ASSESSING THE EFFECTIVENESS OF IMPACT AND BENEFIT AGREEMENTS FROM THE PERSPECTIVE OF THEIR ABORIGINAL SIGNATORIES

A Thesis

Presented to

The Faculty of Graduate Studies

of

The University of Guelph

by

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In partial fulfilment of requirements

for the degree of

Master of Arts

May, 2007

Your file Votre référence
ISBN: 978-0-494-33902-2
Our file Notre référence
ISBN: 978-0-494-33902-2

ABSTRACT

ASSESSING THE EFFECTIVENESS OF IMPACT AND BENEFIT AGREEMENTS FROM THE PERSPECTIVE OF THEIR ABORIGINAL SIGNATORIES

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The emergence of Impact and Benefit Agreements (IBAs) in the Canadian minerals sector has been read by many as a positive innovation in environmental governance. Negotiated directly between mineral resource developers and Aboriginal communities with limited state interference, IBAs serve to manage impacts associated with the mine project and deliver tangible benefits to local communities. Notwithstanding their increasing use and potential significance, limited systematic analysis has been undertaken to determine whether they are meeting their intended aims. This thesis reports on one such analysis from the Northwest Territories, Canada. While some deficiencies were apparent and perceptions of effectiveness varied somewhat by community, the IBAs were generally found to be meeting their objectives. Most significantly, there is considerable evidence that they are delivering positive outcomes for Aboriginal communities affected by mineral resource development in the Canadian North, which represents a significant change to typical outcomes of the past.

ACKNOWLEDGEMENTS

First and foremost, I would like to thank my thesis advisor, Dr. Ben Bradshaw. From the beginning to the end of this research project he was a source of guidance and enthusiasm. His ongoing support and open-door policy contributed to the success of this project in many ways. I am grateful for both his mentorship and friendship, and I wish him and his family all the best in years to come. I would also like to thank Dr. Richard Kuhn for his sound advice and insights to this thesis.

Many other people from the University of Guelph have made this thesis a reality and, perhaps more importantly, an enjoyable experience. They are too numerous to name individually, but include a number of my professors and fellow graduate students. Words of wisdom, a quick chat, and a good laugh were always nearby. Thanks.

There are a number of people outside the University of Guelph who have also contributed to the success of this research. Dr. Andy Fyon of the Ontario Ministry of Northern Development and Mines was a great supporter of this research and went out of his way on a number of occasions to lend a helping hand. Dr. Jonathan Fowler of De Beers Canada was also exceptionally supportive, and I am grateful for the sage advice he provided. In Yellowknife, Phil Mercredi and Shirley Tsetta were great research partners and friends. Ginger Gibson and Alistair MacDonald welcomed me into their home many times and provided much help and advice. I would also like to thank all the other friends I made in Yellowknife for welcoming me into their lives.

Finally, I would like to thank my family and friends back home in Kitchener, Ontario. They have been incredibly supportive throughout and always around when needed. Thanks again.

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1. INTRODUCTION

Commercial mining has existed in Canada for well over a century and has produced a number of economic benefits including wealth, employment, infrastructure development and a dominant place for Canada in the global minerals trade (McAllister, 2004). Commercial mining has also had its share of criticisms relating to its socio-economic and environmental impacts. These have included, for example, its 'boom-bust' nature, which often makes communities economically vulnerable, environmental problems associated with acid mine drainage and tailings deposits, and a host of social ills and disruptions (Sengupta, 1993; McAllister, 2004; Mining Watch Canada, 2005). In a Canadian context, these impacts have tended to affect Aboriginal populations disproportionately, in part due to the physical proximity of mine projects to Aboriginal communities (Kennett, 1999a).

While for years mining companies were able to ignore these externalities, more recently they have come to recognize the ways that a poor public image can impact upon their business success. Rio Tinto's Sir Robert Wilson (1999) even noted: "Unless the major players in the global mining and minerals industry can present a convincing case that their activities are conducted in line with [sustainable development] principles, then their long term future is in jeopardy". Although many of these principles are reflected in current government regulations, some others extend beyond the regulatory system; indeed, many mining companies have recognized a need to obtain 'social licenses' to operate in addition to their regulatory licenses (Dunn, 2000; Mining Journal, 2000). While these 'social licenses' may not be formal in nature, they illustrate the fact that it is

extremely difficult to develop a mining project without some sort of local acceptance. One way mining companies have gone about developing this acceptance is through the negotiation of *Impact and Benefit Agreements* (IBAs). IBAs are negotiated between a resource developer and stakeholder; in Canada, this stakeholder is almost always an Aboriginal community[1] (Kennett, 1999a; Wolfe, 2001; Couch, 2002). This chapter offers further contextual background to these agreements, identifies the objectives of the research, and outlines the overall structure of the thesis.

1.1 Practical Context

In many parts of Canada, and especially the Territories of the north, IBAs are increasingly being used as tools to address socio-economic, environmental, and other impacts generated by mineral developments, and to ensure that benefits are delivered to Aboriginal communities when developments occur on their traditional lands. These lands may have spiritual or cultural significance for the community, being used for hunting, fishing and gathering, for example. In the north, the first agreement of this type was signed in 1974 by the federal government and a mining company[2], but today these agreements are typically negotiated between a mineral resource developer and an Aboriginal organization. Although governmental bodies have been known to intervene in IBA negotiations, they officially have no formal role in the process (Kennett, 1999a).

[1] Some agreements may include government as a signatory, but these typically are labeled something other than an IBA. Examples include the Alyeska Pipeline's Federal Right of Way agreement (Alaska) and the Ekati, Diavik, and Snap Lake Socio-Economic Agreements (Canada). These agreements have been negotiated for the benefit of all state/territory residents.

[2] Nanisivik Agreement Between the Government of Canada and Mineral Resources International Ltd., June 18, 1974.

Most recently, IBAs have gained public and media attention with the discovery of diamonds in the Northwest Territories. The first operating diamond mine, Broken Hill Proprietary (BHP) Co.'s *Ekati*, came into production in 1998, for which IBAs were signed with five local Aboriginal organizations. In this case, government pressure was a contributing factor in the establishment of the IBAs. Indeed, the then Minister of Indian and Northern Affairs, Ron Irwin, surprised many by giving participants 60 days to achieve "satisfactory progress" in the negotiation of agreements (including IBAs) if the mine's water licence was to be granted (DIAND, 1996). Questions of the legality of this move aside, the signing of these agreements has seemed to spark a 'rush' of modern day Canadian IBA negotiations. Even without a legislative framework to guide the process in the north, IBAs are now widely accepted as standard practice for new mines (e.g. Kennett, 1999b; Public Policy Forum, 2005). Indeed, the two most recent diamond mines in the Northwest Territories, Rio Tinto's *Diavik*, which begun production in 2003, and De Beers' *Snap Lake*, which is to begin production in 2007, were facilitated by the establishment of IBAs.

IBAs have been signed in other parts of the world, and are by no means the exclusive purview of diamond mining. For example, a number of IBAs have been signed in Australia with local Aboriginal groups (e.g. O'Faircheallaigh, 1999; 2000) and in other parts of Canada in support of developments for extracting gold (e.g. Goldcorp's *Musselwhite*, Nova Gold's *Galore Creek*), nickel (e.g. Falconbridge's *Raglan*, Inco's *Voisey's Bay*) and aggregates (e.g. Polaris' *Eagle Rock Quarry*).

IBAs are essentially private contracts that are legally binding, project-specific, and often not described in existing legislation (Kennett, 1999a). For the most part, IBAs are entered into voluntarily (Keeping, 2000) although they can be required by law in a few instances. For example, "Benefits Plans" are required under section 5.2 of the *Canada Oil and Gas Operations Act* for oil and gas developments and IBA-like agreements are required under some Aboriginal land claim settlements (e.g. the Nunavut Land Claims Agreement). Kennett (1999b), however, has questioned whether IBAs should in fact be legislated for the Canadian Territories, as this would change their largely external relationship with the law. The department of Indian and Northern Affairs, for example, might oversee these agreements and enforce legislation when necessary.

The primary purposes of an IBA, as stated by Sosa and Keenan (2001), are: 1) to address the adverse effects of commercial mining activities on local communities and their environments; and 2) to ensure that local Aboriginals receive benefits from the development of local mineral resources. Kennett (1999a: 1) further suggests that IBAs "are emerging as the primary means of establishing a formal relationship between the project developer and local people".

Provisions that could be negotiated and included in an IBA are virtually limitless, but for Aboriginal signatories they commonly include the following: recognition of Aboriginal and treaty rights; financial incentives; opportunities for employment and training at the mine; opportunities for community economic development; and additional environmental and cultural protection measures (Kennett, 1999a; Sosa and Keenan, 2001; Klein et al.,

2004; Public Policy Forum, 2005; Jacobs, 2006). In asserting Aboriginal and treaty rights, the implication is that Aboriginals view the IBA negotiation process as *de facto* recognition of their authority within their territory; this would appear to be a major motivation for Aboriginals to negotiate IBAs (Public Policy Forum, 2005). Financial provisions might include fixed cash payments, profit sharing, and compensation for losses associated with the mine development (Kennett, 1999a). Provisions regarding employment of Aboriginals in a mining project are usually a central focus of IBAs (Sosa and Keenan, 2001) and might include employment target-setting for Aboriginal peoples, preferential hiring policies, and the establishment of apprenticeship and other educational programs (Kennett, 1999a). Provisions for community economic development might include ensuring that contracting and subcontracting opportunities are made available for Aboriginal businesses, and in target setting for the purchase of mine goods and services from Aboriginal-owned businesses (Kennett, 1999a). Environmental and cultural protection measures may also be included in an IBA. For example, an IBA might enable funding of independent environmental monitoring committees, the setting aside of trust funds for mine reclamation, and the development of social programs to help communities manage social ills related to mine developments (Sosa and Keenan, 2001).

For mining companies, IBAs serve to garner local support for a project, thus reducing the risk of protest (Sosa and Keenan, 2001). Indeed, as Kennett (1999a) states, a key and explicit aim of most IBAs is securing Aboriginal support for the project. Securing support cannot be taken lightly. The history of Canadian resource development is rife with project shutdowns and slow-ups due to Aboriginal resistance. For example, the first

proposed Mackenzie Valley natural gas pipeline was halted largely because of Aboriginal concerns (Page, 1986), and the Great Whale River Project in Quebec was put on hold in 1994 partly because of local Aboriginal protest (Bone, 2003). More recently, Imperial Oil had to slow work on the new Mackenzie Valley pipeline in light of unforeseen demands by regional Aboriginal groups (Globe and Mail, 2005). These kinds of slow-downs can be costly for project proponents. The mining industry relies on massive injections of capital to develop a potential mine site (Whyte and Cumming, 2004). If a project is halted in mid-course, revenue is not being generated and loan obligations accumulate. It is thus advantageous for resource developers, and especially mining companies, to first obtain 'social licences' to speed up the process of securing normal regulatory approvals. Obtaining these 'social licences' similarly provides for an improved investment climate for developers and contributes to an enhanced corporate image for shareholders and the public (Public Policy Forum, 2005).

Notwithstanding their novelty, a small body of scholarship has also developed around IBAs. Beyond mere description of the phenomenon, research has focused on the development and negotiation of IBAs (e.g. ICME, 1999; O'Reilly, 2000; Wolfe, 2001; Couch, 2002; O'Faircheallaigh and Corbett, 2005), their legal standing (e.g. Keeping, 1997; Kennett, 1999b; Klein *et al.*, 2004), and their aims or rationale (e.g. O'Faircheallaigh, 1999; Galbraith and Bradshaw, 2005). Research examining IBA effectiveness has also recently begun to appear (e.g. Dreyer and Myers, 2004; North-South Institute, 2006; Hitch, 2006), but it is evident that a significant knowledge gap remains. Quite simply, are IBAs working? Given that Kennett (2003, pers.

communication) has called this the 'million dollar question', and that wide-scale understanding of the issue is arguably limited, determining whether IBAs are meeting their varied aims remains a pressing matter. Sosa and Keenan (2001: 18) further note that "the [IBA] literature is fairly recent and includes little analysis regarding the success of these agreements." Others such as O'Faircheallaigh (2000; 2004), Keeping (2000), and O'Reilly and Eacott (2000) have recognized a need for IBA 'evaluation', while Galbraith et al. (2007) argue that their 'legitimacy' must be assessed before unconditional recommendations supporting their use can be made. There is interest in this topic from within the mining sector as well, as seen in the well-attended "Do IBAs work?" workshop of the 2005 Canadian Aboriginal Minerals Association conference. The workshop presenters noted that the topic of IBA effectiveness is "an important one" (Wyeth, 2005, pers. communication), but has yet to be thoroughly evaluated (Biron, 2005, pers. communication; Lanari, 2005, pers. communication).

Other questions are undoubtedly important as well. For example, questions pertaining to the equitableness of these agreements are under-answered and the contribution these agreements make to sustainability must also be further assessed. Formally assessing IBA effectiveness from an Aboriginal perspective, though, will help determine whether they have accomplished what they originally intended. Have Aboriginal signatories truly benefited from the mine development? These are important questions in need of investigation.

1.2 Research Aim and Objectives

The aim of this research is *to assess the effectiveness of three sets of Impact and Benefit Agreements, established in support of three diamond mine developments to the northeast of Yellowknife, Northwest Territories, from the perspective of their Aboriginal signatories*. Effectiveness, in this case, will be assessed by the degree to which IBA objectives have been met to date. Table 1.1 identifies the various IBAs, their Aboriginal signatories, and date of signing. Figure 1.1 identifies the location of these three mines

Project for which IBAs were signed	**Proponent(s)**	**Aboriginal signatories (and date of signing)**
Ekati Diamond Mine (*begun production in Oct. 1998*)	BHP Billiton	Tlicho Government (*then Dogrib Treaty 11*) (Oct. 1996) Lutsel K'e Dene First Nation (Nov. 1996) Yellowknives Dene First Nation (Nov. 1996) North Slave Métis Association (Jul. 1998) Kitikmeot Inuit Association (Dec. 1998)
Diavik Diamond Mine (*begun production in Jan. 2003*)	Diavik Diamond Mines Inc. (Aber Diamonds and Rio Tinto plc)	North Slave Métis Association (Mar. 2000) Tlicho Government (*then Dogrib Treaty 11*) (Apr. 2000) Yellowknives Dene First Nation (Oct. 2000) Kitikmeot Inuit Association (Sept. 2001) Lutsel K'e Dene First Nation (Sept. 2001)
Snap Lake Diamond Mine (*scheduled to begin production in Oct. 2007*)	De Beers Canada	Yellowknives Dene First Nation (Nov. 2005) Tlicho Government (Mar. 2006) North Slave Métis Association (Aug. 2006) Kitikmeot Inuit Association (T.B.D.) Lutsel K'e Dene First Nation (T.B.D.)

Table 1.1: List of signatories to the IBAs studied in this research

and the research fieldwork sites. With only a limited number of studies assessing IBA effectiveness available (i.e. Dreyer and Myers, 2004; North-South Institute, 2006; Hitch, 2006), there are a number of reasons why further research is necessary. First, replication of research is a critical aspect of the social sciences, as it ensures consistency between independent measurements of the same phenomenon (Smith, 1981). Second, much of the existing research conducted on IBA effectiveness can best be described as 'grey literature', as it was not subject to peer-review prior to its publishing. Third, the approach adopted by previous studies may benefit from refinement. Further discussion of past IBA effectiveness studies can be found in subsequent chapters.

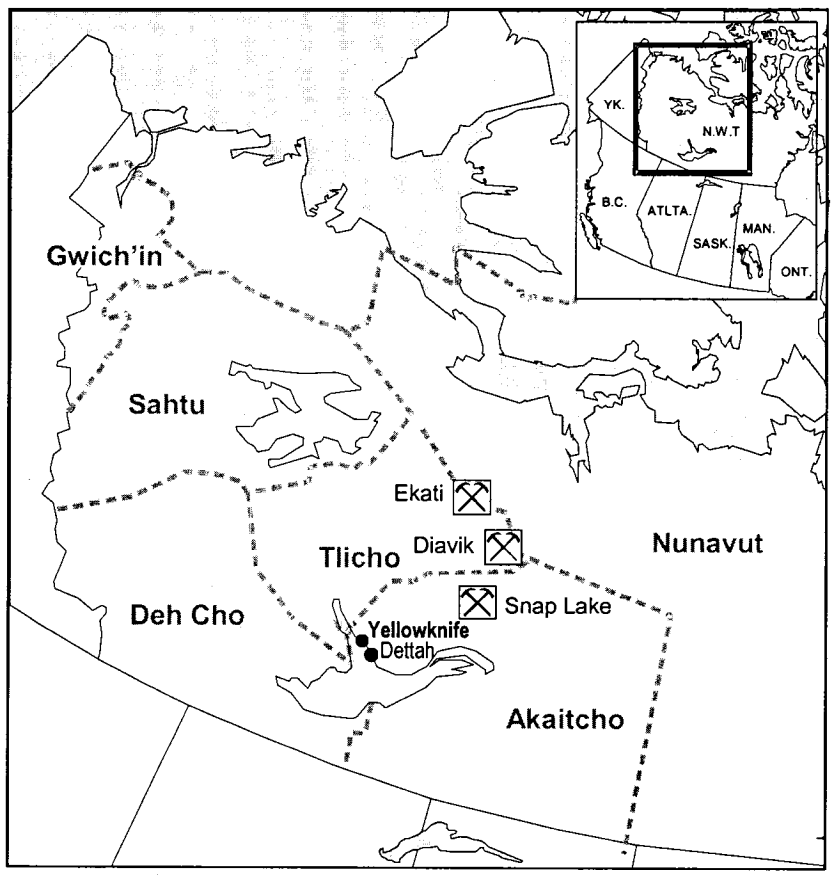

Figure 1.1: Location of the fieldwork sites and the Ekati, Diavik, and Snap Lake Mines

In order to meet the research aim, four specific objectives are pursued:

1) to confirm Aboriginal signatories objectives for entering into IBAs as identified in Galbraith and Bradshaw (2005)[3], in the context of the three diamond mine developments mentioned in the research aim;
2) to develop and refine a protocol for testing IBA effectiveness;
3) to evaluate the degree to which Aboriginal signatories objectives for entering into IBAs have been met to date; and
4) to provide recommendations as to how IBAs in the Canadian North can be improved from the perspective of their Aboriginal signatories.

Specific details as to how these objectives are fulfilled are described in Chapter Four. Most broadly, secondary socio-economic data, key informant interviews, community member focus groups and participant observation were used to fulfill objectives one, three and four, while methodological insights from past research were drawn upon to fulfill objective two.

1.3 Thesis Outline

This thesis follows in five further chapters. Chapter Two undertakes a review of the scholarly context to IBAs, highlighting the related fields of Aboriginal resource rights, (critical) environmental impact assessment, environmental governance, and the 'underdevelopment' of the Canadian North. Chapter Three offers a background to the research, describing the geography of the study area (including a description of the

[3] For the record these are: to ensure adequate follow-up, build positive relationships and trust, relieve capacity strains, and secure local benefits.

Aboriginal IBA signatories). Chapter Four identifies methodological insights from past research, which led to the development of the protocol for assessing IBA effectiveness that was used in this research. Chapter Five provides findings from a detailed document review, key informant interviews, and community-level focus groups. Finally, Chapter Six provides concluding remarks, highlighting the contributions of this research to scholarship and practice, and describing future research needs.

2. SCHOLARLY CONTEXT

This chapter offers a review of the limited scholarship covering the phenomenon of Impact and Benefit Agreements (IBAs) as well as broader, related bodies of scholarship. This broader scholarship reflects the growth of Aboriginal resource rights, the relationship of IBAs to the limitations of environmental impact assessment, their use as a governance tool, and their Canadian geographical context – the North.

2.1 Impact and Benefit Agreements

As has already been made evident in the previous chapter, a small body of scholarship has developed in response to the emergence of IBAs. One important focus of scholarship has been the development and negotiation of IBAs (e.g. ICME, 1999; O'Reilly, 2000; Wolfe, 2001; Couch, 2002; O'Faircheallaigh and Corbett, 2005). While most authors have simply described the development and negotiation of selected IBAs (e.g. ICME, 1999; Couch, 2002), some researchers such as O'Faircheallaigh and Corbett (2005) have sought to explain negotiated outcomes, and especially variation in outcomes. In their study of Australian IBAs, these authors found that, although the potential for Aboriginal participation in the regulation of mineral developments via IBAs is considerable, in practice such participation is often lacking. This represents an example of an implementation gap; as Wolfe (2001) has noted 'active participation' is a prime expectation of Aboriginal peoples in IBA negotiations.

Scholarship has also focused on the legal standing of IBAs, with authors debating the role that governments should play in IBA negotiations. Some authors have focussed on describing the current legal regime (e.g. Keeping, 1997; 1998; 2000; Public Policy Forum, 2005), while others, such as Kennett (1999b), described options in regards to a potential federal policy on IBAs. Some of these options include simply maintaining the status quo (where IBAs are not explicitly required for resource development), creation of minimal regulatory backing, or even enacting formal legislation. Others, such as D'Silva Parker Associates (2004:5), have been more pointed in their opinions, stating "the role of government should be that of technical and financial support rather than developing and implementing policy". Attention has also been paid to the role of other regulatory mechanisms, such as environmental impact assessment (EIA), in IBA negotiations (e.g. O'Reilly and Eacott, 2000; Klein *et al.*, 2004). For example, Klein *et al.* (2004) discuss the potential for conflict in addressing the social and economic effects of a proposed development when EIA and IBAs are used together. Finally, authors have discussed issues surrounding the implementation and enforceability of IBAs. While some regard IBAs as 'legally binding' (e.g. Kennett, 1999a; Public Policy Forum, 2005), others are more sceptical. Sosa and Keenan (2001:18), for example, have noted that IBAs are commonly "written in vague language, with ambiguous terms that hinder their implementation and enforcement". Given this opinion, other contributors to this scholarship provide suggestions to improve their enforceability (e.g. O'Reilly and Eacott, 2000).

Further scholarship has focussed on IBA aims or rationale. For example, O'Faircheallaigh (1999) argued that 'a negotiation-based approach', such as an IBA, serves to rectify some of the failures of traditional environmental impact assessment. These failures often include cumulative and longer-term impacts of projects being ignored, the *ex ante* nature of assessments (i.e. development decisions are based on predicted impacts prior to construction), and that assessments primarily exist to mitigate negative impacts rather than to provide benefits to impacted groups. While impact assessment has seen increased input from Aboriginal peoples over the years, O'Faircheallaigh (1999) notes that it has generally not increased the capacity of indigenous people to shape the outcomes of development projects in ways that favour their interests. In contrast, from an analysis of two case studies in Australia, O'Faircheallaigh (1999) found that IBAs can indeed help shape the outcomes of development projects in ways favourable to indigenous communities, can incorporate larger-scale and cumulative impacts of development, can ensure that impact assessment is not solely *ex ante* in nature but rather 'iterative and ongoing', and can provide for substantial benefits to be delivered to affected groups.

Galbraith et al. (2007) also sought to uncover rationales for the use of IBAs from an Aboriginal perspective, and reached a similar conclusion to that of O'Faircheallaigh (1999); the authors determined that IBAs are largely a function of limitations in EIA design and practice. Focussing on a 'best case' EIA process in the Northwest Territories, Canada, they found that Aboriginals and government stakeholders understand that EIA does not consider benefits, employ adequate project-specific follow-up, and garner

adequate trust or capacity amongst stakeholders. Recognizing this shortfall, Galbraith et al. (2007) argue that these groups wish to negotiate IBAs with companies to secure better outcomes where EIA has traditionally failed.

Finally, and of greatest significance to the research presented herein, some scholarship has recently appeared focussed on IBA effectiveness. For example, O'Faircheallaigh (2004) identified criteria for assessing the outcomes of IBAs. He focused on IBA content, arguing that it is one way of analyzing the overall success of IBAs. Eight critical components (and subsequent criteria) of IBAs were identified: environmental management; cultural heritage protection; rights and interests in land; financial payments; employment and training; business development; indigenous consent and support; and implementation measures. O'Faircheallaigh (2004) acknowledges that an assessment based on the degree to which these components were included in an IBA cannot provide a complete picture of effectiveness though, and specifically notes that the context of each agreement is critical.

Dreyer and Myers (2004) sought to measure the success of IBAs through two means: measuring Aboriginal signatory perceptions of the benefits received from an IBA; and assessing whether benefits that had been negotiated in an IBA were, in fact, delivered to Aboriginal signatories. From their evaluation of two IBAs in the Yukon Territory, they found that community members considered neither of their IBAs to be very successful in the long-term, and that the content evaluation approach used by O'Faircheallaigh (2004) was insufficient to evaluate the success of IBAs. Contents of an IBA, the authors noted,

may not necessarily match the benefits received by the community. More specifically, they found that the single most important criterion for successful IBAs is the commitment the different parties bring to the negotiation and implementation of an IBA. A framework for determining the main components of successful IBAs was subsequently developed, whereby a number of factors relating to process, content, community, government, industry, and the project itself were outlined.

In another study, the North-South Institute (2006) sought to assess Lutsel K'e Dene First Nation community members' perceptions of the *Ekati* mine IBA negotiations and outcomes. The study aimed to generate suggestions for other communities as to how they could strengthen their own negotiations, but also provided insight into the question of IBA effectiveness. For example, while a number of suggestions (65+) were made in areas such as 'considering whether or not to negotiate', 'choosing a negotiating team', 'preparing for negotiations', and 'the process of negotiating itself', a number of limitations to the IBA were also noted. For one, Lutsel K'e community members felt the consultations of the *Ekati* IBA were rushed and not considered meaningful. Community members also felt that the compensation funds they were receiving from the IBA were a pittance compared to company revenue, and that promised benefits with regards to employment had not materialized. While the *Ekati* mine development was described by the North-South Institute (2006:29) as "short of being a model for others to consider", it was still deemed "ground-breaking", partly because IBAs were seen as a novel approach to dealing with mine-affected communities.

A final study on IBA effectiveness was conducted by Hitch (2005). Using a political ecology approach, the author developed a set of sustainable mining criteria and used them to assess whether IBAs could promote a more sustainable path to mining development in the North. His main finding was that, even in ideal form, IBAs are limited in their ability to facilitate sustainable mining. He argues that this is due to the inherently unsustainable nature of mining, and that Aboriginal community members seldom have their voices heard due to unequal distributions of decision-making power within communities. While noting that IBAs are more effective when used alongside other tools such as EIA, Hitch (2005) also provides suggestions as to how IBAs can be improved. Some of these included giving greater consideration to community concerns in an IBA, further incorporating social impacts in IBAs, encouraging companies to take a long-term view of mineral development, making decision-making processes as transparent as possible, and ensuring that industry-Aboriginal relationships are built on trust and respect.

In addition to this body of scholarship focused on IBAs, there are a number of other related bodies of scholarship from which insights might be drawn to help tackle the research problem identified in Chapter one. The following section reviews this broader scholarly context.

2.2 BROADER SCHOLARLY CONTEXT

2.2.1 Aboriginal Resource Rights

Historically, Aboriginal people in Canada have been at the margins of policy making that affected their lands and resources (Booth and Skelton, 2004). Until the late 20th century, they had even failed to secure a significant role in environmental management of resource development on their traditional lands (Wilson, 2002; Caruso et al., 2003). In the case of mining, they have borne most of the costs and received few of the benefits (Hipwell et al., 2002). However, in recent years, Poelzer (2002: 91) argues that Aboriginal people have moved "from the margins towards the centre of environmental and resource policy". Certainly, the emergence of IBAs reflects the increased recognition of Aboriginal peoples' rights through legal decisions and changes in public perception. Furthermore, this emergence reflects Aboriginal peoples' own desire to regain control over their traditional lands (Public Policy Forum, 2005).

According to Poelzer (2002), the growth of Aboriginal peoples' power can be attributed to four main factors. Firstly, Aboriginal people have secured increasing legal rights since 1950, beginning with the right to vote. Secondly, international support for Aboriginals has grown. For example, the United Nations Draft Declaration on the Rights of Indigenous Peoples (United Nations 1993: Article 30) now recognizes the rights of indigenous peoples to 'their lands, territories and resources'. Thirdly, Aboriginal peoples have become a strengthened political force since the 1960s; they have become a well-organized, and well-educated group with the capability to challenge federal and

provincial governments. Finally, Poelzer (2002) notes there have been a number of laws and court decisions that have recognized and affirmed native rights.

The earliest legislative act regarding Aboriginal resource rights in Canada was the Royal Proclamation of 1763. It identified what has since been called Aboriginal title, which Aboriginals hold through use and occupancy of the land (Booth and Skelton, 2004). It also established a process for extinguishing title, through sale of Aboriginal land to the crown (McPherson and Rabb, 1993). This concept of Aboriginal title was tested with the 1973 Supreme Court decision of *Calder v. British Columbia*, which is often said to have initiated the modern era of Aboriginal rights jurisprudence (Chandran, 2002). During the trial, the Nisga'a Tribal Council argued they had never surrendered their lands to the Crown and therefore maintained title to those lands. The Supreme Court decision confirmed this argument, which forced Ottawa to rethink its position on Aboriginal title (Bone, 2003). Another important event was the passage of the Constitution Act, 1982, which recognized and affirmed Aboriginal and treaty rights. Since the Act, governments have increasingly recognized that Aboriginals have rights to access and use some resources (Booth and Skelton, 2004).

Another significant turning point in the evolution of Aboriginal resource rights in Canada was the federal Berger Inquiry of 1974-1977. Justice Thomas Berger was appointed in 1974 to consider the potential social and environmental impacts of a proposed natural gas pipeline down the Mackenzie Valley in the Northwest Territories. Given wide terms of reference, Berger was able to consider broadly the nature of development in the western

Arctic and its impacts on the traditional hunting and trapping society (Page, 1986). Berger (1974) even noted that the inquiry was not confined to consideration of a pipeline application but related "to the whole future of the North". The Inquiry's major recommendation was that a 10-year moratorium be placed on any pipeline development in order to allow for the settlement of Aboriginal land claims. This recommendation arose partly because the Dene, a regional Aboriginal group, had made it clear that they wanted to conclude their land claim agreements before allowing any large-scale industrial development. They believed that only then could they truly benefit from a project like the Mackenzie Valley Pipeline (Bone, 2003). By incorporating Aboriginal concerns into the context of a major resource development, Berger challenged the status-quo and forced those in industry and government to rethink the way they approached resource development in the North (Page, 1986).

Aboriginal peoples have also been seen asserting their rights to resources through the negotiation of a number of land claims agreements. For example, the first comprehensive land claims agreement in Canada, the Inuvialuit Final Agreement (1984), provides for Inuvialuit ownership of surface rights in some areas and both surface and subsurface rights in others. The Inuvialuit Final Agreement requires that IBA-like "participation agreements" be negotiated where the use of the surface is more than casual or temporary (Keeping, 2000). The Nunavut Land Claims Agreement (1993) provides for similar surface and sub-surface rights. It guarantees the Inuit the right to negotiate with industry for economic and social benefits derived from non-renewable resource development where the Inuit own surface title to the land (Chandran, 2002). Negotiations of "Inuit

Impact and Benefit Agreements" are further required for all major development projects within the claim area (Keeping, 2000).

Perhaps most importantly to the study of IBAs has been the jurisprudence surrounding the Crown's 'duty to consult' with Aboriginal peoples. While a thorough evaluation of this topic is beyond the scope of this thesis, there are a few important cases that should be reviewed, including *R. vs. Sparrow, R. vs. Delgamuukw,* and *Haida Nation vs. British Columbia.* The recognition of the duty to consult Aboriginals started first with the *R. vs. Sparrow* decision in 1990. The *Sparrow* decision stated that in order to justify interfering with Aboriginal rights (e.g. right to hunt, trap, fish), the Crown is legally obliged to first consult with the Aboriginal holders of those rights, to take steps to minimize impacts on the rights, and to compensate the Aboriginals where rights are infringed. The *R. vs. Delgamuukw* decision of 1997 expanded on *Sparrow* by considering the role of consultation where there was interference with Aboriginal *title.* Aboriginal title is a right to land itself, and stems from prior historical occupancy of the land (Doyle-Bedwell and Cohen, 2001). *Delgamuukw* established that, where Aboriginal title or rights have been proven, the Crown must consult with Aboriginal peoples about what happens on their lands. The degree of required consultation depends on the particular situation and the particular right being infringed upon.

While *Sparrow* and *Delgamuukw* determined that consultation should occur when Aboriginal rights and title are proven, the *Haida Nation vs. British Columbia* decision determined the 'duty to consult' as it pertains to asserted, but yet unproven, Aboriginal

rights and title. The *Haida* decision, released in 2004, stated that the Crown is required to consult and accommodate when "the Crown has knowledge, real or constructive, of the potential existence of the [A]boriginal right or title and contemplates conduct that might adversely affect it". Furthermore, *Haida* determined the role of third parties and industry in the 'duty to consult'. Specifically, it was found that the Crown alone remains legally responsible for consultation and accommodation. The honour of the Crown, it was stated, "cannot be delegated", but the Crown "may delegate *procedural aspects* of consultation to industry proponents" (emphasis added). Even though third parties and industry are under no duty to consult or accommodate Aboriginal concerns, legal scholars do not view their role to be uninvolved and disinterested parties. Justice Stephen O'Neill (2006), for example, stated that "third parties and industry should not blindly enter into [A]boriginal traditional territories without determining that [A]boriginal concerns and interests in relation to proposed industrial activity and wealth extraction have been properly considered, and if at all possible, accommodated in decision making processes." He continues that "third parties and corporations must, by due diligence, assure themselves that the appropriate Provincial Government, or the Federal Government, have taken proper steps".

Hence, IBA negotiations by Aboriginal peoples are likely a further manifestation of their desire to secure their rights to resources, and ensure that the Crown has fulfilled its 'duty to consult'. Governments and third parties have had to follow suit with the evolution of these rights – an evolution, it should be noted, that continues in the courts to this day. The history of Aboriginal resource rights in Canada is a storied one, involving numerous

court decisions, lengthy land claims negotiations, and political manoeuvring. The contribution that IBAs have made to this movement and to satisfying the needs of Aboriginal signatories will remain a question as long as their effectiveness remains un-assessed.

2.2.2 (Critical) Environmental Impact Assessment

Environmental impact assessment (EIA) is one of the few formal processes designed to identify and minimize and mitigate adverse environmental impacts from project developments (Boyd, 2003). In Canada, federal EIAs are required for all physical project or activity proposals that require federal permits, receive federal funds, take place on federal land, or are executed by the federal government (under the Canadian Environmental Assessment Act). In places such as the Northwest Territories though, the Canadian Environmental Assessment Act no longer applies, except in very limited circumstances. Instead regulators, such as the Northwest Territories' Mackenzie Valley Environmental Impact Review Board (MVEIRB), have authority. In either case, EIA acts primarily as an aid to decision making, by providing a systematic examination of the environmental implications of a proposed action and alternatives before any decision is taken (Glasson et al., 2003; Lawrence, 2003).

The EIA literature can be divided into two broad camps. One serves as a 'how-to' guide for EIA implementation (e.g. Wiesner, 1995; Glasson et al., 2005), while the other takes a more critical approach, identifying flaws and weaknesses in the EIA process (e.g. Nikiforuk, 1997; Sinclair, 1997; Boyd, 2003; Noble and Storey, 2005). The latter camp

can be characterized as the *critical* EIA literature. Authors from the critical EIA literature tend to view the EIA process either as inherently flawed and thus never able to fulfill stakeholder requirements (e.g. Nikiforuk, 1997; Wismer, 1996) or as a process that can be improved upon in order to fulfill stakeholder needs (e.g. Armour, 1991; Meredith, 1992). Either way, a number of criticisms of the current EIA process have been identified.

Of particular significance to the study of IBAs are two recurring EIA criticisms: 1) there is inadequate follow-up in the EIA process; and, 2) there is unequal flow of benefits resulting from a project (Nikiforuk, 1997; O'Faircheallaigh, 1999; Galbraith, 2005; Noble and Storey, 2005). Follow-up is an umbrella term for various EIA activities including monitoring, auditing, ex-post evaluation, post-decision analysis, and post-decision management (Arts et al., 2001). Although the Canadian Environmental Assessment Act allows for follow-up measures, critics claim that it is seldom done well (Arts *et al.*, 2001) or at all (Morrison-Saunders and Bailey, 1999; O'Faircheallaigh, 1999). Without a program to evaluate and manage environmental impacts after a project is underway, surprises are likely to burden communities near the project site. A second criticism of the EIA process has been its lack of a mechanism to maximize the benefits of a project. As the EIA process is specifically designed to mitigate adverse impacts, this only provides decision makers with the "best worst-case" scenario (Noble and Storey, 2005). But, as Gibson (2000) notes, in order to attain broader goals, it is necessary to design for gains and assess potential benefits of a project.

O'Faircheallaigh (1999) argued that EIA's deficiencies, such as those mentioned above, have contributed to the rise of voluntary agreements such as IBAs. He continues that the negotiation of voluntary agreements by Aboriginal peoples has provided them with a forum to confront these perceived deficiencies. Specifically, he states that a negotiation-based approach can "help shape the outcomes of development projects in ways favourable to indigenous communities" (75). While O'Faircheallaigh inferred this rationale, Galbraith and Bradshaw (2005) used process evaluation and key informant interviews in the Northwest Territories' Mackenzie Valley to systematically assess rationales among Aboriginal signatories. In particular, they found that local Aboriginal groups wish to negotiate IBAs with mining companies to secure better outcomes where EIA has traditionally failed. Galbraith and Bradshaw (2005) similarly identified that EIA does not consider project benefits, nor employ adequate project-specific follow-up. Couch (2002) supports this argument, stating that the resolution of various policy, environmental and socio-economic impacts related to the construction of BHP's *Ekati* diamond mine in the Northwest Territories is due in large part to a two-step process. This process consisted of an EIA, followed by parallel negotiated agreements such as IBAs. IBAs are seen here as a way of improving upon the EIA process, not as a means of replacing it.

Thus, the negotiation of IBAs may partly be a function of a flawed EIA process. Is this 'piecemeal' approach (Keeping, 2000), then, yielding satisfactory results? Can IBAs contribute to an improved EIA process or do they further suggest, as Nikiforuk (1997)

and Wismer (1996) do, that EIA is fundamentally flawed? Assessing IBA effectiveness will contribute to these debates.

2.2.3 Environmental Governance

The body of scholarship surrounding environmental governance is largely theoretical, and focuses on how societies can effectively address their environmental concerns. The concept of governance implies that solutions may be generated through traditional modes of government, or through other, non-governmental approaches. This is captured well in Bernstein's (2001: 5) definition of environmental governance: *"The method or means of realizing shared values, interests, and goals with regards to the environment and environmental issues, [which] may or may not be achieved through formal institutions or political authority."* More simply put, the environment can be managed through a variety of mechanisms beyond those of state-led environmental management.

Jordan et al. (2003) identify a more general 'governance turn' in recent years, of which environmental governance is a part. This 'turn' reflects a shift in public norms around the necessary role of the state in society and economy; in short it is increasingly held that the state not seek to interfere in every facet of social and economic life. Cashore and Vertinsky (2000) further note that, in the context of environmental governance, this turn is partly attributable to the reduction of resources available to policy makers and enforcers in the late 1990s, which forced them to look for other means of achieving their environmental goals. Finally, it is understood that environmental governance has partly

arisen from the limitations of conventional, state-led environmental management (Fiorino, 1999; Gunningham and Sinclair, 2002).

Conventional, state-led environmental management has faced a number of criticisms. For one, it often relies on a 'top-down' approach that imposes environmental management policies on people, and does not allow for wider public participation in policy making (Bryant and Wilson, 1998). Second, it relies on 'command and control' regulation that is seen as unresponsive to stakeholder needs and incapable of generating sufficient knowledge to function efficiently (Gunningham and Sinclair, 2002). A third criticism suggests that conventional environmental management relies too much on the analytical methods of western, positivist science (Bryant and Wilson, 1998). As Miller (1993: 573) argues, "reliance on analytical methods might serve to obscure the real problem and provide, instead, a dubious scientific basis for sustaining the status quo". This approach often leaves out valuable, more 'holistic' ways of thinking such as seen in local knowledge systems (Gadgill et al., 2003) A final criticism has been that conventional environmental management often fails to integrate the problem at hand into wider political, economic and social contexts (Bryant and Wilson, 1998). As Redclift (1994: 133) notes, "the environmental consequences of development are separated from the social and economic ones". It should be noted though that conventional state-led environmental management has had many successes. In fact the US Environmental Protection Agency has even recognized that in some cases, "nationwide laws and regulations will continue to be the best way to reduce risk" (US EPA, 2004: 4). But as

the authors above have noted, significant gaps in conventional environmental management remain.

Of significance to the IBA effectiveness issue, two competing views are discernable within the environmental governance scholarship. One argues that methods of environmental governance should act to compliment conventional state-led environmental management (i.e. to work along side of it) (e.g. Clausen and McAllister, 2001; Cunningham and Clinch, 2005; Eisner, 2004). For example, in their study of voluntary environmental initiatives in the Canadian mining industry, Clausen and McAllister (2001) argue that, in order for them to be effective, they must be supported by a well-coordinated private sector strategy and a carefully conceived public policy and regulatory framework. A second view argues that unconventional mechanisms of environmental governance could be used to replace conventional environmental management mechanisms (e.g. Bradshaw, 2002; Potoski and Prakash, 2004). For example, Potoski and Prakash (2004) believe that voluntary programs entered into by business can one day provide superior outcomes to these conventional mechanisms. Business/government trust issues, they state, have kept these programs from currently achieving their full potential.

Aside from the rise of IBAs, the environmental governance 'turn' has been manifest in a number of ways over the past decade or so. For one, there has been a reconfiguration of state regulation from 'rowing the boat, to steering it' (Osborne and Gaebler, 1992). The state has backed away from regulating directly, instead acting as facilitators of self- and

co-regulation (Gunningham and Sinclair, 2002). Another innovation in environmental governance has been the rise of community-based natural resource management (CBNRM), whose support is largely based on the belief that transferring resource management authority to local communities better ensures the sustainable use of those resources (Bradshaw, 2003). Regulation by environmental non-governmental organizations (ENGOs) has also become a more common mechanism of governance. For example, the creation of the Forest Stewardship Council (FSC) by the World-Wide Fund for Nature has seen a number of forestry operators and forest-product retailers operate under FSC "sustainable forestry" rules, partly in an effort to avoid consumer boycotts of their products (Cashore, 2002). The emergence of Corporate Social Responsibility (CSR) has been yet another manifestation of innovation in environmental governance. As this is an area of high relevance to the study of IBAs, it is elaborated on in the section below, primarily in a mining context.

2.2.3.1 Corporate Social Responsibility (CSR)

The phenomenon of Corporate Social Responsibility (CSR) has emerged over the past decade, thereby giving rise to a body of scholarship that has sought to both describe and explain novel corporate behaviour (see for example, Porter and Van der Linde, 1995; Berry and Rondinelli, 1998; Eisner, 2004). CSR has been defined by the World Business Council for Sustainable Development (2000: 8) as:

> ... the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large

Other authors (e.g. Elkington, 1998; Eisner, 2004) have used simpler terminology, defining CSR as going 'beyond compliance' – an approach that encourages businesses to move beyond only their legal requirements. Similarly, entering into voluntary IBA negotiations could be thought of as a way the mining industry has gone 'beyond compliance'. As mentioned earlier, IBAs are largely non-legislated and thus outside the legal requirements of mine operation. The corporate 'social conscience' has been identified as at least one motivation for entering into IBA negotiations (Public Policy Forum, 2005). In this light, IBAs might be seen as a manifestation of this growing CSR phenomenon.

One clear example of CSR in the Canadian mining sector is the Whitehorse Mining Initiative (WMI). The WMI was introduced by the Mining Association of Canada in 1992 on behalf of the nation's mining industry, with the goal of directing mining activities in Canada towards sustainable development. More specifically, the WMI's vision "is of a socially, economically and environmentally sustainable, and prosperous mining industry, underpinned by political and community consensus" (WMI Leadership Council, 1994: 7). Another CSR initiative is the Prospectors and Developers Association of Canada's (PDAC) recent 'Environmental Excellence in Exploration' program, which provides a freely available database of industry environmental 'best practices' aimed at encouraging high levels of environmental care through all stages of mine development (PDAC, 2005). Finally, a number of Canadian mining firms have adopted the ISO 14001 environmental management system in recent years (e.g. DeBeers, 2005; Diavik, 2005).

Completely voluntary in nature, ISO 14001 aims to continually improve upon the environmental process aspects of a business (CSA, 1996).

It is likely that the recent emergence of IBAs is at least partly attributable to, or at least consistent with, the broader rise of CSR. The topic of IBA effectiveness is thus an appropriate one as it will contribute to larger questions surrounding CSR effectiveness and 'the privatization of environmental governance' (e.g. Cashore, 2002). Previous research from these areas will likely prove useful to the study of IBA effectiveness. For example, in their study of voluntary packaging waste reduction initiatives, Cunningham and Clinch (2005) note two limitations of CSR-related research: 1) the lack of quantitative baseline data; and, 2) the lack of information availability, generally. Until IBAs have been assessed for effectiveness, their utility as an innovation of environmental governance remains in question.

2.2.4 'Underdevelopment' of the Canadian North

It has long been argued that the Canadian North has experienced a state of 'underdevelopment' (e.g. Watkins, 1977; Coates and Powell, 1983; Bone, 2003). This underdevelopment has manifested itself in a number of ways, including historic 'boom and bust' cycles, a lack of economic diversification, and a dependence on a narrow range of primary resources (Bone, 2003). A dependence on primary resources or, 'staples', has led the North into what Watkins (1977, from Innis, 1930) deemed the 'staples trap'. While optimists argue that the exploitation of staples can lead to economic diversification over time (e.g. Mackintosh, 1959), pessimists argue that the exploitation of staples

generates 'rigidities' that lead to economic vulnerability and dependence for a region (Innis, 1930). This latter perception is similar to Friedmann's (1966) version of the core/periphery model, in which the Canadian North would represent a resource frontier or 'periphery'. Companies in the industrial 'core' dominate the economy of the periphery and control its pace of development. More significantly, most of the benefits and profits associated with development inevitably flow to the southern core.

Aboriginal peoples of the North are by no means immune to the effects of underdevelopment. For them, development is an age-old project that has intimately transformed their culture and tied their development needs to resource exports and state policies (Slowey, 2003). Aboriginal settlements today are troubled by high unemployment rates, which have inevitably led to widespread poverty, poor health, and a host of social problems (Bone, 2003). Economic development initiatives have largely failed and the bulk of the North's Aboriginal population remains totally beholden to the federal government (DiFrancesco, 2000). In recent years though, Aboriginal peoples have been seen confronting some of these underdevelopment issues through the creation of Aboriginal corporations and joint business ventures (Bone, 2003). How capable the North is of achieving lasting economic development remains in question though. For example, DiFrancesco (2000: 131) notes that even if another resource boom were to develop in the Northwest Territories (which certainly is true of today), "little in the way of lasting and wide-spread economic growth and development could be expected."
Kennett (1999a) claims that the underlying reason that Aboriginal peoples enter into IBA negotiations is to confront this socio-economic context. IBAs can provide for the

employment and training of Aboriginal peoples, community economic development, and needed infrastructure (e.g. airstrips and medical facilities) (Kennett, 1999b). At least one respondent to the Public Policy Forum's (2005) research even suggested that IBAs are needed *only* when developments are being proposed in regions where the economy is 'underdeveloped' and the project represents a major distortion of the existing economy. Perhaps it is for these reasons that IBAs have become implicitly required by the federal government for mineral developments (Public Policy Forum, 2005) and further encouraged as standard practice for new mines in the North (e.g. Keeping, 1999b). Whether IBAs are meeting their goals remains in question though. Until IBA effectiveness has been adequately assessed, their true impact on northern development remains unknown.

2.3 Chapter Summary

While research on IBAs has been relatively recent and therefore limited, many insights can be gained from the few studies already published. This chapter's review of the scholarly context to assessing IBA effectiveness has helped to set the context of this thesis research and should also act to complement remaining chapters. The following chapter describes the study area where the research occurred and provides some further background information, including a description of the Aboriginal IBA signatories in the area.

3. BACKGROUND TO THE CASE STUDY REGION

This research focuses on Aboriginal perceptions of the Impact and Benefit Agreements (IBAs) that were signed in relation to the three diamond mines in the Northwest Territories: BHP's *Ekati*, Rio Tinto's *Diavik*, and De Beers' *Snap Lake*. Table 1.1 identifies the Aboriginal signatories to these IBAs and the date of IBA signing. This chapter provides further background to the region within which these mines have developed and the various IBA Aboriginal signatory groups (i.e. the Dene, Inuit, and Métis).

3.1 Study area description

The Northwest Territories is located in northern Canada, and is bordered to the west by the Yukon Territory and the east by the Territory of Nunavut (Figure 1). It shares a southern border with the provinces of British Columbia, Alberta and Saskatchewan, and its northern boundary encompasses a number of islands in the Arctic archipelago. The majority of the region has an arctic or subarctic climate (Hare and Thomas, 1979); permafrost, be it continuous, discontinuous, or sporadic, underlies the entire area (Atlas of Canada, 2006). The Northwest Territories is sparsely populated, with 42,982 people occupying 1, 346, 00 km^2 of land. A large proportion of the population (19,429) resides in the territorial capital of Yellowknife (NWT Bureau of Statistics, 2006). Population composition is quite different from the provinces, as nearly half of the people (21,413) in the Northwest Territories are Aboriginal (NWT Bureau of Statistics, 2006). The vast majority of Aboriginal peoples are of Dene, Inuit, and Métis origin.

Natural resources provide the basis for development in the Northwest Territories, encouraging transportation development, various forms of employment and business opportunities, and generation of revenue for government (Bone, 2003). The natural resource activities of most significance include mining, oil and gas development, forestry, and fishing. These four industries, together, directly employ approximately 9.3% of the Northwest Territories' employed population (NWT Bureau of Statistics, 2005).

Mining represents a significant component of the Northwest Territories economy; in 2005, mineral production was worth over $1.7 billion (NRCAN, 2005). Diamonds have been a relatively recent addition to the Northwest Territories mineral portfolio with the first mine, BHP's *Ekati*, beginning production in 1998. A second mine, Rio Tinto/Aber's *Diavik*, began production in 2003 and De Beers' *Snap Lake* mine is scheduled to begin production in 2007. These three mines are clustered in an area approximately 300 km northeast of Yellowknife.

The diamond industry is now the largest contributor to the Northwest Territories' Gross Domestic Product, representing more than 50% (NRCAN, 2006). Diamond exploration continues to thrive; in 2004, $93.3 million was spent on exploration related to no less than fourteen separate projects (NWT and Nunavut Chamber of Mines, 2005; Goff, 2005). Yellowknife now rightly describes itself as the 'Diamond Capital of North America'.

3.2 IBA Aboriginal Signatories

There are three Aboriginal groups that are signatories to the diamond mine IBAs in the Northwest Territories: the Dene, Inuit, and Métis. These groups possess distinct histories, customs and worldviews – important variables that likely influence the course of IBA negotiations and perceptions of IBA effectiveness. In providing a review of the three Aboriginal signatories, it is expected that a greater understanding of the data obtained from the key informant and focus group interviews can be generated. Furthermore, familiarization with the history, worldview, and customs of a culture one intends to work with is an important step in achieving meaningful communication and intercultural effectiveness (e.g. Brislin and Yoshida, 1994; Gallois and Callan, 1997; Dodd, 1998). It can be thus argued that a lack of meaningful communication and intercultural effectiveness will result in less-than-satisfactory research. For these reasons, descriptions of the three signatory groups are provided below.

3.2.1 Dene

Traditionally, the Dene were a hunter-gatherer society relying on moose, caribou, fish, hares, and berries for subsistence. Nomadic in nature, they were spread over the western Canadian subarctic, and relied on few other people for raw materials or items of technology (Helm, 2000). The lives of the Dene forever changed when contact with European explorers occurred in the 17th century. Initially the Dene became partners in the growing European fur trade, exchanging country food and furs for material possessions such as cookware, tobacco, foodstuffs, guns and ammunition (Helm, 2000).

As time progressed, though, a somewhat darker side of European-Aboriginal relations began to emerge. First, European diseases such as smallpox, measles, scarlet fever, diphtheria, and influenza plagued the Dene, killing many (Moore, 2002). Then, in the late 19th century and with the permission of the recently-formed Canadian federal government, several religious groups began operating residential schools for Aboriginal students. These schools often isolated children from their families, forbade them to use their native language, and forced them to learn history and other subjects from an alien perspective. Abuse, both physical and sexual, was also prevalent (RCAP, 1996a).

Another significant event for the Dene came with the signing of Treaties 8 (1899) and 11 (1921) with the federal government. From the Dene perspective, these treaties promised education, health services, agricultural assistance, and shared benefits from resource development. The Dene did not believe, as the federal government did, that they had ceded or surrendered their historical rights (Dickason, 1997). This complication has led to much conflict between the Dene and the federal government, including conflicts surrounding Dene land tenure, resource rights, and benefit entitlements, to name a few. Many of these issues continue to be debated to this day, with most Dene feeling as though they have been cheated in the process.

Currently, the Dene Nation (as it has come to be known) is made up of 18,000 people speaking five distinct languages, spread over 1.8 million square kilometres in the western Canadian subarctic (Abel, 2005). In many cases, Dene employed in the wage economy continue to follow traditional pursuits such as hunting, trapping, and fishing. Increasing

numbers are successfully adapting to modern times while also maintaining a sense of identity and purpose (Moore, 2002). Unfortunately though, a number of Dene communities are rife with social and economic problems. Canadian Aboriginal people, in general, endure ill health, insufficient and unsafe housing, polluted water supplies, inadequate education, and poverty and family breakdown at levels usually associated with impoverished developing countries (RCAP, 1996b). Asch (1977) theorized that many of the problems faced by the Dene stem from two fundamental themes: 1) economic dependency on outside agents, beginning with the fur trade and maintained though post-war government intervention; and, 2) the intrusion of southern institutions and values into the on-going process of Dene life. Moore (2002) largely agrees, noting that many social problems in contemporary Dene communities are due to the displacement of traditional ways of life by non-native culture. While social and economic issues undoubtedly exist, it should be noted that the Dene are also increasingly adapting to modern technology while maintaining a sense of identity and purpose through traditional activities (Moore, 2002). The Dene in the Northwest Territories have also signed a number of land claims and self-government agreements, such as the Gwich'in Comprehensive Land Claim Agreement (1992), the Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993) and most recently the Tlicho Land Claims and Self-Government Agreement (2003). Negotiations with other groups are ongoing.

In the Northwest Territories there have been three Dene organizations that have signed IBAs with the three operating diamond mines. The first, the Yellowknives Dene First Nation (YKDFN), is composed of members from the communities of N'Dilo and Dettah,

with membership totalling approximately 450 (Tsetta et al., 2005). The Lutsel K'e Dene First Nation (LKDFN) is composed of members from the community of Lutsel K'e, which had a population of 414 in 2005 (NWT Bureau of Statistics, 2006). Finally, the Dogrib of Treaty 11, who are now known as the Tlicho, is composed of members from the communities of Behchoko, Gameti, Wekweeti, and Whati; their population totalled 2,893 in 2005 (NWT Bureau of Statistics, 2006). These First Nations have all been traditional users and occupiers of the lands surrounding the three mines.

3.2.2 Inuit

The Inuit of the Canadian North belong to a people who straddle the North American Arctic. They are of Asian origin, believed to have crossed the Bering Straight into North America some 8000 years ago. The traditional Inuit were nomadic, living in small camps during the spring, summer and fall, but gathering into larger camps during the winter. The location of camps was not random; they were visited year after year, with the result that many families spent most of their life within a circumscribed area. Traditional activities of the Inuit included hunting for seal, whale, caribou and fox, gathering wild berries, and fishing (McMillan, 1988; RCAP, 1996a; Dorais, 2002).

With the arrival of European explorers, Inuit life began to change. Permanent contacts with traders such as the Hudson's Bay Company and Scottish and American whalers were first established in the early 19th century. These groups were followed by missionaries of varying denominations. By 1940, nearly all of the Canadian Inuit had

become Christians and were living in semi-nomadic hunting and trapping camps. Their economic activities at this time were directed principally towards the fur trade. Shortly thereafter, the federal government established a complete system of educational, social, administrative, and health services throughout the North and the Inuit were strongly encouraged to move into sedentary, established communities. While traditionally they lived in snow houses ('igloos') or semi-subterranean stone and sod huts, by the 1970s all the hunting-trapping camps had disappeared (McMillan, 1988; RCAP, 1996a; Dorais, 2002).

The Inuit continue to partake in traditional hunting and gathering activities, but are now also highly engaged in the wage economy (RCAP, 1996c). And, like so many other Aboriginal communities in Canada, the Inuit disproportionately suffer from a number of social ills, such as poverty, violence, and a lack of education (Bone, 2003). On a more positive note though, the Inuit have been quite active in the signing of land claims, which have provided them with a number of land and self-government rights. For example, there has been the signing of the Inuvialuit Agreement in 1984 and, more recently, the signing of the Nunavut Land Claims Agreement which mandated the establishment of a new territory, Nunavut, on April 1, 1999.

In regards to diamond mining in the Northwest Territories, the Kitikmeot Inuit Association (KIA), which represents the interests of the Inuit of the Kitikmeot region of Nunavut, has signed IBAs in support of two of the three mines (i.e. *Ekati* and *Diavik*) and is in the process of negotiating with the final (i.e. *Snap Lake*). More exactly, the KIA

represents the communities of Cambridge Bay, Bathurst Inlet, Gjoa Haven, Kugluktuk, Kugaaruk, Taloyoak and Umingmaktok, whose total population in 2001 was 4,816 (Nunavut Bureau of Statistics, 2002). The Inuit of the Kitikmeot region have been traditional users and occupiers of the lands surrounding the three mines.

3.2.3 Métis

The Métis of Canada were formally recognized as an Aboriginal people in section 35 of the Constitution Act, 1982. While there is no general agreement on criteria for an exact definition, today "Métis" has been generally accepted in Canada for all Aboriginal/white ad-mixtures (Dickason, 2002). The mixing of Aboriginal and white peoples began in the early days of New France, where it was in fact encouraged by official policy to bolster the population and strengthen French claims to the land. The fur trade subsequently lured many more non-Aboriginals into stable unions with Aboriginal women (McMillan, 1998). While today the Métis are often identified with the three prairie provinces, significant numbers of Métis exist from coast to coast, including in the Northwest Territories (RCAP, 1996c).

Early Métis played an instrumental role in the development of the fur trade in Canada, with many individuals acting as "freemen" in trade as well as employment, and providing various services as hunters, guides, voyageurs, and interpreters, among others. In the case of the Hudson's Bay Company, by the end of the 19th century Métis made up 72 percent of the workforce (Dickason, 2002). Many early Hudson's Bay Company

employees and other European settlers were dependent upon the Métis for subsistence during early, difficult years. As time progressed though, Métis communities began to develop their own self-regulated, semi-nomadic way of life. They were mobile when necessary for hunting, trapping, and trading, and semi-sedentary where supplementary subsistence farming was practical. They also developed their own language ('Michif', in several variations), music and dance, a flag, a bardic tradition, and a rich folklore (McMillan, 1988; RCAP, 1996c; Dickason, 2002).

Much tension was created for the Métis with the arrival of increasing numbers of settlers who encroached upon their traditional lands, and their subsequent mistreatment by the newly founded Government of Canada. Canada failed to realize the Métis claim to Aboriginal rights, and even their claims to prior settlers' rights were being challenged. Ottawa then amended the Indian Act in 1880 to exclude Métis from the provisions of the Act and from the treaties. Increasingly disillusioned and under the leadership of Louis Riel, the Métis proclaimed a provisional government backed by a Bill of Rights, and took up arms in 1885. In response, Ottawa sent the Northwest Mounted Police to deal with the uprising, with the result that the 'Riel Rebellion' was soon quashed, and Riel was sentenced to hang for high treason. This event remains significant and symbolic for the Métis in Canada today (McMillan, 1988; RCAP, 1996c; Dickason, 2002).

Métis people today continue to deal with many issues pertaining to Aboriginal rights. Unlike other Aboriginal people in Canada, the Métis were never given a viable land base or even reserves, but face similar marginalization in society (Dickason, 2002). In looking

at socio-economic conditions, Métis are somewhat better off than Aboriginal people generally but much worse off than most non-Aboriginal Canadians. Their health, safety, longevity and cultural stability are all threatened by their poor economic situation (RCAP, 1996c). And, while there has been constitutional recognition of the Métis as an Aboriginal people, this has not been followed by the creation of federal programmes commensurate with those in place for other Aboriginals. This dire situation has led some to term the Métis "Canada's hidden people" (e.g. McMillan, 1998; Dickason, 2002). Furthermore, Canada's Métis face a somewhat unique situation in that most Métis people are or have been involved in both the Aboriginal and non-Aboriginal worlds, but many have never felt fully accepted by either (RCAP, 1996c).

The Métis continue to fight for recognition of their rights, and have organized into a diverse array of groups dedicated to improving their situation. Current goals of Métis people are not very different from other Aboriginal peoples, and include assuming political responsibility for themselves and obtaining a viable land base for economic and cultural development (RCAP 1996c; Dickason, 2002). In the Northwest Territories, Métis have signed two land claims agreements, the Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993) and the Gwich'in (Dene/Métis) Comprehensive Land Claim Agreement (1992). Negotiations with another group, the South Slave Métis, are ongoing.

In regards to diamond mining in the Northwest Territories, the North Slave Métis Alliance (NSMA) is the only Métis organization to sign IBAs. The NSMA's primary

mandate is to represent the direct descendents of Métis who used and occupied land in the North Slave Region of the Northwest Territories prior to 1921 (INAC, 2006). The NSMA has been a signatory to IBAs with all three of the Northwest Territories diamond mines.

3.3 Chapter Summary

This chapter provided important background information to the research presented in this thesis. The study area was first described, followed by a description of the three Aboriginal signatories to the IBAs under study. The following chapter describes the overall approach, including specific methods, to determine the effectiveness of the IBAs signed with the various Aboriginal signatories.

4. APPROACH TO THE RESEARCH

This chapter describes the overall approach and specific methods used to achieve the research objectives identified in section 1.2. Before turning to these, a review of past related research is undertaken in an effort to extract methodological insights to develop a protocol for assessing IBA effectiveness. A multi-method approach to data collection and analysis is then presented, followed by a description of the limitations of the research.

4.1 Methodological Insights from Past Research

As IBAs are a relatively recent phenomenon, past research that has sought to assess the effectiveness of selected IBAs is somewhat sparse. A further likely explanation for the dearth of IBA effectiveness research is the fact that such research is methodologically challenging. Indeed, Steven Kennett (pers. communication, 2003), a long-time IBA researcher, reflected this point in suggesting that the question, 'are IBAs working?', is "the million dollar question"; it remains largely unanswered. This situation is not uncommon with respect to assessments of policy or program effectiveness more generally, which many have recognized as difficult (e.g. Patton, 1982; Hogwood and Gunn, 1984). In this section, a number of past studies focused on IBA impacts are reviewed in order to gain methodological insights. Following this, a number of related studies from outside the IBA literature are reviewed for similar purposes. A review of the more general program evaluation literature is then undertaken, followed by a

description of 'best practice' intercultural research, with a specific focus on conducting research with Canadian Aboriginals.

4.1.1 IBA research

The first formal evaluation of IBA outcomes was conducted by Dreyer and Myers (2004). The authors sought to assess the effectiveness of two IBAs in the Yukon Territory from the perspective of their Aboriginal signatory, the Ross River Dena. More specifically, Dreyer and Myers (2004) sought to determine whether the IBAs negotiated by the Ross River Dena Council had been successful in providing short- and long-term benefits to Aboriginal residents. The success of the IBAs was measured in two ways: 1) by measuring community members' perceptions of the benefits they had received from the IBAs; and 2) through a comparison of the negotiated and actually received benefits. Data collection was accomplished through a combination of archival review, semi-structured interviews, open interviews, community member surveying, and participant observation. While successful in generating results, the authors noted some limitations to their study. First, as their study had been conducted in only one community (Ross River, YT), their findings were not universally applicable. Second, the authors noted that their study focused strongly on the perspective of the Aboriginal community, and paid only limited attention to views, challenges and limitations encountered by the developers or government.

A second review of IBA outcomes, undertaken by the North-South Institute (2006), solicited community members' perspectives on the implementation and outcomes of one IBA established between the community of Lutsel K'e, Northwest Territories, and BHP Billiton. This was accomplished through semi-structured interviews with community members, a focus group comprised of community youth, and participant observation. Both the Dreyer and Myers (2004) and North-South Institute (2006) studies are helpful with respect to identifying data collection methods and IBA effectiveness criteria. One limitation, however, of both these studies is that the impacts attributed to the IBA were not assessed relative to a pre-IBA baseline condition, or to IBA objectives.

A third IBA focussed study, conducted by Hitch (2006), sought to answer the question: "Can mining contribute to the development of sustainable communities through the application of Impact and Benefit Agreements in order to establish pathways of community sustainability for the future?" A case study approach was used, with a focus on the Tahera Diamond Corporation's *Jericho* mine IBA in Nunavut. IBA effectiveness was assessed through the application of a set of normative sustainability criteria generated through examination of literature and previous Impact and Benefit Agreements. These criteria were then applied using focused interviews with members of various interested parties. Twelve participants, representing industry, government, NGOs, community members, and the local Inuit association, were interviewed using an unstructured approach.

The Hitch (2006) study, like the two previous studies, failed to assess IBA impact relative to a pre-IBA baseline condition, and similarly failed to assess IBA impact relative to pre-determined IBA objectives. As with any program evaluation, establishing cause and

effect can be a challenge, and these studies revealed no explicit attention to this challenge.

A final related study conducted by Galbraith and Bradshaw (2005) provides some additional methodological insight. Although the authors' focus was the rationale of IBAs rather than their effectiveness, their research used the same case studies as those in this thesis. Specifically, they found that document review, key informant interviews and participant observation were useful in providing detailed and relevant information on IBAs.

4.1.2 IBA-related research

Outside of the IBA literature, methodological insight can be gained from studies of IBA-like agreements. A number of Community Benefits Agreements (CBAs), for example, have been negotiated in California between urban developers and communities that would otherwise be impacted by noxious projects. Like IBAs, CBAs are meant not only to mitigate adverse impacts, but to deliver benefits to the community as compensation (Gross, 2005). While interest has been expressed regarding assessment of CBA effectiveness, no one has yet completed such a task (Cummings, pers. communication, 2006). Also similar to IBAs, Good Neighbour Agreements have been used in the United States and the United Kingdom between major companies and local communities to raise environmental standards and enhance local accountability (Illsley, 2002). While, here too, interest has been expressed regarding assessment of these agreements, assessments have yet to occur (Illsley, pers. communication, 2006). Finally, there are also IBA-like

agreements in the Canadian oil and gas sector, termed 'Benefits Plans'. A thorough literature search returned no results pertaining to evaluating effectiveness.

Considering the limited research on IBA effectiveness specifically, and the absence of similar research on IBA-like agreements, further insights might be gained from those studies that have sought to evaluate the impacts of a program for Aboriginals. Research conducted here has included, for example, analysis of social and economic impacts of Aboriginal land claim settlements through case study analysis and key informant interviewing (e.g. ARA, 1995), evaluation of tribal council funding through document review and key informant interviewing (e.g. INAC, 2004), and evaluation of Aboriginal employment programs through semi-structured interviewing and analysis of socio-demographic data (e.g. Levesque et al., 2001). Generally, these studies offer limited insight to establishing cause and effect. However they do highlight the importance of face-to-face, community level interviews in evaluating Aboriginal policies and programs.

4.1.3 Policy and Program Evaluation

Most generally, methodological insights can be gained from the policy and program evaluation literature, one significant aspect of which focuses on the importance and challenge of establishing cause and effect when assessing the impact of a policy or program (Hogwood and Gunn, 1984). While evaluation based on control and experimental groups has been deemed the most reputable method, practical and political considerations often limit its use (Hogwood and Gunn, 1984). Fortunately, a number of

other methods for evaluation are well described in the literature. In before-and-after studies, for example, outcomes are measured on a study population eligible for a program both *before* the program is implemented and *after*. The difference between the two measurements is taken to be the impact of the policy. Of course, the problem with this type of study is that many rival events and factors, other than the new policy or program, could be responsible for the difference. It is for this reason that a single before-and-after study is considered weak in terms of validity (GSRU, 2005). The potential value of before-and-after studies can be substantially increased, though, if multiple measurements before, during, and after the implementation of a program are completed. This approach is much more likely to eliminate spurious findings (Hogwood and Gunn, 1984).

Qualitative approaches have also been described in the policy and program evaluation literature. They are usually employed in *naturalistic* settings, rather than the contrived environments of controlled trials or social surveys, with the goal of capturing as closely as possible the understandings, interpretations and experiences of ordinary people in their everyday lives and environments (GSRU, 2004). The data that are produced often consists of words, pictures, and sounds, and are thus not easily converted into a numeric format (Kitchin and Tate, 2000). GSRU (2004: 7) suggests that qualitative research is particularly valuable in certain evaluations, for example:

- where a policy or social context is not well understood, and the evaluation questions, issues or criteria are not immediately obvious;
- where 'insider' values and perspectives are particularly important as well as the 'official' perspective; or
- where diversity in how the policy operates across different sites or services needs to be understood

Methods that can be employed in such situations are numerous, but have commonly included document study, individual interviews, focus group research, and participant observation (Kitchin and Tate, 2000).

As alluded to earlier, a number of challenges exist for a researcher conducting policy and program evaluation. Establishing the seemingly simple matter of 'cause and effect', for example, has had philosophers in dispute for centuries. As Pawson and Tilley (1998:32) note, "many of the most momentous disputes in natural and social science have turned on the matter of whether cause has been well and truly established." One notable challenge has been to identify and measure side effects, or other unintended consequences of a policy or program. The benefits, or damage they cause, may in fact be more significant than the impact in terms of the original policy or program objectives (Hogwood and Gunn, 1984). Separating policy and program impact from other influences is also noted as a challenge in evaluation by Hogwood and Gunn (1984), as it is "frequently very difficult to separate out the effect of a particular programme from all the other influences on people's lives" (226).

Another fundamental issue in policy and program evaluation, and one of particular importance to this study, pertains to policy and program *objectives*. While it is possible and common to measure policy or program impacts irrespective of objectives, assessments of policy or program effectiveness must aim to assess outcomes in relation to the goals or objectives of the policy or program of intent (O'Faircheallaigh, 2002). Identification of objectives is of "fundamental importance"; however, it is often difficult

as there are issues, for example, in determining *whose* objectives should form the basis for evaluation (O'Faircheallaigh, 2002:1).

A further challenge in evaluation is in matching research methods to the nuances of particular evaluation questions and the idiosyncrasies of specific stakeholder needs (Patton, 1987). To meet this challenge, evaluators need to use a large repertoire of research methods and techniques (Patton, 1987). Furthermore, the use of multiple methods and a variety of data sources, to achieve so-called 'triangulation', can contribute to methodological rigour (Baxter and Eyles, 1997). Confirming research results by means of triangulation can offer cross-checking of results by approaching a problem from different angles and using different techniques (Winchester, 2005).

4.1.4 Intercultural research

Given the intercultural nature of this research and its potential to impact on findings, a review of the literature surrounding intercultural research is insightful. In contrast to the scarcity of research surrounding IBAs, there is considerable literature on effective intercultural research (e.g. Kowalsky et al., 1996; Gallois and Callan, 1997; Dodd, 1998). Intercultural communication and research, it should be noted, presents a number of obstacles for all communicating parties (Dodd, 1998). While previous authors have suggested a multitude of ways for achieving positive intercultural outcomes (e.g. Gallois and Callan, 1997; Dodd, 1998; Sarbaugh, 1998), many of these approaches are broad-based and somewhat vague in nature, and therefore often fail to provide insight into

specific intercultural circumstances. The literature surrounding effective communication with Canadian Aboriginal communities is much smaller; smaller still is that literature pertaining to conducting effective research within these communities.

In earlier years, researchers and research projects had tended to acquire a poor reputation among Aboriginal peoples. The purposes and meanings of research undertaken by academics were usually alien to the Aboriginal people themselves and the outcomes were often misguided and harmful (Brant-Castellano, 2004). More recently though, there has been a shift in practice by researchers to highlight the importance of cultural sensitivity in the research process (Letendre and Caine, 2004). This can be seen, for example, in the number of 'ethical principles' for Aboriginal research that have been devised by research bodies and similarly devised 'best practices' (see for example: RCAP, 1996d; AIATIS, 2002; Ellerby, 2005; TCPS, 2005).

First and foremost in conducting research with Aboriginal peoples, informed consent must be obtained from all participants (RCAP 1996d; Schnarch, 2004). Consent ensures that the participants are cognizant of the purpose and nature of the research, aware of their rights to withdraw, and informed of the degree of confidentiality that will be maintained in the study. Respect for the culture, traditions, and knowledge of the Aboriginal group is also of primary importance and will contribute to positive research results (AIATSIS, 2000; TCPS, 2005).

In studies located principally in Aboriginal communities, researchers should also establish collaborative procedures to enable community members to participate in the planning and execution of research (RCAP, 1996d). Taken a step further, some authors have even argued for Aboriginal people to be *partners* in research, as opposed to mere participants (e.g. Brant-Castellano, 2004; TCPS, 2005). This is a view wholly different from that seen in earlier times, where researchers assumed control of knowledge production, collected information in brief encounters, and promoted the merits of 'outsider' research concerning Aboriginal communities (Brant-Castellano, 2004).

It is now generally accepted that Aboriginal peoples should also have access to research results, including research data (Schnarch, 2004). The Royal Commission on Aboriginal Peoples (RCAP) (1996d) in their *Ethical Guidelines for Research* notes that "results of community research shall be distributed as widely as possible within participating communities, and reasonable efforts shall be made to present results in non-technical language and Aboriginal languages where appropriate". Important also is the advancement of draft research reports to community members. This allows for challenge and modification of report results should they be necessary (Weijer et al., 1999).

Finally, a researched community should benefit from, and not be disadvantaged by, the research project (AIATSIS, 2000). In the past, researchers have profited professionally and economically from Aboriginal research without employing local people, compensating research subjects, or providing for community benefits (Schnarch, 2004). It is now proposed that in setting research priorities and objectives for community-based

research, researchers shall always give serious and due consideration to the benefit of the community concerned (RCAP, 1996d). Where possible, research should also support the transfer of skills to individuals and increase the capacity of the community to mange its own research (RCAP, 1996d; Weijer et al., 1999).

4.2 A Multi-Method Approach to Data Collection and Analysis

Insights gained from this review suggest the use of a culturally aware and responsible, multi-method approach for assessing IBA effectiveness from the Aboriginal perspective. Consistent with the policy and program evaluation perspective, assessing IBA effectiveness is akin to assessing "cause and effect". Specifically, the methods used in this approach aim to determine which observed effects can be attributed to a cause. The cause, in this case, is a given IBA.

This research focuses on IBAs that have been signed between various Aboriginal communities and the developers of the Northwest Territories' three diamond mines identified in Table 1.1 (i.e. BHP's *Ekati*, Rio Tinto/Aber's *Diavik*, and DeBeers' *Snap Lake*). The location of these mines and of Yellowknife and Dettah can be seen in Figure 1.1. While IBAs have been signed with other mines in the area (diamond and non-diamond producing), these three were chosen for a number of reasons. For one, they were all negotiated under the same territorial legislative framework, and were negotiated with the same Aboriginal signatory groups. The three mines are also all currently operating, and are producing the same product (i.e., diamonds). The similarities between

the three mines may thus allow for generalizations to be made regarding IBA effectiveness. Furthermore, prior IBA-focussed research had already been completed in the study area (see Galbraith, 2005), and the author's research sought to compliment this.

The field-based component of the research was completed in Yellowknife, Northwest Territories, and Dettah, Northwest Territories over a 3 month period in the summer of 2006. This current section specifically outlines the multi-method approach used during the research. The first task in this approach was to organize and analyze secondary socio-economic data, the second was to conduct semi-structured interviews with key informants, and the third was to conduct focus group interviews with members of an Aboriginal IBA signatory community. These tasks were undertaken in an effort to triangulate research results and ensure a higher degree of rigour. Participant observation also played a role in the multi-method approach and is described. Some preliminary considerations to the research are first presented below.

4.2.1 Preliminary considerations

Before any primary research was conducted by the author, a research licence was first obtained from the Aurora Research Institute in Inuvik, Northwest Territories. Obtaining this licence is mandatory for any research that will occur in the Northwest Territories, under the Northwest Territories Scientists Act. A further application was made to the University of Guelph research ethics board, as required by university policy, and was accepted.

Before traveling to the study area, the author made a concerted effort to familiarize himself with the Aboriginal groups with whom he would be working. Familiarization with the history, worldview, and customs of a culture one intends to work with is an important step in achieving meaningful communication and intercultural effectiveness (e.g. Brislin and Yoshida, 1994; Gallois and Callan, 1997; Dodd, 1998). In the case of Canadian Aboriginal peoples, this could not be emphasized enough. So much of the recent history of Aboriginal peoples has been influenced by 'outsiders', that any 'outsider' wishing to conduct research in one of these communities would be well-advised to be understanding of their situation. In saying this, the author undertook a literature review and partook in discussions with other researchers involved in Aboriginal issues before travel.

Upon arriving at the research location of Yellowknife, Northwest Territories and prior to initiating the field research, a small IBA research workshop was held by the author, the author's thesis advisor and a past graduate student. This workshop served to bring a small number of people interested in IBA research together to discuss past work and develop future research direction. Specifically, participants were asked to provide research questions they felt were of importance, and to see if potential research partners could be identified. At the very least, the meeting provided the author an opportunity to meet a number of people in the field, and to develop a preliminary research network.

While the field-based component of the research occurred over a three-month period, the first month was devoted largely to introductions and network-building. This was done

partly in effort to further familiarize the author with the context to the research, and partly to develop relationships with local Aboriginal peoples. 'Entry' into Aboriginal communities is not without its challenges, with past Aboriginal researchers (e.g. Johnson, 1984; Hutchison, 1985), for example, identifying 'stages' to gaining entry in Aboriginal communities when conducting research. Often, there is a significant 'stopping' or 'waiting' stage a researcher must go through before gaining entry. 'Entry' occurs only when trust is established, and feelings and reflections are shared openly with the researcher (Johnson, 1984; Hutchison, 1985). One successful way that the researcher built relationships, for example, was though volunteering with a local First Nation's IBA office.

4.2.2 Organization of secondary socio-economic data

Organization and analysis of secondary socio-economic data was completed in an effort to develop indicators pertaining to benefits. Primary collection of these data was not necessary as it had been completed for the three regional diamond mines (i.e. *Ekati, Diavik,* and *Snap* Lake) under requirements of the Northwest Territories Socio-Economic Agreements. In the Northwest Territories, socio-economic agreements were established between the three mine developers and the territorial government, with Aboriginal communities as occasional signatories. One provision of these agreements has been that mineral resource developers report on varied socio-economic indicators for IBA signatory communities (e.g. Government of the Northwest Territories, 2006). These annual 'Communities and Diamonds' reports have thus been 'mined' to collect relevant indicators of community well-being.

Indicators pertaining to income, employment, education, and registered businesses were selected, as they are likely reflections of common IBA provisions. For example, provisions regarding employment of Aboriginals in a mining project are usually a central focus of IBAs (Sosa and Keenan, 2001) and might include employment target-setting for Aboriginal peoples, preferential hiring policies, and the establishment of apprenticeship and other educational programs (Kennett, 1999a). For these reasons, the socio-economic indicators pertaining to income, employment, and education were chosen. Provisions for community economic development are often included in an IBA as well, and might include ensuring Aboriginal contracting and subcontracting opportunities are made available and in target setting for the purchase of mine goods and services from Aboriginal-owned businesses (Kennett, 1999a). For this reason, a further indicator pertaining to registered businesses was chosen, although the income and employment indicators are also relevant here.

Data were provided for the Northwest Territories, Canada, and 'impacted' Aboriginal communities. 'Impacted' Aboriginal communities are those Northwest Territories communities that were part of the "local study area" in the BHP, Diavik, and De Beers environmental assessments and further represent the Aboriginal communities in the Northwest Territories that have signed IBAs with the diamond mines. Once organized, the data were analyzed for general trends (increasing, decreasing, and no change) and simple inferences were made to IBAs. For example, if large increases in the average income earned by those in the impacted Aboriginal communities occurred over the study period, it was assumed that IBAs were at least partly responsible. It should be noted that

this analysis alone cannot confirm whether promised benefits are being delivered, or if IBA objectives are being met. It did, however, contribute to the triangulation of research results.

4.2.3 Key informant interviews

Key informant interviews were conducted in an effort to elicit responses pertaining to IBA effectiveness from people in an 'expert' position to comment on such. Included in this category were people who dealt with any (or all) of the three diamond mine IBAs (or their deliverables) on a regular basis. In all, 30 key informants were interviewed over the three-month field season, using a semi-structured interview approach. Within a semi-structured interview, the conversation is highly controlled by the interviewer and a series of the same open-ended questions are asked of each participant. Open-ended questions allow the participant a degree of flexibility in answering a question, but the structured strategy is meant to increase the comparability of responses and ensure responses to all questions for every interviewee (Kitchin and Tate, 2000). Semi-structured interviews were thus meant to provide the researcher with ample and comparable results, while allowing for flexibility in questioning.

Interviews were conducted in a number of settings, often of the interviewee's choice. Common interview settings included: the interviewee's office/workplace; a local coffee shop; and local restaurants. Interviewees included representatives from Aboriginal organizations, government departments (both federal and territorial), regulatory bodies,

industry, consulting firms, and academia (see Appendix A for a complete list). Key informants were either identified by the researcher beforehand as people who had been actively involved in the IBAs under study, or were identified by other key informants during the interview process, as possible future participants.

Before an interview began, introductions were made and a brief description of the research was provided. Contact information for the researcher was also provided at this time, and participants were asked to sign an 'Assurance of Participant Confidentiality' form (see Appendix B). This form informed the interviewees of the confidential nature of their participation, the intended use of the information they provided, and opportunities for them to comment at a later date on the information they provided. Lines of questioning then focused on the effectiveness of the diamond mine IBAs in the Northwest Territories. More specifically, questions relating to the objectives of these IBAs were asked, and the degree to which these objectives had been met. In assessing the degree to which IBA objectives were met, it is thought that a portrait of overall IBA effectiveness could be discerned. Objectives of IBAs had already been described in Galbraith and Bradshaw (2005), and lines of questioning sought to confirm these. Galbraith and Bradshaw (2005) identified that the objectives of an IBA from an Aboriginal perspective were to:

- ensure adequate 'follow-up';
- build positive relationships and trust;
- relieve capacity strains; and,
- secure local benefits

Key informants were first asked whether they agreed with each of these objectives and, if so, the degree to which these objectives were being met. This approach is somewhat

different from other IBA effectiveness studies, as no past studies have specifically sought to assess effectiveness relative to IBA objectives. Considering the novelty and uncertainty surrounding this approach, key informants were also asked to comment on any other additional objectives they felt IBAs were meant to serve, as these could provide further insight into the question of IBA effectiveness. Key informants were then asked more generally about their views and judgments on the IBAs, in an effort to elicit further response to IBA effectiveness. Finally, key informants were asked to provide suggestions as to how current IBAs could be improved upon. Table 4.1 provides examples of the questions asked, and provides a comparison to the questions asked of the community member focus groups. A complete copy of the key informant questionnaire can be found in Appendix C. Any notes/recordings from the interview were kept in a locked filing cabinet in an office space in Yellowknife. Notes were edited for clarity and then sent, via email or fax, to the interviewee for validation. Any comments or revisions noted by the interviewee were subsequently included in the official interview documentation.

For the purposes of this evaluation, key informants were not categorized according to their affiliations (e.g. Aboriginal signatory, industry signatory, government representative, etc.) for a number of reasons. For one, key informants were not seen as a representative sample that could be counted. Secondly, categorizing key informants can be problematic. How, for example, would a non-Aboriginal working for an Aboriginal organization be categorized? A consultant who provides services to both Aboriginal communities and industry? An Aboriginal contractor working for a mining company?

Example Questions		
Theme	***Key Informants***	***Community member focus groups***
General	• Do you have a view/judgment on IBAs? If so, what is your view?	• What is your general view of the IBAs to date? Are you glad that your community signed one?
Confirmation of IBA objectives	• (Individually) Would you agree that IBAs are meant to: -Build positive relationships and trust between the mine developer and signatory groups? -Relieve capacity strains of signatory groups? -Secure local benefits? -Ensure adequate follow-up? • Are IBAs meant to serve any additional objectives?	• N/A
IBA objectives being met?	• (Individually) Do you feel that IBAs have: -Built positive relationships and trust amongst the mine developer and impacted communities? -Relieved capacity strains of impacted communities? -Secured benefits for impacted communities? -Ensured adequate project follow-up?	• *Build positive relationships/trust & relieve capacity strains* -Do you trust the mining companies that your community signed IBAs with? -Do you feel like [the company] respects you? Has this always been the case? -Do you feel your community has the capacity (i.e. funding, resources) to be an equal partner in these agreements? For example, can you participate in environmental monitoring programs, or make recommendations to [the company] for improving aspects of the mine's development? *Secure local benefits* -Is the community better off now because of the IBA? What benefits have you seen? *Ensure follow-up* -Have the mining companies been responsive to your concerns after the IBAs were signed?
Improvement of IBAs	• How do you think IBAs could be improved upon in the future?	• How do you think your IBAs could be improved upon in the future?

Table 4.1: Sample questions for the key informants and community member focus groups

Furthermore, when categories are broken down too much, maintaining confidentiality of respondents becomes an issue. More important to this study was the *variation* in opinion of the key informants, variation perhaps linked to their geographical community of representation.

Data analysis was accomplished through a form of associative analysis, where the researcher looks for patterns, replication and linkages in the dataset (GSRU, 2004). This is similar to Patton's (1990) *interpretative approach*, which emphasizes the role of patterns, categories, and basic descriptive units. Associative analysis thus uses the associations or patterns found in the data to enrich understanding of the phenomenon in question, and not to display differences or associations quantitatively (GSRU, 2004). Associations in the interview dataset were sought to see, for example, if general themes emerged amongst the key informant group or if dissenting views existed. Categorization of interview responses was also necessary in some instances, such as when respondents were asked to confirm IBA objectives and comment on the degree to which those objectives were being met. In the case of the latter, "yes" (the objective is being met), "no" (the objective is not being met), and "partially" (the objective is partially being met) were the categories employed. Used this way, associative analysis provided improved understanding of IBA effectiveness.

4.2.4 Community member focus groups

Community member focus groups were conducted in an effort to elicit responses pertaining to IBA effectiveness from those who directly experience IBA outcomes in an

Aboriginal community. Defined as those people who had not been involved first-hand with the development or implementation of the IBAs, the community members were meant to provide another perspective on IBA effectiveness, and further contributed to the triangulation of research results.

The focus group method has been recognized as a valuable research tool, and involves a small group of people discussing a topic or issues defined by a researcher. The researcher then draws out the range of views and understandings held within the group, and manages disagreement among participants (Cameron, 2005). Cameron (2005) further notes that the interaction that occurs between members is a key characteristic of focus groups. This 'synergistic' effect has led some researchers to propose that the method results in far more information being generated than through other research methods (e.g. Berg, 1989; Stewart and Shamdasani, 1990).

For the purposes of this research, two focus groups were conducted in the town of Dettah, Northwest Territories. The community members of Dettah are part of the membership of the Yellowknives Dene First Nation (YKDFN), a signatory group to all three of the IBAs of study in this research. Dettah is a small community of 218 people (NWT Bureau of Statistics, 2006), located approximately 27 kilometres from the city of Yellowknife. Transport to Dettah was accomplished by means of a rented automobile. Before any community member focus groups were to be conducted though, it was made aware to the researcher that approval for the research needed to first come from the YKDFN band leadership. Approval was thus acquired by contacting both the YKDFN CEO and the

Dettah Chief, although it was mentioned that going through YKDFN Chief and Council may have been another option.

The first focus group consisted of 5 community youth, between the ages of 18-25, while the second group consisted of 5 community elders. An elder, it should be noted, is not simply any older Aboriginal person. Ellerby (2005), for example, states that an elder is an Aboriginal person who makes a life commitment to the health and holistic healing of their community, Aboriginal people, and often all sentient beings. Participants (both elder and youth) were recruited by a hired research assistant from the community, who also acted as a translator during the elders' focus group. The hiring of an assistant from the community saved this 'outside' researcher insurmountable time and effort, as the assistant was a long-time resident who could easily facilitate the recruitment and organization of focus groups (including the identification of elders). Both focus groups were conducted in the rented council room at the YKDFN main office in Dettah.

At the start of each focus group, personal introductions were made and a brief synopsis of the research was presented. A brief (~1/2 page), easily readable summary of the research, along with contact information for the researcher and his thesis advisor, was also provided to every participant at this point. Participants were then asked to sign an 'Assurance of Participant Confidentiality' form (see Appendix B). This form informed the interviewees of the confidential nature of their participation, the intended use of the information they provided, and opportunities for them to comment at a later date on the information they provided. After this was accomplished, the focus group discussion

began, moderated by the researcher. Although the researcher came prepared with a number of questions to ask the groups, pace and direction of the discussion often limited which questions could be asked, and the degree to which answers to certain questions could be explored. For example, while members of the youth focus group were either quick to answer questions posed or opted not to answer certain questions, the elders focus group tended to be more reflective and timed in their responses, often allowing everyone in the group to provide their views. Because of these differences in pace and direction, the elders focus group was only able to answer a small number of questions in depth.

Questions asked were similar to those posed to key informants, but differed slightly as community members were not explicitly asked to confirm, refute, or identify additional IBA objectives. Rather, the degree to which the objectives identified by Galbraith and Bradshaw (2005) had been met was implicit in the question. For example, given that IBAs are meant to build positive relationships and trust between a mine developer and Aboriginal signatory community, interview questions included: "*Do you trust the mining companies that your community signed IBAs with?*"; and "*Do you feel like [the company] respects you? Has this always been the case?*" Like key informants, community members were also asked about their general view of the IBAs that their community had signed. A sample of those questions asked of community members and key informants can be found in Table 4.1. A complete copy of the community member focus group questionnaire can be found in Appendix D. Any notes/recordings from the interview were kept in a locked filing cabinet in an office space in Yellowknife.

As with the key informant interviews, data analysis for the focus groups was accomplished through associative analysis (see section 4.2.3 for further detail). Associations in the focus group datasets were looked for to see, for example, if general themes emerged in and amongst the groups, or if dissenting views existed. Used this way, associative analysis provided improved understanding of IBA effectiveness.

4.2.5 Participant Observation

The author was also involved, to a degree, in participant observation during the study. While it is acknowledged that the term 'participant observation' itself remains 'ill-defined' (Evans, 1988: 197) and 'difficult to describe' (Hay, 2005: 195), some generalizations can be made. For example, Hay (2005) notes that the goal of participant observation is to develop an understanding through being part of the spontaneity of everyday interactions. Furthermore, he states, it involves strategically placing oneself in situations in which systematic understandings of place are most likely to arise. Perhaps most beneficial for the author were those observatory insights gained from his volunteer work with the YKDFN IBA office in Yellowknife. Over the course of the fieldwork, a significant number of days were spent in the office completing a number of IBA-related tasks. Furthermore, the author had a number of opportunities to engage with YKDFN members, staff and leadership. Insights gained from this process were innumerable and were used mainly to clarify and contextualize the varied analyses.

4.3 Limitations

There were notable limitations to this study. First of all, the researcher was geographically bound, due to both financial and time constraints, to the area immediately surrounding Yellowknife, Northwest Territories. This may have limited him in regards to accessing interview and focus group participants. For example, there are a significant number of remote, 'fly-in' communities that are signatories to the IBAs studied in this research. While the telephone was useful in a number of instances to conduct interviews, it is the researcher's personal belief that more fruitful conversation and further identification of potential interviewees could have occurred had he been able to spend some time in some of these remote communities.

In the case of the focus group meetings, three main limitations existed. First, focus group interviews were only conducted in one Aboriginal community (Dettah) due to researcher travel constraints. This limits the 'universality' of the findings generated from these meetings. Secondly, a significant age cohort is missing in the focus group interviews - namely, the 'middle-aged' cohort. As the majority of community members working for the diamond mines fall into this cohort, this may represent a significant limitation of the research. Finally, it should be noted that the researcher did not spend any time acquainting himself with the community members of Dettah before conducting the focus groups (i.e. only being in the community the two mornings interviews were conducted). A lack of familiarity with community issues by the researcher and a potential lack of trust in the researcher (contributing to a lack of disclosure) by the focus group participants may have resulted.

In using secondary socio-economic data collected by non-Aboriginal sources, one final limitation exists. Considering that this research seeks to assess the effectiveness of selected IBAs from the perspective of their Aboriginal signatories, Aboriginal community-selected indicators may have been of use. While some preliminary research identifying community-based indicators for the YKDFN exists (e.g. Tsetta et al., 2005), a comprehensive assessment has yet to be done. The use of community-based indicators might allow for more detailed insight into the question of IBA effectiveness. Furthermore, socio-economic data were only collected for IBA signatory communities in the Northwest Territories, and not for signatory communities residing outside of the Northwest Territories (i.e. those represented by Nunavut's Kitikmeot Inuit Association). Further, these data do not distinguish between those individuals who live in a community and those who are members of an Aboriginal organization that has signed an IBA. For these reasons, the socio-economic data alone cannot present a complete and accurate portrayal of IBA effectiveness. Appropriately, these data were used alongside other data collection methods in an effort to triangulate results.

4.4 Chapter Summary

This chapter presented the methods used to achieve the research objectives presented in Chapter One. Before methods could be discerned, though, a review of past research on IBAs, IBA-related research, and policy/program evaluation was offered, along with insights to conducting intercultural research. This review provided a number of methodological insights as to how the research question could best be answered, which

contributed and led to the development of a multi-method approach. The multi-method approach employs the use of secondary socio-economic data, key information interviews, focus group interviews, and a degree of participant observation. Limitations to the methods used in this study were then discussed. The following chapter presents the findings from this multi-method approach, with a specific focus on Aboriginal perspectives of IBA effectiveness.

5. RESULTS

Notwithstanding their increasing use and potential significance, limited systematic research has been undertaken to answer the fundamental question – are IBAs working? While this may be a function of their novelty, it is also very likely a function of the methodological complexity associated with answering the question. Given this, the development of a multi-method approach for assessing IBA effectiveness was deemed necessary; the use of multiple methods allowed for the triangulation of research results. This chapter presents the results from this approach, beginning with the results from the organization of secondary socio-economic data, followed by those from the key informant interviews, and community member focus groups, respectively. A summary of these results is then provided at the end of the chapter.

5.1 Organization of Secondary Socio-Economic Data

The organization of secondary socio-economic data provided valuable insights into the question of IBA effectiveness. The term *organization* is used here as socio-economic data have already been collected and published under the requirements of the Northwest Territories' Socio-Economic Agreements with BHP Billiton, Diavik, and De Beers (for example see: Government of the Northwest Territories, 2006). Indicators pertaining to income, employment, education, and registered businesses were selected, as they likely reflect common IBA 'benefits' provisions. Trends in these indicators may thus provide insight into the degree to which 'benefits' are being delivered to Aboriginal communities from the various IBAs (for a review of when the various IBAs were signed, see Table

1.1). The results of this task are provided below, organized by each indicator, with interpretations found at the end of the section.

5.1.1 Income

As an explicit aim of many IBAs is to provide employment and business opportunities to their Aboriginal signatories (e.g. Kennett, 1999a; Sosa and Keenan, 2001), indicators pertaining to income were selected. Where employment and business opportunity provisions are included in an IBA it would be logical to assume average income levels in a signatory community would also increase. Therefore, insights into the question of IBA effectiveness may be revealed by assessing the degree to which Aboriginal income levels changed since the signing of IBAs.

Figure 5.1 displays changes in average income for the impacted Aboriginal communities, the Northwest Territories, and Canada for the period 1991-2003. A discernable, upward trend can be seen in average income for all three groups during this time, although average income for the impacted Aboriginal communities remained significantly less than that of both Canada and the Northwest Territories throughout the data set. In the impacted Aboriginal communities, average income changed from $14,928 in 1991 to $28,253 in 2003, which equates to an average annual increase of $961.75 or 6.87%. In comparison, the average annual increase for the Canada data set was somewhat less at $856.48 or 3.21%, and even less for the Northwest Territories at $743.39 or 2.54%. For the impacted Aboriginal communities and Northwest Territories data, it should also be

noted that the year 1998 marked the beginning of a period of *continued* income growth. While a general trend of income growth for all the data series exists, a number of fluctuations are evident *prior* to 1998. Interestingly, 1998 is when the first diamond mine (i.e. *Ekati*) begun production in the Northwest Territories (see Table 1.1), and the continued income growth may be a result of IBA-related employment at the mine. A complete data table can be found in Appendix E.

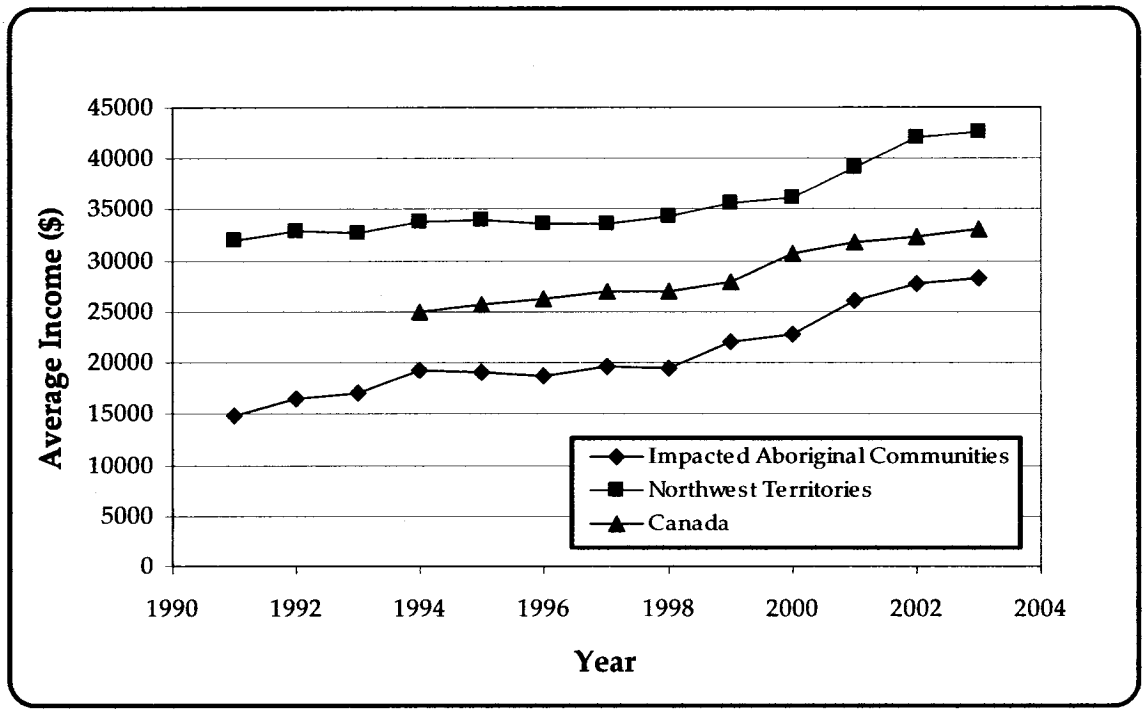

Figure 5.1: Average income of taxfilers from 1991-2003

Source: Statistics Canada (2004a)

Figure 5.2 displays changes in the percentage of taxfilers with annual incomes over $50,000 in the impacted Aboriginal communities, the Northwest Territories, and Canada for the period 1994-2003. In the case of the impacted Aboriginal communities, the

proportion of these taxfilers increased from 7% in 1995 to 20.3% in 2003; this equates to an annual growth rate of 1.48%. While the Northwest Territories retained the highest percentage of taxfilers with annual incomes greater than $50,000 throughout the time period, and also experienced growth in this indicator from 25.9% in 1995 to 35.1% in 2003, the average annual rate of growth was slightly lower at 1.02%. For Canadians most generally, the annual average growth in this indicator was lower still at 0.78%. Significantly, by 2001, the percentage of taxfilers with more than $50,000 income in the impacted Aboriginal communities *surpassed* the Canadian average; by 2003 the proportion had increased to 20.3% in the impacted Aboriginal communities compared to 18.6% for Canada. A complete data table can be found in Appendix E.

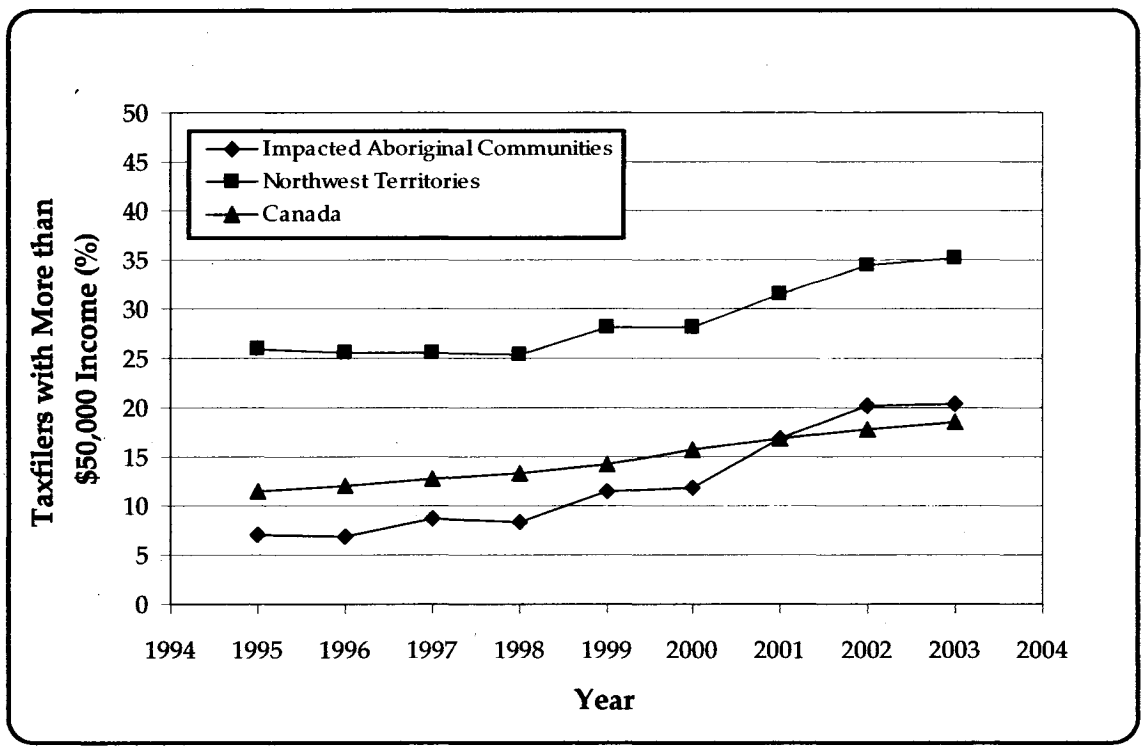

Figure 5.2: Percentage of taxfilers with annual income greater than $50,000 from 1995-2003.

Source: Statistics Canada (2004a)

5.1.2 Unemployment Rate

As an explicit aim of many IBAs is to provide employment for, and business opportunities to, their Aboriginal signatories (e.g. Kennett, 1999a; Sosa and Keenan, 2001), *unemployment rate* was also selected as an indicator. Where employment and business opportunities are made available through an IBA, it would be logical to assume that employment levels in a signatory community would also increase. Therefore, insights into the question of IBA effectiveness can be gained by assessing the degree to which Aboriginal employment levels changed since the signing of IBAs.

Figure 5.3 displays changes in the unemployment rate in the impacted Aboriginal communities, the Northwest Territories, and Canada for the period 1989-2004. Readily apparent is the high level of unemployment in the impacted Aboriginal communities in comparison to the Northwest Territories and Canada. In the impacted Aboriginal communities, the change in unemployment has been significant though: from 45.0% in 1989 to 28.8% in 2004, which equates to an annual average change of -1.01%. The decrease in unemployment did not occur in uniform fashion though, as it can often be seen *increasing* after decreasing. These 'peaks and valleys' are evident in Figure 5.3. Unemployment rates in the Northwest Territories and Canada similarly decreased during the time period, although not as dramatically. For example, unemployment in the Northwest Territories had an average annual change of -0.18% (from 13.2% in 1989 to 10.4% in 2004), while Canada had an average annual change of -0.26% (from 10.2% in 1991 to 7.4% in 2001). Data points for Canada are limited due to the length of time (i.e.

5 years) between national censuses. A table providing further data can be found in Appendix E.

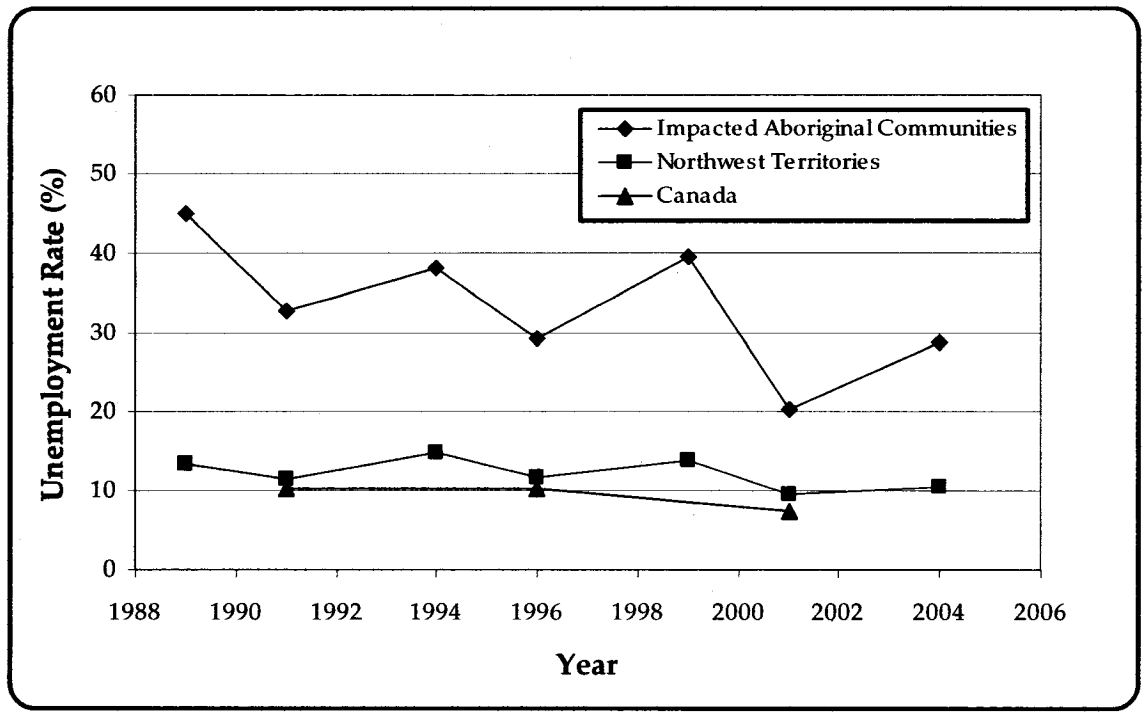

Figure 5.3: Unemployment rate (%) from 1989-2004.

Source: NWT Bureau of Statistics (1989; 1994; 1999; 2004), Statistics Canada Census (1991; 1996; 2001)

5.1.3 Education

As an explicit aim of many IBAs is to provide apprenticeships and other educational programs to their Aboriginal signatories (e.g. Kennett, 1999a), an indicator pertaining to education was used. Where educational opportunities are included in an IBA, it would be logical to assume that educational levels would also increase. Therefore, insights into

the question of IBA effectiveness may be provided by assessing the degree to which Aboriginal educational levels have changed since the signing of IBAs.

Figure 5.4 displays changes in the percentage of people with at least a high school degree in the impacted Aboriginal communities, the Northwest Territories, and Canada for the period 1989-2004. As is evident in the figure, education levels in the impacted Aboriginal communities remain well-below the levels of both the Northwest Territories and Canada. However, these levels have improved significantly. In 1989, 28.2% of citizens in the impacted Aboriginal communities had obtained at least a high school education; by 2004, this level had increased to 35.6%, which equates to an average annual growth rate of 0.46%. The data for the Northwest Territories reveals a similar upwards trend, with an average annual increase of 0.48% (from 59.8% in 1989 to 67.5% in 2004). The data for Canada also indicates an upwards trend, with an average annual increase of 0.63% (from 61.8% in 1991 to 68.7% in 2001). Data points for Canada are limited due to the length of time (i.e. 5 years) between national censuses. A complete data table can be found in Appendix E.

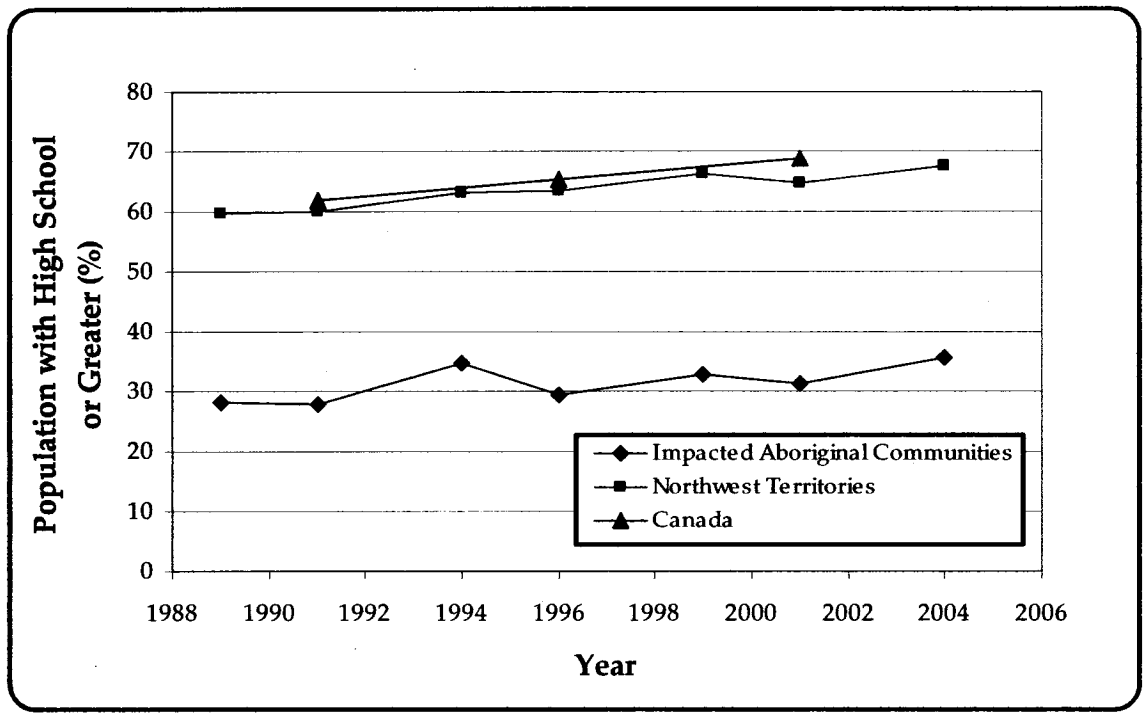

Figure 5.4: Percentage of population who have completed high school or greater from 1999-2004.

Source: NWT Bureau of Statistics (1989; 1994; 1999; 2004), Statistics Canada Census (1991; 1996; 2001)

5.1.4 Registered Businesses

As an explicit aim of many IBAs is to provide business opportunities to their Aboriginal signatories (e.g. Kennett, 1999a; Sosa and Keenan, 2001), the number of registered businesses was selected as another indicator. Where business opportunity provisions are included in an IBA, it would be logical to assume that the number of registered businesses would also increase. Therefore, insights into the question of IBA effectiveness may be provided by assessing the degree to which the number of Aboriginal businesses has changed since the signing of IBAs.

Figure 5.5 displays changes in the number of registered businesses in the impacted Aboriginal communities and the Northwest Territories for the period 1997-2002. In the impacted Aboriginal communities, the number of businesses grew from 44 in 1997 to 51 by 2002, which equates to an average annual growth of 2.65%. The data for the Northwest Territories reveal a similar upwards trend, but at a lesser average annual growth rate (1.84%). Data points are limited for this indicator as data collection only began in 1997. A complete data table can be found in Appendix E.

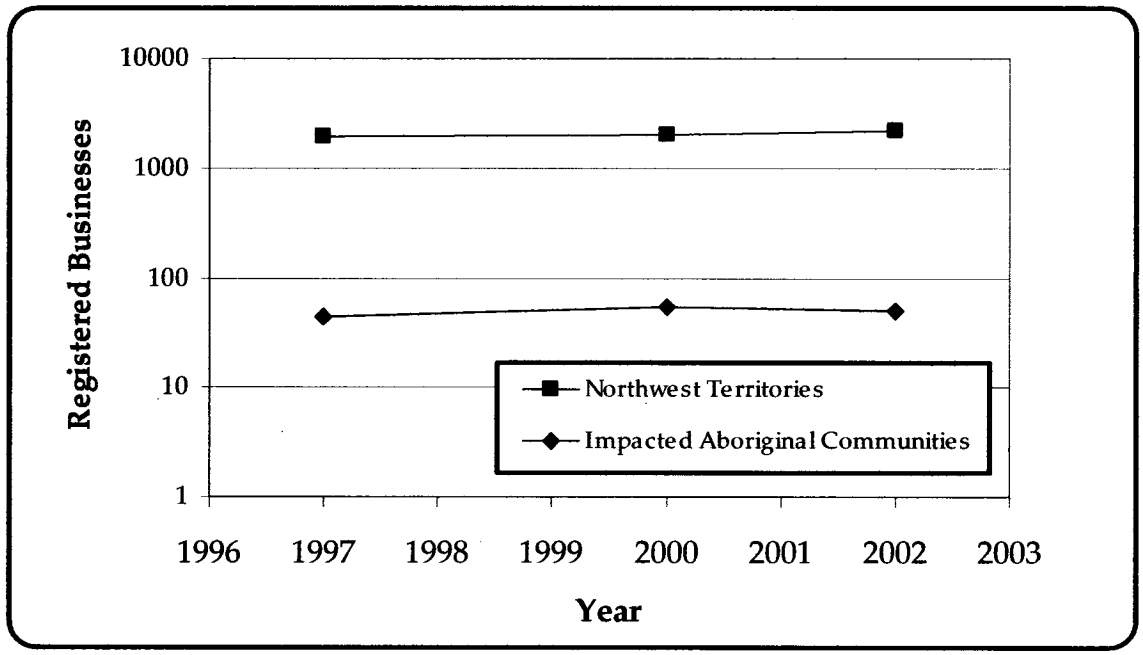

Figure 5.5: Logarithmic graph of the number of registered businesses from 1997-2002. Source: Government of the Northwest Territories (2006)

5.1.5 Interpretation of results

All five indicators reveal that socio-economic conditions have been improving in the impacted Aboriginal communities, the Northwest Territories, and Canada. While some of these improvements have been modest (e.g. an average annual unemployment decrease of 0.18 in the Northwest Territories), others have been more striking (e.g. annual growth of average income by 6.87% in the impacted Aboriginal communities). In general, socio-economic conditions in the impacted Aboriginal communities remain poor in comparison to other communities in the Northwest Territories and Canada. This is likely part of larger phenomena as Aboriginal people, in general, endure ill health, insufficient and unsafe housing, polluted water supplies, inadequate education, poverty, and family breakdown at levels usually associated with impoverished developing countries (RCAP, 1996b).

Aside from these comparative inequities, marked improvement in socio-economic conditions is occurring in the impacted Aboriginal communities. In attempting to determine whether improved socio-economic conditions are attributable to the signing of IBAs though, it may be useful to interpret these data in relation to significant dates. The year 1998 is arguably significant, as October of that year saw the Northwest Territories' first diamond mine, *Ekati*, officially begin production. If the employment, education, and business opportunity provisions of the *Ekati* IBAs were being met, there should be an improvement in the socio-economic indicators for the impacted Aboriginal communities around that time. As demonstrated in Table 5.1, all indicators have improved since 1998, although there are two indicators where 1998 represents the beginning of *sustained*

improvement: *average income*; and *percentage of taxfilers with income greater than $50,000*. For these two indicators, post-1998 values remain above the original 1998 value. The overall increase in these indicators may be a result of the effectiveness of preferential hiring and business opportunity provisions provided by the *Ekati* IBAs.

Indicator	Improvement since 1998?	Sustained improvement since 1998?
Average income	YES	YES
Percentage of taxfilers with income greater than $50,000	YES	YES
Unemployment rate	YES	NO
Percentage of population with high school education or greater	YES	NO
Number of registered businesses	YES	NO

Table 5.1: Socio-economic indicator trends since 1998

Support for this argument is further solidified when the indicators are examined in detail. In one striking example, the percentage of taxfilers with incomes over $50,000 even *overtakes* that for Canada in 2001. This trend continues to the end of the data set in 2003, with 20.3% of those in the impacted Aboriginal communities claiming more than $50,000 income, as compared to 18.6% for the rest of Canada. While unemployment remained high in the impacted Aboriginal communities (28.8% in 2004), it appears that those who have employment are earning significant salaries. This may be representative of increased participation in the wage economy, but more likely is a result of the relatively high salaries among employees of the Northwest Territories diamond mining industry. Statistics Canada (2004b), for example, states that between 1998 and 2001 the average

salary for diamond industry workers was $61,639. The Canadian average, in comparison, was $40,300 for men and $25,600 for women in 2004 (Statistics Canada, 2007). Thus, it appears that Aboriginal employment at the diamond mines has increased, which is an explicit aim of the many IBAs signed in the region.

While socio-economic conditions in the impacted Aboriginal communities have been improving, it should be noted that they have been similarly improving in the Northwest Territories and Canada. Indicators for the impacted Aboriginal communities differ in the *rate* of improvement though, as this rate often outstrips that of the Northwest Territories and Canada. For example, the average income in the impacted Aboriginal communities grew annually by 6.87% from 1991-2003. During this same period, average income in the Northwest Territories grew annually by just 2.54%, and for Canada by just 3.21%. Also, the percentage of taxfilers with incomes over $50,000 grew annually by 1.48% for the period 1995-2003 in the impacted Aboriginal communities, as compared to 1.02% and 0.78% in the Northwest Territories and Canada, respectively. Furthermore, on average the unemployment rate dropped by 1.01% annually in the impacted Aboriginal communities from 1989-2004, as compared to just 0.18% in the Northwest Territories during the same period. When the various indicator values are aggregated and averaged, it becomes apparent that the annual rate of improvement in the impacted Aboriginal communities (2.49%) far outstrips that of the Northwest Territories (1.21%), and Canada (1.22%). A summary of the data can be found in Table 5.2. The increased rates of socio-economic improvement for the impacted Aboriginal communities may further indicate

the effectiveness of preferential hiring and business opportunity provisions provided by the diamond mine IBAs.

Average annual change in...	Impacted Aboriginal Communities	Northwest Territories	Canada
Income	6.87%	2.54%	3.21%
Percentage of taxfilers with more than $50,000 income	1.48%	1.02%	0.78%
Unemployment rate*	-1.01%	-0.18%	-0.26%
Percentage of population with at least high school education	0.46%	0.48%	0.63%
Number of registered businesses	2.65%	1.84%	-
AVERAGE	**2.49%**	**1.21%**	**1.22%**

Table 5.2: Average annual change in selected socio-economic indicators

**While unemployment rates were seen to be decreasing and thus had a '(-)' value, for the sake of comparison these were converted to '(+)' values when an average was calculated.*

While the improved socio-economic conditions in the impacted Aboriginal communities may be a result of IBA provisions being met, this analysis alone cannot confirm whether promised benefits are being delivered, or if IBA objectives are being met. Findings from the key informant interviews and community member focus groups provide further insight into the question of IBA effectiveness.

5.2 Key Informant Interviews

Key informant interviews were used to collect information on IBA effectiveness from people in an 'expert' position to comment on such (see Appendix A for a complete list of

key informants). Key informants were first asked to confirm the IBA objectives identified by Galbraith and Bradshaw (2005) and then explicitly asked whether or not these objectives had been met. In short, these identified objectives were to *ensure adequate follow-up*, to *build positive relationships and trust*, to *relieve capacity strains*, and to *secure local benefits*. Again, the approach used here differs from those of past effectiveness studies (e.g. Dreyer and Myers, 2004; Hitch, 2006; North-South Institute, 2006), as none of those studies explicitly sought to evaluate effectiveness relative to identified objectives. Key informants were also asked if additional objectives for IBAs existed and, more generally, how IBAs could be improved upon. However, a number of key informants did not answer all the questions from the interview questionnaire, either because of interview time constraints or unwillingness on the interviewee's part to respond to the questions (e.g. they felt 'unqualified' or less knowledgable in the area). This may have limited the degree to which insights into IBA effectiveness could be had.

5.2.1 General Perceptions

On the whole, the key informants' impressions of IBAs and their effectiveness were positive. Respondents noted that IBAs "can be vital instruments of economic change for communities" and provide "discernable benefits that make a difference". Another respondent glowingly said "IBAs are breaking the poverty cycle" that is prevalent in many regional Aboriginal communities and that "kids see hope" because of the opportunities IBAs now provide. A number of issues that detract from IBA effectiveness were also mentioned during the interviews (see section below), although there was a general impression that IBAs were achieving their goals. "How can anyone say [IBAs]

haven't worked?" questioned one respondent. When asked about the future of IBAs, another respondent simply stated "IBAs are here forever."

The importance of these agreements cannot be understated; indeed, their negotiation is now seen as a political necessity for mineral resource developers. While not explicitly required by law in the North, key informant responses indicate that mineral developers are essentially 'required' to negotiate IBAs with affected Aboriginal groups: "There is an expectation for these agreements [by government], but no compelling legislation." One respondent, referring to the influence of regulators on mineral developers, commented "if you don't have an IBA you won't get your permits and licences", while another respondent even noted that mining companies "were *advised by the government* to negotiate IBAs with traditional land owners" (emphasis added). Other respondents noted that IBAs were necessary in order to "secure mine tenure", were "means only to secure project approval", and to ensure Aboriginal communities "would not object" to the mine developments. Questions about the need for the development of a government IBA policy aside, there is an obvious assumption that IBAs are indeed a political requirement for mineral resource development in the North.

While impressions of IBA effectiveness *on the whole* were positive, one main contingency should be noted: perceptions of effectiveness varied for each Aboriginal signatory community, and for each agreement signed. Communities that appeared to benefit most from their IBAs were those that had secured some form of authority over their traditional lands (e.g. had settled a land claim, established self-government

measures) and/or had a heightened political influence in the region. A settled land claim, for example, might provide a community with increased capacity to handle issues related to mineral resource development. Differences in 'capacities' among communities (e.g. number of trained employees, availability of financial resources, etc.) were seen to impact not only the effectiveness of IBA negotiations, but the subsequent dispersal of benefits throughout those communities. IBA signatories that lacked authority over their traditional lands also tended to lack political influence in the region, and appeared to gain less from their IBAs. It was recounted to the author on a number of occasions that the less political influence one had in the region, the more difficult IBA negotiations could be with mineral developers.

Perceptions of effectiveness also varied on an agreement-by-agreement basis. Earlier IBAs, for example, were often noted for their varied deficiencies. This is likely a result of Aboriginal groups' lack of familiarity and experience with IBA negotiations at that time. Mineral developers themselves were also seen to influence the effectiveness of these agreements. Differences in corporate culture, for example, could affect a company's negotiating style. Furthermore, relationships between certain Aboriginal signatories and mining companies were noted to be stronger than others, which influenced the success of some agreements.

While differences in IBA effectiveness undoubtedly exist between communities and their individual agreements, this research was unable to systematically report on these. Time, data, and financial limitations impacted the degree to which such a study could be

undertaken. Instead, key informant perceptions of IBA effectiveness were aggregated for the three regional diamond mines in an effort to answer the original research question. These results are presented in the following section.

5.2.2 Results

When asked to confirm the first IBA objective identified by Galbraith and Bradshaw (2005), *ensure adequate follow-up*, nearly all of those who responded agreed that indeed one key aim of IBAs is to ensure that mechanisms are in place following EIA approval for a mine project to enable continuing oversight of the project as it moves through development and operation. Two respondents did not feel this was an objective of IBAs. When asked to confirm the second IBA objective, *build positive relationships and trust*, most of the people who responded agreed that IBAs help ensure positive relationships are built and that a degree of trust is established between IBA signatories. Of those who confirmed the objective, many highlighted its importance in relation to other objectives. For example, one respondent noted "first of all, IBAs are about relationships", while another stated they are "the basis of any IBA", and yet another stated "it's a requirement for these agreements to work". A limited number of respondents felt this was not an explicit objective of IBAs, but rather a secondary aim or "side benefit". One respondent did not feel this was an objective of IBAs at all. When asked to confirm the third IBA objective, *relieve capacity strains*, most of the people who responded agreed that IBAs promote capacity building in Aboriginal signatory communities, while one respondent did not feel this was an objective of IBAs. Another respondent felt this was not an explicit objective of IBAs, but rather a secondary aim or "side benefit". When asked to

confirm the final IBA objective, *secure local benefits*, nearly all of the people who responded recognized that a key aim of IBAs is to ensure project-related benefits are delivered to signatory communities, while one respondent did not feel this was an objective of IBAs. Of those who confirmed this objective, many highlighted its importance in relation to other objectives. One respondent stated that IBAs primarily "exist to maximize the benefits to our region and ourselves", while many others noted the overarching focus of most agreements is on benefits provision. A summary of these results is found in Table 5.3.

	Confirmed Objective		**Refuted Objective**	**Total respondents**
	Yes	**Yes, but secondary**	**No**	
Ensure adequate follow-up	10	-	2	**12**
Build positive relationships and trust	11	3	1	**15**
Relieve capacity strains	7	1	1	**9**
Secure local benefits	15	-	1	**16**

Table 5.3: Number of respondents who confirmed (either as a primary or secondary) or refuted the IBA objectives identified by Galbraith and Bradshaw (2005).

Key informants also identified other IBA objectives. Perhaps most importantly, the vast majority of those who responded stated, both in explicit and implicit terms, that the *assertion of Aboriginal rights and title* to land and resources was an objective of IBAs. In many cases, this was the "primary" or "first and foremost" objective for IBAs. This was mentioned in a number of instances: "IBAs are a tool to recognize ownership of land"; "a means for Aboriginal communities to establish political clout"; "stems from the Crown's duty to consult"; and that IBAs are "a means for First Nations to try and assert

authority on their lands". Indeed, one industry representative even noted the signing of an IBA "is an acknowledgement that [Aboriginals] are a force to be dealt with." Furthermore, IBAs were often seen as an intermediate step towards the settlement of Aboriginal land claims: "IBAs ensure benefits for Aboriginal communities while land claims are ongoing". Another respondent simply stated "we were pre-implementing a land claim, if you will." In all these cases, the assertion of Aboriginal rights and title to land appeared to be a predominant objective for Aboriginals entering into IBA negotiations.

Additionally, it was apparent that *participation* by Aboriginal peoples in mineral development was a desired objective, especially in light of the *historical context* of natural resource development in the North. For example, one respondent stated that it was a "primary objective" of IBAs to ensure Aboriginal signatories participate more in mineral development on their traditional lands, while another noted that IBAs existed so Aboriginal signatories could "have a say in the management of their lands". Often, these comments were made alongside references to historical mine developments that affected Aboriginal peoples in the North. Historically, "there was no compensation for the people" and one mine simply left "huge holes there". Other mines left behind arsenic, cyanide, and mercury contamination while delivering no benefits to affected Aboriginal groups; "It's a legacy here", stated one key informant. Another respondent cynically noted: "It's been a long time since Aboriginals have had tangible benefits from resource development."

A number of key informants also felt that mineral developers have shouldered an unfair socio-economic burden with their IBAs: "IBAs are a result of government policy not meeting social needs". Mineral developers are now expected to "fill regulatory voids" and "gaps" that have developed largely due to government inaction in the socio-economic policy domain. While these burdens have been largely imposed on mineral developers, Aboriginals likely enter into IBA negotiations with these regulatory limitations in mind. Often, they have been the ones who have suffered greatest from poorly implemented, or non-existent, government policy. These additional IBA objectives identified by the key informants are summarized in Table 5.4. As key informants were not explicitly asked about the degree to which these additional objectives had been met, a thorough analysis of such here would be inappropriate. Rather, a combination of anecdotal evidence and insights from both the key informant and focus group interviews are used in the chapter summary to assess the degree to which these objectives have been met.

Additional IBA Objectives For Aboriginal Signatories
• IBAs recognize the assertion of Aboriginal rights and title • IBAs allow for participation in mineral development on traditional lands • IBAs confront the legacy of mineral resource development • IBAs fill a number of regulatory gaps

Table 5.4: Additional IBA objectives identified through key informant interviews.

When asked about the degree to which those objectives identified by Galbraith and Bradshaw (2005) had been met, responses were somewhat varied. For example, when

asked if the first IBA objective, *ensure adequate follow-up*, had been met, less than half of the people who responded provided positive 'yes' responses. For these respondents, the five-year review clauses in IBAs, the establishment of implementation committees, and socio-economic indicator monitoring were often highlighted as examples of follow-up. A number of respondents felt this objective had only been partially met, as renegotiation and periodic review of IBAs and/or monitoring was often insufficient. The remaining respondents felt this objective had not been met, noting that renegotiation and periodic review of IBAs did not occur at all.

When asked if the second IBA objective, *build positive relationships and trust*, had been met, most of the people who responded provided positive 'yes' responses. Typical interview responses included "relationships and trust are there" and "[the mining company] is always right there when we need to talk about something." These positive responses often came with reservations attached though. For example, while respondents generally felt that relationships between Aboriginal IBA signatories and mining companies had been good, they were quick to point out that relationship-building was "a work in progress" or that relationships could be adversely affected by poor mining company leadership, for example. One respondent further noted "we have good working relationships, until it comes to money". The use of confidentiality clauses and vague language within the agreements also appeared to affect the degree to which positive relationships and trust were built. A couple of respondents felt this objective had only been partially met, and examples where relationships had been both positive and negative were stated. Furthermore, two respondents did not feel this objective had been met at all,

with one noting "I never had good relationships with [the mining companies]. They're ripping off First Nations." While anti-mining company sentiment such as this was far from prevalent in the discussions with key informants, it did arise on occasion. Subsequently, these comments were included in the interpretation of results.

When asked if the third IBA objective, *relieve capacity strains*, had been met, nearly all of the people who responded provided positive 'yes' responses. In a number of instances though, responses came with reservations attached. For example, while these respondents generally felt that capacity strains in communities were being relieved, it was often noted to be occurring slowly (e.g. "capacity building won't happen overnight"), or that capacity strains in small Aboriginal communities might be too well entrenched for IBAs alone to relieve (e.g. "we have too many people attending too many meetings"; "in small communities capacity strains will always exist"). Some respondents felt this objective had only been partially met, as some capacity strains had been relieved, but IBAs had inadequately relieved others. Only one respondent did not feel that this objective had been met.

When asked if the fourth IBA objective, *secure local benefits*, had been met, nearly all of those who responded provided positive 'yes' responses. Benefits such as employment, training, business opportunities and financial compensation were often noted, with one respondent going as far to say the benefits IBAs provide "are breaking the poverty cycle" that is known to exist in regional Aboriginal communities. The remaining respondents felt this objective had only been partially met. For example, while these respondents

felt that local benefits were being secured, often the benefits received by a community were a "pittance" or "trinkets and beads" in comparison to what the mining company profited. Furthermore, it was noted that the benefits provided did not adequately reflect the current political situation in the North. Comments pertaining to Aboriginal rights, title, and land ownership seemed to reflect this, with one respondent noting: "As landowners, what [the Aboriginal signatories] are getting is not reflective of economic and political realities." There were no respondents that felt this objective had not been met. Table 5.5 displays the results from the IBA objective confirmation exercise.

	Objective met	Objective partially met	Objective not met	Total respondents
Ensure adequate follow-up	8	5	6	**19**
Build positive relationships and trust	15	2	2	**19**
Relieve capacity strains	12	4	1	**17**
Secure local benefits	21	5	0	**26**

Table 5.5: Number of respondents who felt the IBA objectives identified by Galbraith and Bradshaw (2005) had been met, partially met, or not met.

5.2.3 Interpretation of results

A number of specific interpretations can be made as a result of the key informant interviews. For one, key informants largely confirmed the IBA objectives identified by Galbraith and Bradshaw (2005). Table 5.3 clearly demonstrates that the vast majority of those who responded provided confirmatory responses. Only a select number of respondents refuted or questioned the objectives, or noted they were 'secondary' in nature. It was also apparent from the interviews that certain objectives were seen as more

important than others. For example, it was often noted that the overarching focus of most agreements was on *benefits* provision to Aboriginal communities, and that the building of *positive relationships and trust* was of primary importance if agreements were to succeed.

When asked if those objectives identified by Galbraith and Bradshaw (2005) had in fact been met, results were more varied. Table 5.5 indicates the objectives *build positive relationships and trust*, *relieve capacity strains*, and *secure local benefits* were largely met, yet the objective *ensure adequate follow-up* fares poorly. While a number of respondents felt this objective had been met, the majority felt this objective had only been partially met, or not met at all. The 'one-time contract' approach that mineral developers were noted to have with IBAs was an obvious discouragement to the renegotiation of agreements. Interestingly though, answers to questions unrelated to *follow-up*, such as "[the mining company] is always right there when we need to talk about something", allude to the fact that IBAs ensure follow up in ways that EIA traditionally has not.

Also evident from these results was that a number of respondents felt the three other objectives had only been partially met. And, even where these objectives had been 'met', reservations were often attached. This may be a reflection of the relatively recent rise of IBAs, where respondents were often of the view IBAs are "works in progress" and where a significant "learning process" for signatories has been involved. The fact that IBAs largely appear to be meeting their objectives aside, dissenting opinion was noted in a few instances and a number of gaps that still need to be addressed in the IBA process

obviously exist. Many of these gaps are identified through the recommendations for improved IBAs that are made in the next chapter.

As seen in Table 5.4, key informants also identified additional IBA objectives than those of Galbraith and Bradshaw (2005). Foremost, respondents noted that *IBAs are primarily a tool to recognize the assertion of Aboriginal rights and title.* While Galbraith and Bradshaw's (2005) objectives may indeed have been confirmed, they appear somewhat secondary to the larger scope of this newly-identified objective. 'Newly'-identified may not be the most appropriate term to use though, as the Public Policy Forum (2005: 6) made a similar claim in their report on IBAs: "[Aboriginals] view the IBA negotiation process as *de facto* recognition of their authority within their territory. This is a major motivation for entering into IBAs." Furthermore, Galbraith and Bradshaw (2005) derived their objectives largely from the limitations of the EIA process in the Northwest Territories. The EIA process could thus be said to be of less importance to Aboriginals than is establishing rights and title to land; this finding was similarly identified by Shapcott (1989) nearly twenty years ago. The results of Shapcott (1989) and the Public Policy Forum (2005) thus serve to highlight the importance of this objective to Aboriginals.

IBAs additionally serve to confront the larger legacy that natural resource development has had for Aboriginal groups in the North. Historically, benefits from resource development did not accrue to Aboriginals, they had little decision-making power regarding resources on their traditional lands, and development-related environmental

contamination was often left behind (Hipwell et al., 2002; Bone, 2003; Booth and Skelton, 2004). Drawing on the literature (e.g. Poelzer, 2002; Bone, 2003) and interviews from this research, it is obvious that Aboriginal groups have increasingly sought to confront this legacy; IBAs can thus be thought of as one way in which Aboriginal groups have done so.

While some deficiencies were apparent and perceptions of effectiveness varied somewhat by community, key informants generally found the IBAs to be meeting their objectives. It is also evident that IBAs are delivering positive outcomes for Aboriginal communities affected by mineral resource development, which represents a significant change to typical outcomes of the past. The results from the key informant interviews are synthesized with the wider research results in section 5.4. The following section focuses specifically on those results from the community member focus groups.

5.3 Community Member Focus Groups

Results gathered from the community member focus groups were intended to complement the secondary socio-economic data and key informant interviews by providing a community-level perspective on IBA effectiveness. Two such focus groups were conducted for the purposes of this research: one with Aboriginal youth and the other with Aboriginal elders. Both were conducted in the Yellowknives Dene First Nation community of Dettah, Northwest Territories, which is a signatory to the three diamond mine IBAs identified in Table 1.1. The results are presented below.

5.3.1 Aboriginal youth focus group

Questions posed to the Aboriginal youth focus group centered largely on the degree to which the IBA objectives listed by Galbraith and Bradshaw (2005) had been met, although other opportunities for discussion were pursued. While specific questions relating to IBA objectives were asked of the focus group, so too were more general questions relating to perceptions of IBAs and their effectiveness. Answers from these more general questions provided additional insight into the degree to which the IBA objectives had been met. Insights could not be gained into the first IBA objective identified by Galbraith and Bradshaw (2005), *ensure adequate follow-up* though (for discussion, see below). Insights into Galbraith and Bradshaw's (2005) third IBA objective, *relieve capacity strains*, were similarly limited due to time constraints. Members of the group noted that many people in their community weren't knowledgeable about the IBAs and of the activities at the mines in general, and that cooperation had lacked amongst the Akaitcho[4] communities when it came to IBAs and mining issues. The above comments represent the extent of the discussion regarding capacity.

Greater insights were generated with regards to Galbraith and Bradshaw's (2005) second IBA objective, *build positive relationships and trust.* When asked about the degree to which positive relationships and trust had been built between their community and the mining companies, answers were, for the most part, negative. For example, two respondents noted that their trust in the diamond mining companies was no different than

[4] The Akaitcho communities are those communities in the Northwest Territories that fall under Treaty 8. They include Dettah, N'Dilo, Lutsel K'e, and Deninu Kue.

the poor levels of trust they had in previous mines found in the area (e.g. Yellowknife's *Giant* and *Con* mines). One respondent simply noted, "It's probably going to be like Giant mine". Another respondent was critical of the environmental monitoring and protection at the mine, stating "I think they just say that [monitoring and protection is occurring]", and another respondent was sceptical of mining company promises to properly remediate the mine site: "It's never going to look like [the pre-mine condition] again". When conversation turned to IBAs, specifically, comments such as "[They exist] to shut us up" and "They threw [the IBA] at us, take it or leave it" arose. One respondent even went as far to say most people in their community felt the mining companies were "crooks". Although negative views prevailed throughout the group, one respondent was slightly more optimistic and stated "Maybe they've learned [from past mistakes]", when asked about how the diamond mining companies would deal with environmental issues.

Discussion surrounding the degree to which Galbraith and Bradshaw's (2005) fourth IBA objective, *secure local benefits*, had been met also provided insights. Benefits such as mine employment, training and business opportunities, financial compensation, and scholarships were frequently noted, but caveats to each almost always accompanied them. For example, it was noted that mine employment was largely restricted to the blue-collared "labour" and "dirty jobs", that training was oriented similarly and otherwise not being delivered in a satisfactory manner. It was further noted the benefits flowing to Aboriginal communities represented "a very small percentage" of what mining companies would take home in profits.

Further insights regarding IBA effectiveness were gleaned throughout the discussion. For example, when the group was asked whether they would rather have the diamond mines and their IBAs, or not, the group was evenly divided. The two 'for' respondents were quick to comment on the varied benefits and opportunities mining can bring a community, while the two 'against' respondents commented on the varied environmental and social impacts that mining tended to produce. The fifth respondent was undecided, noting that while employment opportunities could exist, so could various impacts. The focus group respondents were also quite vocal as to how their IBAs could be improved. Discussion tended to focus on further benefits they would like to see, such as development initiatives that would benefit the community as a whole. Improved road conditions, new recreational facilities, improved housing, and increased scholarship funding were common examples. The need to preserve culture and language was mentioned as well, with one respondent inquiring "what happened to making canoes and snowshoes?"

The focus group also expressed dissatisfaction with the community's leadership. A number of respondents felt the community leadership had failed to meaningfully involve youth in decision-making regarding the mines and IBAs. For example, respondents noted that in order to get involved "we have to do it ourselves" and "practically beg [the leadership]." A number of respondents believed that it was the community chiefs who benefited most from the mining, and that benefits weren't trickling down to the community as much as they could have.

5.3.2 Aboriginal elders focus group

Questions posed to the Aboriginal elders focus group centered largely on the degree to which the IBA objectives listed by Galbraith and Bradshaw (2005) had been met, although other opportunities for discussion were pursued. While specific questions relating to IBA objectives were asked of the focus group, so too were more general questions relating to perceptions of IBAs and their effectiveness. Answers from these more general questions provided additional insight into the degree to which the IBA objectives had been met. In discussions on IBA objectives, insights could not be gained into the first IBA objective identified by Galbraith and Bradshaw (2005), *ensure adequate follow-up* (for discussion, see below). Insights into Galbraith and Bradshaw's (2005) third IBA objective, *relieve capacity strains*, were also severely limited as pace and direction of the discussion provided few instances where the topic could be raised. Even when the topic was raised, respondents seemed ill-equipped to answer the questions; this in itself may be indicative of the community's 'capacity' to handle issues pertaining to IBAs.

Better insights were generated with respect to Galbraith and Bradshaw's (2005) second IBA objective, *build positive relationships and trust.* When asked about the degree to which positive relationships and trust existed between their community and the mineral developers, answers from the focus group were mixed. For example, one respondent flatly stated "we're not being treated well with the IBA", while another stated "[the mining companies] now meet with us. It's good now." Other comments such as "it's so hard to deal with those mining companies today", "we're treated good sometimes" and

"they give contracts to Aboriginals so they won't complain about pollution on the land", only served to highlight the diversity of opinion amongst the group.

Discussion regarding the degree to which Galbraith and Bradshaw's (2005) fourth IBA objective, *secure local benefits*, had been met was also insightful. Respondents often described the various benefits mining had brought their community such as employment, training, and financial compensation, although caveats were often attached. For example, one respondent noted that it was hard for Akaitcho members to get "good jobs" at the mine sites because of their lack of education, and that mining company promises hadn't always been kept: "The mines said they would give training and jobs, but they've left us alone now." And, while mine employees themselves often benefited from the large paycheques they received, it was noted there was "not much benefit to the community" as a whole.

Further insights into regional mineral development were gleaned throughout the focus group discussion. For example, it was readily apparent that perceptions of past mining in the area were poor, as every respondent made at least one mention of poor mining practices in the past. This 'legacy' was further evident in comments such as "they ruined the land", "we've had no benefit from the past mines", "we didn't get a penny from [past mines]", and "all of the mines spoiled the water."

Focus group respondents also provided a number of suggestions as to how their IBAs could be improved. This discussion tended to focus on additional IBA benefits they

would like to see, especially those that could benefit the community as a whole. Examples included improved access to housing, lower costs for water, and increased policing and health care services within the community.

5.3.3 Interpretation of results

Perceptions of IBA effectiveness were mixed in the two focus groups and negative sentiment was obvious on a number of occasions. Often, criticisms or negative views were presented before any positive IBA comments were made, although the focus groups appeared to indicate their community was better off with an IBA than without.

Results from the two focus groups were somewhat limited by not giving full consideration to the IBA objectives of *follow-up* and *relieve capacity strains*. Answers pertaining to 'follow-up' were often difficult to discern, perhaps because focus group participants were unaware of follow-up activities related to IBAs. Furthermore, 'follow-up' activities tend to be more directly related to the provisions of Environmental Agreements (e.g. through the creation of independent monitoring agencies) as opposed to IBAs. The objectives identified by Galbraith and Bradshaw (2005), it should be noted, were meant to serve the entire suite of *supra*regulatory agreements that are typically negotiated in relation to a mineral development in the Northwest Territories (i.e. IBAs, Socio-Economic Agreements, and Environmental Agreements), not just IBAs specifically. This may be why questions pertaining to follow-up were under-answered. As mentioned above, time constraints affected the degree to which questions regarding capacity could be breached.

From the remaining results, some generalizations can be made. For example, it was found that both focus groups did not perceive positive relationships and trust to be wholly established between their community and the diamond mining companies. Although the elders' focus group provided mixed opinion as to the matter, the youth focus group provided generally negative views. Synthesized responses thus indicate that the IBA objective *build positive relationships and trust* was, at best, only partially met for the community members of Dettah.

Regarding the IBA objective *secure local benefits*, both groups were well aware of the benefits the community received from their IBA (e.g. employment, training, financial compensation, scholarships), but were also vociferous on where they felt those benefits were lacking. For example, while 'employment' was often noted as a benefit, it was often hard to "get a good job" and only "blue collar" jobs were available. Furthermore, while job-specific training was provided to community members, there was "not that much" of it and it was geared, once again, to blue-collared "dirty" and "labour" jobs. Mine workers were often noted as those who received the most benefits from diamond mining, for example through the "big paycheques" they earn. Furthermore, it was stated on a number of occasions that the diamond mines had been built on "our land", on "Akaitcho territory", on "Akaitcho land" and that the benefits received by the community weren't commensurate with what the mines were earning in profit. Respondents commented on additional benefits they would thus like to see delivered. Improved road conditions, new recreational facilities, increased access to housing, increased scholarship

funding, lower costs for water, and increased policing and health care services within the community were common responses.

A number of considerations are thus evident. First and foremost, while 'benefits' exist, they tend to be concentrated amongst those who work for the mines. Second, there is an obvious desire by those not employed at the mines for more community-wide benefits. This is not to say that benefits have not been provided to the community (e.g. through things like employment and training), only that locals wish to see benefits distributed more widely amongst the community. While this may be a failing of the various IBA negotiations, it is likely representative of other factors. For example, since the signing of IBAs, it may be that community members have now simply come to expect *more* from their agreements. Where 'traditional' benefits such as employment and training may have sufficed for early agreements, community members may now have a desire to see additional benefits for the *whole* community. Interestingly, this may be an implicit recognition that past agreements have in fact fulfilled their 'benefits' objectives, and community members are now seeking additional, novel benefits[5]. For the reasons mentioned above, it can be argued that the objective, *secure local benefits*, was in fact met. Those comments regarding the desire for additional community-wide benefits remain important though, as they indicate an area where future IBAs can be directed.

[5] Indeed, evidence of this exists in the most recent IBA the Tlicho Government signed with De Beers Canada. While their first two IBAs focused largely on employment, education, and business development opportunities for their members, the Tlicho Government's most recent IBA focused specifically on 'cultural' development (for example, see De Beers, 2006) for their communities.

Responses from both focus groups also indicate that poor perceptions of past mining practice exist within the community. Furthermore, it was evident that these past practices had an impact on how the respondents viewed current mining practices in the area. For example, comparisons were often made between past and existing mines (e.g. "It's probably going to be like Giant mine") and an overall sense of distrust of mining companies seemed to prevail. When one considers the history of mining in the area though, some interpretations can be made.

The Northwest Territories currently has approximately 50 abandoned mine sites on record (INAC, 2007a), many of which present safety and environmental contamination concerns. In the area immediately surrounding Dettah, two such mine sites exist: the *Con* and *Giant* mines. The gold-producing *Giant* mine went into receivership in 1999, whereby the court assigned the site to the Department of Indian Affairs and Northern Development (DIAND). This transfer also included the huge environmental liability of 237,000 tonnes of arsenic trioxide that was buried in the mine drifts and shafts, an issue that remains highly contentious amongst local peoples to this day (INAC, 2007b). While various comments pertaining to the legacy of *Giant* mine were mentioned in the focus groups, so too were similar comments made of the *Con* gold mine, which operated within Yellowknife city limits from 1938 to 2003.

Given the highly visible legacy of these local mines (see figure 5.6), it is not surprising that poor historical mining practices were often mentioned in the focus groups. While a proposed mine in an area historically devoid of mineral development could possibly

avoid the tide of public disapproval brought about by past 'legacy' mines, a mine in the Northwest Territories will most certainly face instances of public scepticism. Any new mine developer in the region would be well-advised to be aware of this legacy, and aim to address public perceptions about current mining practices.

Figure 5.6: The *Con* mine shaft, as visible from the town of Dettah, Northwest Territories. Source: Author.

The focus group participants also had difficulty separating out the effects of one IBA from another. While there were a few times when a specific IBA was mentioned, more often than not the three diamond mine IBAs were discussed interchangeably. The impacts and benefits that diamond mining had brought to their community were talked about in more general fashion and, as previously mentioned, *past* mining practices were often discussed as well. This seems to indicate that mine projects are not viewed by the community on a project-by-project basis, but as mineral development *in general*. In this

light, the actions of one mining company are not seen as wholly distinct from another mining company; rather the actions of the industry as a whole are judged.

Table 5.6 presents a summary of findings from the focus groups. The following section summarizes the larger research results presented in this chapter.

Summarized Findings from the Focus Groups
• The IBA objective *build positive relationships and trust* was, at best, only partially met • While IBA *benefits* are being delivered, it was felt they should be increased and distributed more widely amongst the community (e.g. through community-wide development initiatives) • A poor perception of past mining practice exists in the community, which appears to impact perceptions of current mining practice • Focus group participants had difficulty separating out the effects of one IBA over another IBA • A mixture of pro and anti-mine sentiment is prevalent in the community • Aboriginal youth felt discouraged at their prospects for getting involved in decision-making regarding mine developments

Table 5.6: Summarized findings from the community member focus groups

5.4 Chapter Summary

Results from this chapter present a variety of interesting perspectives on IBA effectiveness. While some deficiencies were apparent and perceptions of effectiveness varied somewhat by community, the IBAs were generally found to be meeting their objectives. Most significantly, there is considerable evidence that they are delivering

positive outcomes for Aboriginal communities affected by mineral resource development in the Canadian North, which represents a significant change from typical outcomes of the past.

Before IBA effectiveness could be determined though, it was first necessary to establish the objectives of the IBAs, as the degree to which these objectives have been met reflects the effectiveness of the IBAs. Galbraith and Bradshaw (2005) identified these objectives and this research sought to confirm them. Key informants interviews largely confirmed Galbraith and Bradshaw's (2005) objectives of *ensure adequate follow-up*, *relieve capacity strains*, *build positive relationships and trust*, and *secure local benefits*, but often emphasized the importance of the latter two.

Furthermore, a number of additional IBA objectives were identified by the key informants, some of which were supported by remarks from the focus group interviews. Foremost, respondents noted that *IBAs are primarily a tool to recognize the assertion of Aboriginal rights and title.* While this was explicitly mentioned by key informants on a number of occasions, responses from the focus group interviews were more implicit in nature. For example, when respondents complained that the IBA benefits received by their community were insufficient, it was often in the context of the mines having been built on "our land", on "Akaitcho territory", on "Akaitcho land". Benefits, it was implied, were not commensurate with the realities of their rights and title to land. In comparison then, Galbraith and Bradshaw's (2005) objectives appear somewhat secondary to this larger assertion of rights and title.

A number of additional IBA objectives for Aboriginals were also identified by key informants, such as *IBAs allow for participation in mineral development on traditional lands*, *IBAs confront the legacy of mineral resource development*, and *IBAs fill a number of regulatory gaps*. Focus group participants often expressed a desire for increased participation in the mineral development occurring on their lands, frequently mentioned the 'legacy' of past mining practices on their land, and implied a number of 'gaps' in government services indeed existed. Comments such as these lend credence to the additional IBA objectives identified by key informants.

Anecdotal evidence and insights from the key informant and focus group interviews can provide some indications as to the degree to which these additional objectives have been achieved. First, the objective *IBAs recognize the assertion of Aboriginal rights and title* has arguably been met. The fact that IBAs are being signed by these asserting Aboriginal groups, for example, seems to indicate this objective has already been achieved. That IBAs are now viewed as a political necessity in the North also seems to indicate the assertion of these rights has been recognized. The objective *IBAs allow for participation in mineral development on traditional lands* also appears to have been met as the employment, training, and business opportunity provisions found in IBAs encourages such participation. Similarly, the objective *IBAs confront the legacy of mineral resource development* appears to be met, as Aboriginal signatory communities are now reaping benefits from mineral resource development that traditionally did not accrue to them. Statements made by focus group respondents highlight this point further. One respondent noted, "[the mining companies] now meet with us, its good now", while another said

"there is a need for an IBA from all mining companies so we aren't treated like before". The final objective, *IBAs fill a number of regulatory gaps*, also appears to have been met when one considers Galbraith and Bradshaw's (2005) finding that the rise of IBAs is partly attributable to limitations of the Canadian EIA process. Based on those limitations, normative criteria were established by Galbraith and Bradshaw (2005) from which IBA objectives were then determined. Those same objectives were used in this research, and were determined to have largely been met. It follows that the objective *IBAs fill a number of regulatory gaps* has similarly been met.

As the additional IBA objectives for Aboriginal signatories had not been identified at the time of both key informant and community member focus group interviews, only Galbraith and Bradshaw's (2005) objectives could be used to determine the degree to which the IBAs are working. Key informants largely confirmed these objectives, save one: *ensure adequate follow-up*. Often, follow-up programs were said to be lacking, or non-existent. Even where the other three objectives were confirmed though, suggestions for their improvement were duly noted. This suggests that IBAs have been in somewhat of a 'growing pains' stage, a likely result of their relatively recent arrival in the North.

Due to a number of constraints, focus group respondents could only comment on two of Galbraith and Bradshaw's (2005) four objectives. For example, it was found that the IBA objective *build positive relationships and trust* was, at best, only partially met. This is an interesting divergence from the key informant responses, which strongly indicate this objective was met. Furthermore, while IBA *benefits* were being delivered, it was felt that

these benefits should be increased and distributed more widely amongst the community. These reservations aside, certain benefits are undoubtedly accruing to Aboriginal signatory communities. Data from the socio-economic indicators strongly suggests this, as do responses from both key informants and focus group respondents. Perceptions of effectiveness, though, appeared to vary by community and dissenting opinion was noted in few instances.

The following chapter provides a summary of the thesis, discusses its practical, scholarly, and methodological contributions, and suggests future research directions.

6. SUMMARY AND CONCLUSION

This chapter offers a summary of, and conclusion to, this thesis. A thesis summary is first provided, followed by an account of the practical, scholarly, and methodological contributions of the research. Finally, some future research needs are identified.

6.1 Thesis Summary

While mineral development has long been a pillar of the Canadian economy, mining projects have often generated environmental and social impacts for surrounding communities and landscapes. Historically, Aboriginal people have disproportionately suffered from these impacts and have received few, if any, benefits from mining projects. IBAs are increasingly being used as tools to address these impacts, and to ensure benefits are being delivered to Aboriginal communities impacted by mineral developments on their traditional lands. The popularity of IBAs has grown such that they are now *expected* to be signed for any major mineral development in the Canadian North. Notwithstanding their increasing use and potential significance, limited systematic analysis has been undertaken to determine whether they are meeting their intended aims.

Focussing on a number of IBAs negotiated in relation to three diamond mining operations located to the northeast of Yellowknife, Northwest Territories, this thesis sought to assess their effectiveness from the perspective of their Aboriginal signatories. A review of the scholarship covering, and related to, IBAs was first presented in Chapter Two, while, in Chapter Three, some important background information on the study area

and its peoples was provided. The evaluation itself was methodologically complex, and involved the creation of a culturally aware and responsible, multi-method approach. Chapter Four describes the development of this approach and the tasks involved. Specifically, three tasks were pursued: (1) organization of secondary socio-economic data; (2) key informant interviewing; and (3) community focus group interviewing. While the secondary socio-economic data were meant to provide a broad perspective of socio-economic change in the impacted Aboriginal communities, key informant and community focus group interviews were meant to provide more specific insights.

Chapter Five presented the results of the multi-method approach used to assess IBA effectiveness. First, five key socio-economic indicators in the impacted Aboriginal communities were reviewed. Specifically, it was found that marked improvement in socio-economic conditions has occurred in the impacted Aboriginal communities. The rate of improvement in these communities has outpaced that of the Northwest Territories and Canada in some instances (see Table 5.2), and these improvements appear to correlate to the signing of IBAs by the impacted communities. The second task, key informant interviewing, served first to confirm the IBA objectives identified by Galbraith and Bradshaw (2005): *ensure adequate follow-up*; *build positive relationships and trust*; *relieve capacity strains*; and *secure local benefits*. Key informants then indicated these objectives were largely being met for the three regional diamond mines, save one: *ensure adequate follow-up*; often, IBA follow-up programs were said to be lacking, or non-existent. Focus group participants could only comment on two of Galbraith and Bradshaw's (2005) four objectives. It was found that the IBA objective *build positive*

relationships and trust was, at best, only partially met, and that, while IBA *benefits* were being delivered, these benefits should be increased and distributed more widely among community members.

A number of additional IBA objectives were also identified by the key informants and community member focus groups: *IBAs are primarily a tool to recognize the assertion of Aboriginal rights and title*; *IBAs allow for participation in mineral development on traditional lands*; *IBAs confront the legacy of mineral resource development*; and *IBAs fill a number of regulatory gaps*. While interview participants were not explicitly asked to comment on these newly identified objectives, anecdotal evidence and preliminary insights from the interviews indicate these objectives are being met.

While some deficiencies were apparent and perceptions of effectiveness varied somewhat by community, the IBAs were generally found to be meeting their objectives. Most significantly, there is considerable evidence that they are delivering positive outcomes for Aboriginal communities affected by mineral resource development in the Canadian North, which represents a significant change to typical outcomes of the past. Nevertheless, suggestions for improved IBAs were noted; these are presented in the following section in the hope they may contribute to improved IBAs in the future.

6.2 Contributions of the Research

6.2.1 Practical

The research presented in this thesis has practical value in that it (1) provided an assessment of IBA effectiveness for three diamond mine developments to the northeast of Yellowknife, Northwest Territories; and (2) provided recommendations as to how IBAs in the Canadian North can be improved upon. Considering the increased calls for evaluation of these agreements by IBA practitioners, academics and regulators that oversee them, this assessment addresses an important research gap. More specifically, the assessment revealed that the IBAs are largely meeting their established objectives, and delivering positive outcomes for impacted Aboriginal communities. For those who have drawn upon anecdotal evidence to render judgement on IBAs, this more 'formal' finding might be of interest.

While these IBAs have largely met their objectives, they have also been recognized as "works in progress" that required steep initial learning curves; accordingly, many improvements to IBAs have been suggested. Most of these suggestions have come from key informants, although a number have similarly been noted in the IBA literature or voiced in the community member focus groups. For one, it has been suggested that confidentiality clauses be avoided, as these can hinder learning amongst signatory groups, reduce accountability, and affect the evaluation of agreements. Avoiding the use of vague wording and language found in IBAs has also been suggested. Vague language, it was said, hinders the enforceability of IBAs and the meeting of targets.

It has also been suggested that IBA follow-up programs be improved and specifically allow for the renegotiation of agreements. Some respondents, for example, felt that if a mine project evolved beyond what was original set out in the project description, an IBA should be modified accordingly. While follow-up provisions typically exist in IBAs, such as a '5 year review' clause, these have not been utilized to their fullest extent, if at all. A large number of respondents also felt there was a need to improve the IBA-related benefits accruing to Aboriginal communities. Often, benefits were not reflective of the legal (e.g. court decision results) and political (e.g. historical Aboriginal ties to land) status of Aboriginal signatories, or were too narrowly distributed amongst community members (e.g. only mine workers benefited; there existed a need for community-wide development initiatives). Providing Aboriginal IBA signatories with equity stakes in a mining project was mentioned as one way this issue could be dealt with.

Improved coordination among regulatory tools such as EIA, IBAs, Socio-Economic Agreements, and Environmental Agreements has also been suggested. The "patchwork" nature of these arrangements has led to jurisdictional confusion among regulators, which can impede their usefulness. Clarifying the role of EIA as it relates to IBAs was specifically noted on a number of occasions. Furthermore, it was felt that 'impacts' have been inadequately addressed in IBAs, as IBAs tend to be 'benefit'-driven and fail to mitigate or compensate for project-related impacts. Finally, it has been suggested the federal government clarify, perhaps in the form of an official statement or policy, its role in the IBA process. The recommendations for improved IBAs are summarized in Table 6.1.

Common IBA Recommendations:
• Avoid confidentiality clauses • Avoid vague language and wording • Allow for renegotiation of agreements • Increase benefits and distribute them more widely amongst a community • Clarify the role of EIA as it pertains to IBAs • Increase 'impact' mitigation and compensation measures • Federal government should clarify its role in IBAs

Table 6.1: Common recommendations for improved IBAs

While these recommendations apply to IBAs more generally, the perceived deficiencies of IBAs for one specific signatory community, Dettah, Northwest Territories, were also noted during focus group interviews (see Table 5.6). These varied insights provide a final, practical contribution. IBA signatories can now use this information to ensure they receive maximum benefit from any future agreements.

6.2.2 Scholarly

This research contributes to the bodies of scholarship associated with (1) IBAs; (2) Aboriginal resource rights; (3) (critical) environmental impact assessment; (4) environmental governance; and (5) the 'underdevelopment' of the Canadian North.

While the IBA scholarship has many different themes, one important area of focus is IBA aims or rationale. O'Faircheallaigh (1999) and Galbraith et al. (2007), for example, concluded that IBAs are a function of limitations in EIA design and practice. This thesis lends support to these findings in that the IBA objectives identified by Galbraith and

Bradshaw (2005) were originally derived from common EIA limitations. These objectives were then largely confirmed by this thesis research. Importantly though, this research identified additional objectives of IBAs from the perspective of their Aboriginal signatories, some of which are unrelated to the EIA process. Most significantly, it was found that *IBAs are primarily a tool to recognize the assertion of Aboriginal rights and title.* The legal, political and historical connotations of this objective go well beyond the much narrower scope of EIA limitations. The other identified IBA objectives, *IBAs allow for participation in mineral development on traditional lands*, *IBAs confront the legacy of mineral resource development*, and *IBAs fill a number of regulatory gaps*, only serve to highlight this further.

Another important, but limited, area of IBA scholarship has focussed on IBA effectiveness (e.g. Dreyer and Myers, 2004, Hitch, 2006, North-South Institute, 2006). The research presented herein complements these previous studies but differs in its methodological approach. As none of these past studies sought to systematically assess effectiveness relative to a pre-IBA baseline condition or to pre-determined IBA objectives, this research has provided a new, and arguably more rigorous perspective on IBA effectiveness.

The Aboriginal resource rights scholarship has focussed largely on the evolution of jurisprudence surrounding Aboriginal rights to land and resources. An obvious question thus arises: What contribution have IBAs made to this movement? While a thorough assessment was well beyond the scope of this thesis, some generalizations can

nevertheless be made. For one, IBAs are clearly an expression of Aboriginal peoples' rights to land and resources; this is well reflected in the additional IBA objective, *IBAs are primarily a tool to recognize the assertion of Aboriginal rights and title*, identified through the course of the research. And, from the other newly identified objectives, IBAs also appear to be filling regulatory gaps and confronting the mining's historical legacy for Aboriginal people in Canada. Considering the varied aims that IBAs are serving, their use is of obvious significance to the ongoing evolution of Aboriginal resource rights in Canada. Just *how* significant of a role they have played remains unknown though. Further research and study is needed here.

Within the critical EIA literature, an obvious divide exists between those contributors who view the EIA process as inherently flawed and thus never able to fulfill stakeholder requirements (e.g. Nikiforuk, 1997; Wismer, 1996) and those who view it as a process that can be improved upon and that can one day fulfill stakeholder needs (e.g. Armour, 1991; Meredith, 1992). The findings of this research support both views. While it is true that EIA may be fundamentally flawed, and that IBAs may serve to redress limitations, it is also true that IBAs may be a vital component of an evolving and improved EIA process. Seen either way, IBAs are nevertheless delivering positive outcomes for Aboriginal signatory communities affected by mineral development. This is something EIA has traditionally not done and its significance must be underscored. Before a definitive conclusion that supports either group of EIA theorists can be made though, it will be necessary to first characterize the relationship between IBAs and EIA. Are they linked and dependant on one another? Or, do these mechanisms work independently and

irrespective of each other? Answering these questions will help to further identify any inherent limitations of the EIA process.

This research also contributes to the literature surrounding environmental governance, the focus of which has been on the varied tools that societies can use to effectively address environmental concerns. More specifically, it is recognized that solutions may be generated through both traditional modes of government, or through other, non-governmental approaches. The results of this research indicate that one example of a non-governmental approach - IBAs - appears to be working well. While 'command and control' government approaches are undoubtedly important in many regards, this example highlights the potential significance of one 'softer' approach commonly found in the minerals sector.

Finally, while it has long been argued that the Canadian North has experienced a state of 'underdevelopment' due mainly to its dependence on primary resources or 'staples' (e.g. Watkins, 1977; Coates and Powell, 1983; Bone, 2003), preliminary insights from this research indicate that appreciable deviation from this trend has occurred of late. Benefits from mineral resource development in the form of employment, skills development, training, and business creation are now being delivered to northern peoples. This is partly a result of IBAs that have been signed for regional mineral developments.

6.3.3 Methodological

The protocol for testing IBA effectiveness that was developed for this research in Chapter Four provides a final, methodological contribution. Evaluating IBA effectiveness is a methodologically complex task; for example, in the absence of truly comparable 'control' and 'experimental' cases it is infeasible to isolate the effect of an IBA from other compounding variables. Unlike previous studies of IBA effectiveness (e.g. Dreyer and Myers, 2004; Hitch, 2006; North-South Institute, 2006), the research presented herein assessed IBA effectiveness relative to a pre-IBA baseline condition and against previously identified IBA objectives. For these reasons, the multi-method approach developed for this research may be a significant contribution.

Specifically, this multi-method approach used a combination of secondary socio-economic data analysis, key informant interviewing, community member focus groups, and participant observation to assess the effectiveness of selected IBAs from the perspective of their Aboriginal signatories. Furthermore, the approach stressed intercultural awareness and sensitivity. 'Rigour' was additionally established through the triangulation of research results.

The use of regional secondary socio-economic data accomplished a number of goals. For one, it provided time-series analysis against a pre-IBA 'baseline' condition. Various inferences could then be made regarding the degree to which indicators changed as a result of the signing of IBAs. Furthermore, the use of regional data provides a broader

geographical perspective on IBA effectiveness than does single-community or mine-specific data.

Key informant interviewing also accomplished a number of goals. Foremost, key informants were selected for their expert knowledge of IBAs. In the case of this research, their expert knowledge allowed them to 1) confirm IBA objectives originally identified by Galbraith and Bradshaw (2005); 2) to assess the degree to which those objectives had been met; 3) to identify additional IBA objectives; and 4) to make recommendations as to how IBAs could be improved. Done this way, IBAs can be evaluated against the objectives they were meant to serve; this provides an overall portrait of IBA effectiveness. Furthermore, strengths and weaknesses of current IBAs can be identified, and this knowledge can be used to improve IBAs over time. The breadth of key informant experience can also help ensure research results are balanced and fair. In this research, for example, key informants spanned a spectrum of interested IBA parties. They included representatives from Aboriginal communities and organizations, the mining sector, federal and territorial governments, regulatory bodies, and academia.

Community member focus group interviews provided an important local perspective on IBA effectiveness. As IBAs are meant to address the adverse effects of commercial mining activities on local communities and ensure those communities receive benefits from mineral development, a *community* perspective on IBA effectiveness is undeniably important. Community members provide insight into the degree which IBA objectives have been locally met, and can provide recommendations for improved IBAs.

Participant observation also played a valuable role in the multi-method approach to assessing IBA effectiveness, although this 'observation' was by no means passive. Indeed, the more actively involved one is in everyday community activities, the more likely one is to secure insights. Active involvement not only helps to clarify and contextualize various aspects of the research, but allows networking opportunities to flourish, relationships to be built with research partners, and specific educational opportunities to be pursued.

Perhaps most importantly, this approach was conducted with intercultural awareness and sensitivity in mind. For any research that seeks to assess the effectiveness of IBAs from an *Aboriginal* perspective, it is wise to first develop an awareness of relevant Aboriginal histories, customs and worldviews. Familiarization with these things is an important step for achieving meaningful communication and intercultural effectiveness. Furthermore, sensitivity must be employed when speaking with Aboriginal respondents, especially when discussing historical or culturally sensitive issues.

While the multi-method approach presented above worked well for this research, a number of factors that could influence its effectiveness if employed elsewhere should be kept in mind. For one, a researcher must be willing to devote *time* to the research process. Developing relationships, building trust, and familiarizing oneself with the geographical and political context of the research requires a significant commitment. Indeed, the three months this researcher spent in the field (including one month devoted to relationship-building alone) should be considered a *minimum* amount of time needed

for a successful field season. *Data requirements* must also be capable of being met. Certainly it is helpful when detailed socio-economic data are already available, and when willing key informant and community member interview participants can be found in sufficient quantities. Finally, *unforeseen circumstances* can influence the research process. Intercultural research can present a number of difficulties for 'outside' researchers. For example, acceptance by a community can be difficult to achieve, as can the building of successful relationships. Various personal and political motivations can also present difficulties. While this research managed to avoid most of these pitfalls, potentially significant issues nevertheless arose. One's flexibility and determination to solve issues as they arise can go a long way towards smoothing the research process.

6.3 Future Research Needs

This research has sought to assess the effectiveness of IBAs in one region, from the perspective of their Aboriginal signatories. While successful in this regard, a number of future research needs are evident. Most notably, there is a need for IBA effectiveness studies to be replicated in other regions that are experiencing mineral development. While IBAs appear to be meeting their goals in one region, contingencies in another region may impact their success. As Galbraith (2005: 101) highlights: "It would be a useful task to identify the conditions under which these agreements are most effective and the degree to which these agreements legitimately achieve positive outcomes." While region-wide assessments of IBA effectiveness are useful for a number of reasons, agreement-by-agreement and community-by-community assessments should also be conducted, as these would readily allow for specific variables impacting upon

effectiveness to be identified (e.g. presence/absence of a settled land claim, community/corporate leadership differences, presence of past IBAs in a community, etc.).

Further refinement of the multi-method approach used to assess IBA effectiveness is also needed. Research that seeks to assess the effectiveness of IBAs from the perspective of their Aboriginal signatories, for example, might find Aboriginal community-selected socio-economic indicators to be of use. By identifying indicators that are relevant to them, as opposed to indicators imposed on them by non-Aboriginals, a community has input into how *they* perceive effectiveness. Furthermore, it should be ensured that community member focus groups are representative of the demographic diversity found within the community of study. While elder and youth focus groups proved useful for this research, middle-aged, mine-site employed, and female focus groups would have ensured community diversity was better represented.

The mineral developers' perspectives on IBA effectiveness is also in critical need of study. While Aboriginal perspectives on IBA effectiveness are undoubtedly important, they represent only one-half of the negotiating parties to these agreements. Before further recommending the use of IBAs, it is necessary to determine whether they are working for *all* signatories. Similar to the research undertaken here, it would be useful to first assess IBA effectiveness relative to established objectives. Preliminary insights from this research indicate that, for mining companies, IBAs are: a political and unspoken legal requirement; a means to secure mine tenure and ensure the Aboriginal community will not object to mineral projects; part of a company's larger CSR mandate;

and help improve the public image of a mineral developer. These, of course, need to be confirmed through subsequent research, although the literature does appear to validate the findings. An evaluation of the degree to which these objectives have been met would then need to follow.

Larger questions inevitably remain. For example, how should 'effectiveness' be defined? Should things like equity and fairness be considered when assessing effectiveness? What is the appropriate timing of IBAs in relation to other regulatory tools associated with mineral development? What is the most appropriate role for government in IBAs? Do IBAs need government involvement to ensure success? Considering the possibilities therein, it begs even larger questions: What institutions can best ensure social and environmental impacts of mining are appropriately addressed? Is the current mixture of state-led and non-state governance in the Northwest Territories yielding satisfactory results? What are the possibilities for enhanced non-state governance in the minerals sector? While the industry adage, "the day you drill your first hole, you begin to drill your last", reminds us of the transitory nature of mining activities, formally answering these questions will help ensure that lasting benefits arise from mineral development.

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Western Arctic (Inuvialuit) Claims Settlement Act, S.C. 1984, c. 24.

APPENDIX A: LIST OF KEY INFORMANTS

Luciano Azzolini ..... Principal, Terra Firma Consultants
Darrell Beaulieu ..... CEO, Denendeh Investments Incorporated
Ted Blondin ..... Interim President, Behcho Ko Development Corporation
Darryl Bohnet ..... Vice President, Community Affairs, Diavik Diamond Mines, Inc.
Nicholas Bourque ..... Account Manager, Sandvik Mining and Construction Canada Inc.
Archie Catholique ..... Former Chief, Lutsel K'e Dene First Nation
Eric Christensen ..... Manager, Business Services, Diavik Diamond Mines, Inc.
Vern Christensen ..... Executive Director, MVEIRB
Doug Crossley ..... EMAB Chair, Kitikmeot Inuit Association
John Donihee ..... Lawyer, John Donihee Professional Corporation
Doris Dreyer ..... Den Zena Consulting
Ginger Gibson ..... PhD Candidate, UBC Mining Engineering
Sheryl Grieve ..... Lands and Resources Coordinator, North Slave Métis Alliance
Keith Hamilton ..... Executive Director, North Slave Métis Association
Donald Havioyak ..... President, Kitikmeot Inuit Association
Heidi Klein ..... Senior Environmental Planner, Gartner Lee Limited
Altaf Lakhani ..... Manager, Aboriginal Economic Development, INAC
David Livingstone ..... Director, Renewable Resources and Environment, INAC
Jimmy Ross Miyok ..... Employment & Training Coordinator, Kitikmeot Inuit Association
Barb O'Neill ..... Senior Policy Advisor, INAC
Kevin O'Reilly ..... Manager, Independent Environmental Monitoring Agency
Doug Paget ..... Chief, Special Projects – Mineral Resources Directorate, INAC
Juanita Robinson ..... Industrial Initiatives Consultant, Industry, ITI, GNWT
Lana Roeland ..... General Manager, I & D Management Services Inc.
John Stevenson ..... Vice Chairman, MVEIRB
Mary Tapsell ..... Manager, Environmental Impact Assessment, MVEIRB
Lorne Tricoteux ..... Executive Director, Pipeline Readiness Office, INAC
Shirely Tsetta ..... IBA Implementation Officer, YKDFN
James Wah-Shee ..... President, NWT Aboriginal Summit
John B. Zoe ..... Executive Officer, Tlicho Government

APPENDIX B: ASSURANCE OF PARTICIPANT CONFIDENTIALITY FORM

Assurance of Participant Confidentiality

My name is Jason Prno and I am a graduate student in the Department of Geography at the University of Guelph in Guelph, Ontario. I am conducting research on the effectiveness of Impact and Benefit Agreements (IBAs) under the supervision of Dr. Benjamin Bradshaw. You are in a unique position to describe the perceived effects of IBAs on local residents and organizations. If you agree to participate, it would involve an interview that would take about 1 hour of your time. There are no risks associated with the study. You are under no requirement to participate in this study and should feel free to decline. Even if you decide to participate, you may withdraw from the study at any time. You will not be penalized for not participating or for withdrawing. Nothing you say will ever be identified with you personally. Your participation and all information will be kept confidential. The interview transcripts and audiotapes (if applicable) will be destroyed at the end of the study to ensure the confidentiality of your responses. The interview transcription will be mailed to you, so you have the opportunity to review them and make any changes to them. If you are interested in the results of the study, feel free to contact me, or my supervisor, Dr. Bradshaw. The Aurora Institute will also be provided with a public record of this research. I welcome any questions, comments, and suggestions before and after the interview.

Consent Form

I agree to take part in this study, which has been explained to me. I have been given an opportunity to ask questions about the study. I understand that any questions I answer will be anonymous, and that my identity will not be disclosed at any point. I also understand that my participation is completely voluntary, and I may withdraw from the study at any time.

_____ _____

Signature of participant Date

APPENDIX C: KEY INFORMANT INTERVIEW QUESTIONNAIRE

KEY INFORMANT INTERVIEW PROCESS

A. Introduction:

- Brief introduction of myself
- Brief introduction of research (follow up from work of Lindsay Galbraith's research in summer 2004)
- Assure confidentiality and an opportunity to review the transcripts and make any changes to them (see attached). It will be similarly noted that applicants can retract statements or the whole interview (should they wish) at a later date. Use consent form if necessary (see attached). Ask permission to use tape recorder.

B. (confirm) Respondent Background Information:

- Position title
- Role in organization
- Role in case studies (i.e. Ekati, Diavik, Snap Lake)

C. Substantive Questions:

- Past research by my colleague has suggested that IBAs are meant to serve a number of objectives. Specifically, these are:
    - To build positive relationships and trust between the mine developer and signatory groups
    - To relieve capacity strains of signatory groups
    - To secure local benefits
    - To ensure adequate follow-up

  In your mind, did we, or rather my colleague, get this right?
- Do you feel that sufficient time has passed for you to reflect on the merits of IBAs?
- Do you have a view/judgment on IBAs? If so, what is your view?
- More exactly, do you feel that IBAs have:
    - Built positive relationships and trust amongst the mine developer and impacted communities?
    - Relieved capacity strains of impacted communities?
    - Secured benefits for impacted communities?
    - Ensured adequate project follow-up?
- How do you think IBAs could be improved upon in the future?

D. Conclude interview

- Could you recommend any other potential key informants that you think would be particularly useful to this research?
- Would I be able to send you an email if I think of something else?
- Thank you's

- We will get back to you shortly. You will have an opportunity to review your interview transcript and make changes to them. You will also be able to retract statements or the whole interview, should you wish, at a later date

APPENDIX D: FOCUS GROUP MEMBER QUESTIONNAIRE

COMMUNITY MEMBER INTERVIEW PROCESS

A. Introduction:

- Brief introduction of myself
- Brief introduction of research
- Assure confidentiality and an opportunity to review the transcripts and make any changes to them (see attached). It will be similarly noted that applicants can retract statements or the whole interview (should they wish) at a later date. Use consent form if necessary (see attached). Ask permission to use tape recorder.

B. Respondent Background Information:

- How many years have you lived in the community?
- Are you aware of recent mine developments near to the community?
- Are you familiar with the IBAs that your community have negotiated associated with said mine developments?

C. Substantive Questions:

- What is your general view of the IBAs to date? Are you glad that your community signed one?
- How do you think your IBAs could be improved upon in the future?

Build positive relationships/trust & Relieve capacity strains

- Do you trust the mining companies that your community signed IBAs with?
- Do you feel like [the company] respects you? Has this always been the case?
- Do you feel your community has the capacity (i.e. funding, resources) to be an equal partner in these agreements? For example, can you participate in environmental monitoring programs, or make recommendations to [the company] for improving aspects of the mine's development?

Secure local benefits

- Is the community better off now because of the IBA? What benefits have you seen?

Ensure follow-up

- Have the mining companies been responsive to your concerns after the IBAs were signed?

D. Conclude Interview

- Would I be able to send you an email if I think of something else?

- Thank you's
- We will get back to you shortly. You will have an opportunity to review your interview transcript and make changes to them. You will also be able to retract statements or the whole interview, should you wish, at a later date

APPENDIX E: DATA TABLES FOR SOCIO-ECONOMIC INDICATORS

Average Income ($)

Year	Impacted Aboriginal Communities	Northwest Territories	Canada
1991	14928	32008	-
1992	16472	32882	-
1993	17149	32671	-
1994	19204	33788	25066
1995	19095	33989	25783
1996	18791	33693	26271
1997	19623	33666	26969
1998	19550	34378	26969
1999	21970	35650	27890
2000	22823	36220	30594
2001	26076	39186	31692
2002	27791	42047	32306
2003	28253	42572	33117

Source: Statistics Canada (2004a)

Percentage of Taxfilers with More than $50,000 Income

Year	Impacted Aboriginal Communities	Northwest Territories	Canada
1995	7	25.9	11.5
1996	6.9	25.6	12
1997	8.7	25.6	12.7
1998	8.3	25.3	13.4
1999	11.5	28.1	14.2
2000	11.9	28.2	15.8
2001	16.9	31.4	16.8
2002	20.1	34.4	17.7
2003	20.3	35.1	18.6

Source: Statistics Canada (2004a)

Unemployment Rate (%)

Year	Impacted Aboriginal Communities	Northwest Territories	Canada
1989	45	13.2	-
1991	32.8	11.3	10.2
1994	38.2	14.8	-
1996	29.2	11.7	10.1
1999	39.7	13.7	-
2001	20.2	9.5	7.4
2004	28.8	10.4	-

Source: NWT Bureau of Statistics (1989; 1994; 1999; 2004), Statistics Canada Census (1991; 1996; 2001)

Percentage of Population with High School Education or Greater

Year	Impacted Aboriginal Communities	Northwest Territories	Canada
1989	28.2	59.8	-
1991	27.8	59.9	61.8
1994	34.8	63.2	-
1996	29.4	63.5	65.2
1999	32.7	66.1	-
2001	31.2	64.8	68.7
2004	35.6	67.5	-

Source: NWT Bureau of Statistics (1989; 1994; 1999; 2004), Statistics Canada Census (1991; 1996; 2001)

Number of Registered Businesses

Year	Impacted Aboriginal Communities	Northwest Territories
1997	44	1952
2000	55	2041
2002	51	2167

Source: Government of the Northwest Territories (2006)