PPF Media and
Communications*

Anne Matio
*Program Lead, PPF Academy and
Action Canada Fellowship*

Emilie Davy
*Program Coordinator, PPF
Academy and Action Canada
Fellowship*

CONTRIBUTORS

Mark Stevenson
Editor

Alicia Hibbert
Copyediting

Laura Rojas
Graphic Design

Juliana Bandeira
Illustration

Traduction M
Translation

Naushin Ahmed
Consultation

Christi Belcourt
*Cover Illustration:
Reverence for Life*

