

the Post

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No man is an island

The proposed Southern Pacific oilsands mine will affect us all



CECILY MILLS

Some days, bad news hit especially hard. Such was the case on Sept. 6. Reading the *Edmonton Journal* while riding a city bus, I came across a headline: “Environmentalists fight exclusion from hearing: Coalition barred from presenting views on oilsands mine project.”

The coalition, composed of the Fort McMurray Environmental Association, the Pembina Institute, the Alberta Wilderness Association and Toxics Watch, argued in court against its exclusion from hearings on Southern Pacific Resource Corp.’s application to build and operate an in situ oilsands mine on the banks of the MacKay River near Fort McMurray. Newly released government documents show the province may have barred Pembina’s participation in a 2009 oilsands hearing after the Institute published reports critical of the government’s environmental management of the oilsands. Now, at Southern Pacific’s request, the northern region director of Alberta Environment denied the coalition’s request to participate in the hearings,

claiming the coalition didn’t prove most of its members are “directly affected” by the project.

“All of us are directly affected,” I spoke out aloud, startling fellow bus riders. Back home, I dived into recent oilsands reports to confirm we are all affected by rapid, inconsiderate development of the oilsands. John Donne’s 1624 poem came to mind: No man in an island. Four centuries later, it’s just as true! We are all directly affected.

The proposed Southern Pacific project would require 1.7 million litres of fresh groundwater every day and contribute to declining regional air quality. Further, the project would be located in the habitat of a declining caribou herd where disturbance already exceeds the threshold identified in the Federal Recovery Strategy for woodland caribou. We will all be affected by this new oilsands project! We are all stakeholders!

A couple of weeks earlier, it was the Cold Lake Primrose “Bitumen Blunder” that called our attention. Ricardo Acuña called Canadian Natural Resources Limited (CNRL) pipeline leak “the culmination of a trail of former inadequacies.” Over the last three months, more than 8,650

barrels of bitumen uncontrollably bubbled to the surface from deep underground, killing wildlife, seeping into the muskeg and water and creating a mess. No one called for a moratorium on all new Steam-Assisted Gravity Drainage (SAGD) as well as High-Pressure Cyclic Steam Stimulation such as practiced at Primrose. Similar leaks in the same area were reported to the Energy Resources Conservation Board (ERCB) in January 2009 but not made public until January 2013, long after CNRL had resumed steam injection in the area and only four months before this latest leak. Yes, we are all affected by bitumen blunder.

In his August 15 commentary on Primrose, *Edmonton Journal* columnist Graham Thomson asked: “Is it un-Albertan to be critical of uncontrolled bitumen spill?” Ottawa pulled out of environmental assessments of the in situ method – the method for 80 per cent of future oilsands development – but Alberta

boasts of its “world-class” monitoring program even though the program is still in the works. Since 1996, less than one per cent of environmental infractions have drawn any enforcement.

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Nevertheless, the Alberta Energy Regulator (AER) considers it un-Albertan of individuals or environmental groups to be critical of its environmental management of the oilsands.

Labour Day weekend, Cenovus Energy moved five 80-tonne modules from Nisku to its Christina Lake oilsands operations. Already Christina Lake produces 76,000 barrels a day; most is shipped for refining in Illinois and Texas.

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the Post

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What is the Parkland Institute?

Parkland Institute is an Alberta wide research network that examines issues of public policy. The Institute is based in the Faculty of Arts at the University of Alberta and its research network includes members from most of Alberta's academic institutions and other organizations involved in public policy research. It operates within the established and distinctive tradition of Canadian political economy and is non-partisan. Parkland was founded in 1996 and its mandate is to:

- Conduct research on economic, social, cultural, and political issues facing Albertans and Canadians.
- Publish research and provide informed comment on current policy issues to the media and the public.
- Sponsor conferences and colloquia.
- Bring together the academic and non-academic communities.
- Train graduate students.

Opinions expressed in this newspaper reflect the views of the writer, and not necessarily those of the Parkland Institute. Readers are invited to submit letters and articles, which may be edited for style and length. Information on upcoming events and conferences may also be submitted. The *Parkland Post* is organized and administered as an editorial collective.

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editorial



Caitlin Crawshaw

Out with the old, in with the new



Like every year, autumn in Alberta sneaks up behind. One moment temperatures are soaring about 25 C and in the next, we're digging out our fall coats and wondering if last year's winter boots need replacing. But while summer has officially come to a close, the fall season also has a certain sense of newness. As kids (and some adults, like me) go back to school, a new chapter in our lives begins.

And, of course, as the season changes, we begin to talk about the weather a bit obsessively (myself included), as we will until winter is over again. It's too bad most folks don't talk about the political climate as passionately – there's a lot to talk about.

Case in point: health care. After opening several new health facilities in Alberta (like Calgary's South Health Campus) and announcing several large hospital redevelopments (mainly in Grand Prairie and Lethbridge), the province has been laying off registered nurses (RNs) like it's going out of style. In lieu of RNs, the province will hire more Nursing Assistants and Licensed Practical Nurses. Quite a few of the RNs who've kept their jobs are being moved around like boxes in an organizational chart (which is nothing new), regardless of their areas of expertise. We are left wondering how patient care will fare.

On the plus side – potentially – it's not

just front-line workers who are being chucked. The health minister's consultant has advised he trim the fat from the upper echelons of management (see Ricardo Acuña's piece on P. 3 for more). Alberta Health Services VPs have been reduced from 80 to 10. Whether this is political showmanship or a willingness to create a more agile organization that's more focused on front-line workers remains to be seen.

But it's tough to believe, given the province's apparent disdain for workers. This fall, Parkland released a report bringing to light Alberta's dismal record with job site safety. In *Making It Home: Alberta Workplace Injuries and the Union Safety Dividend*, author Bob Barnetson uncovers the real rate of injury in the province. At the moment, he says, the province only discusses a small fraction of the injuries that happen every year. In 2009, the government publicly acknowledged about 53,000 claims when, in fact, the real number of injuries is closer to 500,000, argues Barnetson.

As usual, Parkland is eager to take the government to task over issues pertaining to the public good – and get people talking about what's happening in the province. As you'll discover in Shannon Stunden Bower's research report (P. 2), the institute is digging into a variety of other issues,

as well, including voter participation and K-12 education.

As the institute's official publication, the *Post* is mandated to explore public issues with a discerning eye. In this issue, you'll find an eclectic group of articles, including a rigorous assessment of Canada's approach to treaty law (P. 10), Alberta's reliance on coal-fired electricity (P.7), and first nations land claims in Cold lake (P.6). Each issue, we do our best to cover a wide range of topics and include diverse voices from the community.

But after years of following the same format, we're wondering if this is what reader's want. Do you like getting the *Post* as a hard copy, in your mailbox? Or would you prefer that we save some trees and switch to an online format, with more opportunities to respond to articles and interact with like-minded (and perhaps not-so-like-minded) readers?

In this issue, you'll find a printed copy of a survey asking you to tell Parkland what you'd prefer. If you'd rather not mail in the hard copy, you can complete the survey online at <http://www.surveymonkey.com/s/WL22NK3>.

We hope you enjoy this issue and that you'll take the time to tell us how we can better serve you.

research update



Shannon Stunden
Bower

In May 2013, Parkland Institute released a report titled *Governing Alberta: Citizen's Views* that addressed how Albertans see democracy in their province. Based on public opinion data collected by the Population Research Laboratory at the University of Alberta and authored by University of Alberta Sociologist Harvey Krahn and University of Lethbridge Sociologist (and Parkland Institute Director) Trevor Harrison, the report analyzes respondents' opinions on democracy, political alienation, and the workings of government.

One of the key findings of the *Governing Alberta* report was that, despite continuing declines in voting rates, Albertans express strong support for the importance of voting. The authors suggest that this seeming contradiction might be explained

in part by another finding: Albertans of all political perspectives express strong support for election spending limits. Perhaps Albertans recognize the importance of voting at a theoretical level, but are dismayed at the extent to which, in practice, money swings elections. Voter alienation is one result, with serious consequences for our democracy.

Over the coming weeks and months, Parkland will be releasing a number of reports on key public interest issues. Watch for our research on topics related to K-12 education, the provincial government's results-based budgeting process, and the Alberta elder care system. We are continuing our work on the role of the labour movement in Alberta and the re-shaping of provincial social services. By offering well-researched analysis of key public interest issues, we are working to promote the evidence-based public policy that is likely to inspire the confidence of Albertans. In this way, we hope to counter the unfortunate – if perhaps understandable – cynicism that is fostered by governments driven by money and ideology.

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In the conclusion to *Governing Alberta*, the authors note that their findings indicate that provincial decision-makers need to work toward re-engaging Albertans in the political process. This is certainly true. But ultimately, the goal of greater political engagement is one that must be pursued by all of us. With your support, Parkland Institute will continue to produce research in support of an engaged, informed, and empowered citizenry.

Shannon Stunden Bower is the Parkland Institute's research director.

Alberta

Musical deck chairs

It's unclear whether health-care governance changes will have any beneficial impact



RICARDO ACUÑA

Hey, didn't these deck chairs look different yesterday?

Many Albertans, especially those who work in our health system, were likely asking that very question on Sept. 10 as, for the fourth time in 20 years, the Alberta Government announced a major restructuring of governance at Alberta Health Services.

The announcement was made at a press conference by Health Minister Fred Horne, AHS CEO Chris Eagle and Janet Davidson, the consultant hired to run and review AHS governance last summer.

Horne appointed Davidson in June after he followed up his very public spat with the AHS board by firing all of its members. Davidson was ultimately engaged to be the official administrator of AHS, but she was also asked to conduct a thorough review and make recommendations about governance at the arms-length health authority.

Her report of the structure was quite scathing, highlighting that it was top-heavy, difficult to navigate and non-responsive to the needs of front-line staff and patients. Her recommendations, which Horne is moving on quickly, amount to a fundamental reorganization of how AHS is governed and run.

The most significant of those changes is that, effective immediately, AHS senior management will be streamlined, eliminating 70 VP positions out of the current 80. Five of those VPs have been given their walking papers already, taking with them some \$2.1 million in severance. Most of the remaining 65 VPs will have their positions "reprofiled" to better support front-line staff. The new structure will also be divided into two administrative regions, based in Calgary and Edmonton.

Overall, the recognition that the AHS structure was top-heavy and not working, and the expressed commitment

to re-balance that structure in favour of front-line staff, patients and community responsiveness, is a positive step in the right direction. It's still unclear, however, how the changes to be made will actually accomplish any of that.

Simply eliminating 70 VP positions will not, in and of itself, accomplish extra supports on the front-lines. What will the 65 reassigned VPs actually be doing? If they are not necessary at the top, why weren't they all simply let go so those funds could be used to deal with other pressure points in the system, like emergency room and nurse shortages?

It's also still unclear from the announcement whether the savings achieved from eliminating bureaucracy will actually be redeployed within the health system, or whether they will simply be counted as savings and used to help the government balance its books. The best way to support front-line staff and service provision is to stop the budgetary cutbacks introduced in the provincial budget and reinvest on the front lines, but there was absolutely no indication from the minister this would happen.

Perhaps the biggest question coming out of the announced changes is why they divided the province into only two regions. Davidson's report makes clear that the decision, made by Premier Ed Stelmach in 2008, to amalgamate nine health authorities into a single super-board has been an unmitigated disaster. She shows us a system that is completely disconnected from the needs of the communities where it operates and which is next to impossible for health-care professionals and stakeholders to navigate.

One can imagine, for example, that this is especially the case in rural communities where the needs and realities are very different from those in the big cities. How will moving from one central bureaucracy in Edmonton to two central bureaucracies, in Edmonton and Calgary respectively, do anything to improve responsiveness

and connectedness in those small communities? If the government was serious about de-centralizing the system, why not go back to the nine-region system? Or even the 17 health authorities that existed under Ralph Klein?

The implication in the new structure is that it's designed to actually increase the power and influence of the minister in the governance and running of the system. This may make sense politically in terms of the government's desire for control, but it is entirely contrary to AHS's role as an arms-length organization, and is complete anathema to the rhetoric of increasing responsiveness to stakeholders and patients.

In the short term, the brunt of this restructuring, like the three others we've seen since 1993, will fall on front-line professionals who will have to adapt to working within the new structures, lines of authority and reporting mechanisms. Hopefully, that short-term pain will be worthwhile in the long term. We will not see that, however, until we see how the government will follow-up this initial move. If last week's announcement is followed up by a genuine reallocation of resources to the front lines, steps to legitimately include the voices of front-line workers in system design and the funding necessary to make those changes happen, then it's definitely a valuable first step.

If none of that happens, then it will have been nothing more than a significant shuffling of deck chairs with no long-term benefits. The results of all the previous reorganizations in our health system suggest that this latter outcome is the more likely one, but we can always hope.

Ricardo Acuña is the executive director of the Parkland Institute.

This article first appeared in Vue Weekly.



the **Post**
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the write stuff

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Need to get something off your chest?

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Alberta



Why midwifery matters

Alberta's failure to invest in midwifery shows disregard for women's choices and health economics

Photo courtesy of Vincent McDermott/FORT MCMURRAY TODAY.

CAITLIN CRAWSHAW

On an unseasonably warm September morning, 150 women, men and children paced the Alberta Legislature grounds carrying signs with slogans like, 'Birth matters' and 'Doctors are for sick people, midwives are for mothers.' That day, similar rallies were also held in Calgary, Red Deer and Fort McMurray, calling on the province to increase funding for midwifery care for women.

I would have joined them if I hadn't been out of town (on our first road trip with my daughter, born in January). Weeks earlier, several friends – other new moms – had urged me to come out and support midwifery in Alberta. It was an easy sell, since I'd met them at Edmonton's Lucina Centre, where we'd received midwifery care. While our pregnancies and births had followed unique trajectories, we had all benefited from the woman-centred model of care midwifery provides. Instead of waiting an hour in a waiting room to see an OB-GYN for five minutes, we had experienced leisurely, half-hour appointments. We were placed in cohorts according to our due dates and had group sessions once a month to discuss our pregnancies and birth plans. We were given the option of birthing in one of the hotel-like suites at the birthing centre (complete with Jacuzzi tub), at home, or in hospital – an option none of us chose.

I was the only one to require an emergency caesarian section (for reasons I still don't entirely understand, my labour failed to progress). Had we been 10 patients of an OB-GYN, three of us might have had our babies surgically removed. That's the

Canadian average for c-sections: one in three, which is much higher than the 10-15 per cent average that the World Health Organization recommends. Proponents of midwifery care argue that this is the result of the increasing medicalization of birth. Busy and cash-strapped, hospitals create an environment where efficiency wins out over a woman's right to a humane birth experience. Doctors and nurses offer interventions that may not be medically necessary (like oxytocin, to speed up the pace of labour), prevent a woman from eating or drinking during labour (causing fatigue), or force her to deliver her baby while lying on a bed, instead of a more natural position, like squatting.

There is a growing body of research suggesting that women who have their babies delivered by midwives (at hospital, home or birth centre) are less likely to end up having a caesarian section. Actually, they're less likely to need any other medical interventions, as well. On top of minimizing the stress of the experience for many women (hospitals can be very clinical, noisy environments), a midwife delivery involves fewer interventions than an OB-GYN delivery. Perhaps most notable is the absence of pain medication. Women who birth at home or in birth centres with midwives aren't able to have epidurals (you need an anesthesiologist on call for that). While an epidural kills the pain, it can also slow down contractions and stall labour. This is what happened to me: while my labour hadn't progressed well from the beginning, it slowed down to a crawl after my epidural. After the oxytocin, my baby's heartbeat became erratic and she needed to be removed immediately.

As I lay on the table in the operating

suite numb from the neck down, I heard my surgeon make some derogatory comments about midwives from the other side of the curtain. Apparently, only an hour earlier she'd seen another "transfer of care" from a midwife to an OB-GYN at the hospital. I wanted to show her the statistics that prove midwifery to be a very safe birthing option for women with low-risk pregnancies. According to a study carried out by the Ontario government in 2003, midwifery resulted in a 38 per cent lower c-section rate, 62 per cent fewer instrument-assisted birth and twice as many women discharged within 48 hours of birth. Another Ontario research study of almost 6700 midwife-attended home births between 2003 and 2006 revealed that women and babies weren't at greater risk of mortality than their hospital-birthing counterparts.

Because midwifery offers more control over one's prenatal care and birth experience, it's no surprise that it's becoming more popular in Alberta. When I became pregnant, I was told by many like-minded women to put in applications with as many midwives as I could find in order to increase my chances of being accepted. The odds of being accepted, they said, were slim. At the time I was searching for a midwife, there were only about a dozen in Edmonton, and all had long waiting lists.

I was lucky: I submitted an application practically minutes after getting a positive pregnancy test and managed to get accepted to the Lucina Centre. A dozen other women who got pregnant when I did weren't so lucky. According to Mothers of Change – the consumer advocacy group that organized the September rally – there are only 77 midwives in Alberta, a tiny number of care providers given Alberta's

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population (and given our current baby boom). In British Columbia, which has about a million more people, there are two-and-a-half times as many midwives.

This is unacceptable: midwifery care should be readily available to any pregnant woman in Alberta who wants it. There will always be women who want the traditional, medical model of care, fearing that midwives will miss a medical issue during pregnancy or labour, or that emergency services won't be close enough if something goes wrong. There are good reasons why people chose hospital deliveries. But these days, many women with low-risk pregnancies aren't interested in that model but are forced to cope with it. I've spoken with women who complain of the lightening-fast appointments with their doctors, in which they must rattle off their concerns as quickly as possible, before receiving pat responses from their doctors and pushed out the door. After arriving at the hospital in labour, many women discover that the doctor they've been seeing is on vacation and a medical resident will deliver their baby. In contrast,

all of the women I met at the Lucina Centre were happy with the care they received (even if it wasn't always perfect) and felt respected. We all liked the idea that one of two midwives would deliver our babies; there wouldn't be a stranger at the foot of the bed, telling us to push.

Of course, given Alberta's lean health spending, policymakers aren't persuaded by a woman's right to choose the type of care she receives. However, there's a strong financial case to be made for midwifery that's been overlooked. A 2010 Canadian study of an Alberta-based midwifery pilot program showed an average cost savings of \$1172 per course of care. That's significant.

Since the province began funding midwifery care in 2010, it has increased spending slightly, but there are still not enough midwives to meet the need. Part of this relates to the fact that there isn't much midwifery training in Alberta. At the Lucina Centre, many of the midwives I encountered had moved here from BC or Ontario. A new program at Mount Royal University in Calgary could increase the supply of talent in Alberta, but the current funding situation suggests they won't necessarily find employment when they graduate. The three-year agreement signed between Alberta Health Services and the Alberta Association of Midwives limits midwives to just 40 patients per year.

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Here's hoping the province reconsiders its approach to midwifery – especially given the province's current baby boom. A greater number of pregnant women will need prenatal care – so why not allow more of them to receive that care from midwives?

Caitlin Crawshaw is the coordinating editor of the Parkland Post and a freelance writer/editor in Edmonton.

energy

NO MAN / Continued from page 1

Eventually, over 675 modules, a dozen large gas-fired boilers to produce steam for SAGD, kilometres of insulated pipes stretching to drilling pads will have been installed. One oilsands project – so much water, energy, environmental damage and greenhouse gases! Yes, we are all affected!

Less than a decade ago, the residents of Christina Lake prevented seismic testing of their lake. We cheered this David vs. Goliath confrontation. This summer, as warnings of toxic algal blooms in local lakes multiplied, my thoughts went back to Christina Lake. What will happen as the surrounding area is depleted of ground water and air and rain dump their toxic contaminants on the "pristine" lake? Will Christina Lake be only a memory when the oilsands project that bears its name finishes drilling and pulls out, leaving a wasteland of rusted machinery and tarry residues?

No man is an island – we are all directly affected by the oilsands' impacts on our First Nations. In August, the province unveiled new rules for aboriginal consultation. Alberta will conduct legally required consultation with Aboriginal bands over resource development, but "government has the complete upper hand," responded a spokeswoman for the Athabasca Chipewyan. Provincial bureaucracy will determine if consultation has been adequate and bar First Nations from raising concerns. When Kevin Zahara, spokesman for Aboriginal Affairs Minister Robin Campbell, writes: "The focus has been on ensuring the policy respects treaty rights and provides for orderly resource development on Crown land for the benefit of all Albertans," I take exception. There is no respect, no order and no benefits for all present and future Albertans.

First Nations have fought for buffer zones and failed. This August, AER rejected Fort McKay First Nation's request for a 20-kilometre buffer zone to protect their traditional land-use areas and Moose Lake Reserves. The province and industry

acknowledged that the 250,000-barrel-per-day Brion Energy's Dover Commercial Project could contribute to the extinction within 30 years of two caribou herds whose ranges overlap with the project's lease areas and to the dramatic decline moose. Two years earlier, the Fort McKay River project was approved and became 100-per-cent Petro-China-owned. Dover, since renamed Brion Energy Corp, is set to become Alberta's second 100-per-cent-Petro-China-owned project.

Since 1996, less than one per cent of environmental infractions have drawn any enforcement. Nevertheless, the Alberta Energy Regulator (AER) considers it un-Albertan of individuals or environmental groups to be critical of its environmental management of the oilsands.

In August, the Athabasca Chipewyan protested winter exploratory drilling for Teck Resources' proposed Frontier oilsands project would have adverse effects on the Ronald Lake bison herd, one of the last remaining herds that is disease free and can be used as a food source. Will their concerns will be heard?

In July, AER approved the Shell Jackpine Mine expansion even though the review board warned the project would cause irreversible damage, loss of thousands of hectares of wetlands, old-growth forest-reliant species, air pollution exceeding benchmarks, moving a portion of the Muskeg River to mine the riverbed and violation of aboriginal rights! The panel concluded that in spite of "significant adverse project effects," the mine would "provide significant economic benefits ... the project is in the public interest."

While oilsands output is predicted to double by 2022, Gerry Protti, chairman of AER, Alberta's new one-stop regulator

No man is an island
entire of itself;
every man
is a piece of the continent,
a part of the main;
if a clod be washed away
by the sea,
Europe is the less,
as well as if a promontory
were, as well as any
manner of thy friends
or of thine own were;
any man's death
diminishes me,
because I am involved in
mankind.
And therefore
never send to know
for whom the bell tolls;
it tolls for thee.

–John Donne

overseeing the energy industry, said his agency's job centres on "balancing responsible development with protecting what means most to Albertans." What is "responsible" development? Keeping on doing the same thing is not an option. We need an independent energy regulator.

John Donne's poem is more relevant today than when he wrote it four centuries ago. It is more relevant today than when I memorized it 60 years ago. May it continue to inspire.

Cecily Mills, who holds a PhD in Microbiology from U of A, had a varied career in teaching in high school, college and university, in English, French and Spanish.

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energy



No home on the range

Indigenous resistance to the Cold Lake Air Weapons Range

SANDRA CUFFE

On a clear day in northwestern Saskatchewan, the jets are visible on the horizon. Flying in formation, they veer west and drop down below the boreal forest treeline and over a vast weapons range before landing back at the military base.

The Cold Lake Air Weapons Range (CLAWR) was established on traditional Dene and Cree lands 60 years ago. Today, Indigenous land defenders are taking action to get the territory back.

Spanning 11,700 square kilometres along the Alberta-Saskatchewan border, the CLAWR—also known as the Primrose Lake Air Weapons Range—covers an area larger than Lebanon or Jamaica. Indigenous inhabitants and land users were evicted when the range was established in 1953, during the Cold War. Canada's only tactical bombing range, the CLAWR is also now home to oil and gas extraction activities and an Enbridge pipeline.

For decades, bomb and missile target practice has taken place on lands held sacred by Indigenous locals. “My great-great-great-grandfather is buried there on a point on that lake where they bomb,” said Brian Grandbois of the Cold Lake First Nation.

Lambert, a media spokesperson from Air Force Public Affairs, of the Department of National Defence, alleged in an email that “gravesites identified on the range have had fencing erected around them, and all elements of the natural habitat surrounding them have remained undisturbed.” Grandbois tried to bring the issue of gravesites bombing to the attention of NATO, whose member nations conduct international air force training exercises at the CLAWR on an annual basis, but received no response.

Outside the northeast reaches of the CLAWR lies the Buffalo River Dene Nation, whose members elected Lance Byhette as band council chief in March 2013. Byhette pulls no punches when it comes to his position on the air weapons range.

“We’ve waited long enough,” he said. Two members of his community were charged

in 1994 for hunting and trespassing inside the CLAWR. Despite an initial court victory, the hunters eventually lost their case. A new class-action lawsuit against the federal government is in the works. But Buffalo River Dene Nation members aren’t limiting their actions to the courtroom. “After having several meetings with people that got charged and community meetings, we’ve decided to take back the territory,” said Byhette in a telephone interview.

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In April 2013, people got together to defy the military restrictions and began making trips into the northeastern part of the CLAWR. They began preparations to build cabins, openly engaging in traditional land use activities and actively asserting their rights to their territory. Using the group name BRDN—Keepers of the Land, Buffalo River Dene Nation members, along with residents of the nearby hamlets of St. George’s Hill and Michel Village, are forging ahead with activities focused on reclaiming their land.

“We cut a trail to the air weapons range and we did take some lumber over there in the winter, while there was still snow on the ground. We took a contingent of approximately 17 to 20 people—well, in total, 30 people that were involved with the transportation and stuff like that—and we took skidoos out there, we recut the line, we made a trail, and we’ve delivered all of the housing material to Watapi Lake, which resides—supposedly—in the Cold Lake Air Weapons Range border,” said Byhette.

The Department of National Defence considers the actions trespassing. “The danger posed by the dropping of weapons has not abated,” wrote Lambert.

“Unauthorized access by anyone to the Cold Lake Air Weapons Range, is deemed trespassing, and can be extremely dangerous due to past or current range operations.”

The CLAWR encompasses Treaty 6, Treaty 8 and Treaty 10 lands—traditional hunting, trapping, fishing and gathering territory for several surrounding Dene and Cree First Nations, as well as nearby Métis communities. Questions, meetings and claims gained momentum in the 1970s, after the initial 20-year lease agreement signed in 1953 by the governments of Canada, Alberta and Saskatchewan quietly expired.

Over the next three decades, a spate of claims filed through the Indian Claims Commission, negotiations and inquiries took place. Canoe Lake First Nation settled in 1995. Cold Lake First Nation settled for \$25 million in 2001. And in 2004, four Métis communities to the east of the CLAWR accepted \$19.5 million total, paid out over five years, from the governments of Saskatchewan and Canada. But Byhette insists Buffalo River Dene Nation doesn’t plan to settle. “We’re not looking for compensation,” he said.

Not everyone in the surrounding Métis communities and First Nations was happy with the deals signed on their behalf by elected leadership, ceding historic claims to CLAWR lands in exchange for money. Grandbois, whose ancestor’s grave is a target in air weapons testing, and other Cold Lake First Nation members, including elders, were outspoken opponents of the impending deal within the community back in 2001.

“I remember it very well because I was fighting against it, and on October 16, 2001, my late mother was in the hospital in Edmonton, passing away from leukemia, and the Chief and Council from Cold Lake went to visit her in the hospital when

I was there. And later that day I found out that they were signing away the air weapons range deal. That’s why they were all in Edmonton,” said Grandbois, a long-time land defender. A rise in oil company activity on the air weapons range began not long after, he said. “They waited for the signing for Cold Lake, and then the corporate machine started rolling.”

People have known for decades that the CLAWR overlaps with the Cold Lake tar sands deposits and other hydrocarbon resources. The Alberta government was studying oil sands deposits in the northwest corner of the CLAWR back in the mid-1970s, concluding that there was potential for heavy oil and gas projects in the area. Grandbois recalls that he and others had no idea that an explosion of oil development would almost immediately follow the Cold Lake First Nation’s deal.

Husky Energy, Cenovus and Canadian Natural Resources Limited now have tar sands and heavy oil projects within the CLAWR, and Enbridge is twinning its Athabasca oil pipeline, which runs right through the range.

But because of the lack of public access and the secrecy surrounding the military installations, few people have been aware of any accidents or spills related to oil development in the range. On June 25, 2013, the Alberta Energy Regulator (AER) launched a new incident-reporting tool to provide public information regarding pipeline and energy-related incidents on its website. Two days later, on June 27, 2013, the AER reported that bitumen had been leaking at one of the tar sands extraction projects inside the CLAWR.

“If there was a spill in there just recently, that’s the first time I hear of it like that,” said Grandbois, when asked about the leak. He spoke to The Dominion during a short break from packing up his camping gear at a Denesuline gathering at Palmbere Lake at the end of June 2013.

Less than a month later, the AER issued a news release, ordering the suspension of Canadian Natural Resources Limited’s steaming operations within one kilometre of the June 2013 spill and placing

energy

restrictions on operations throughout the company's Primrose North and South operations. This suspension was not the first time this year the provincial regulator had imposed restrictions on the Calgary-based resource company due to spills. "Earlier this year, as a result of three releases of bitumen emulsion to surface, the AER ordered the suspension of steaming operations within the Primrose East section of the project area," reads the July 18, 2013 news release.

"To clarify, we have always reported on all incidents under the former Energy Resources Conservation Board, but in annual publications," AER Public Affairs spokesperson Bob Curran wrote in an email. "However, the three incidents that occurred in late May and early June would have been captured in the new online reporting protocol." There was also an incident in January 2009, wrote Curran.

Canadian Natural Resources Limited issued a press release on July 31, 2013,

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providing an update on the status of its operations. "The four locations initially impacted at Primrose covered an area of 20.7 hectares," reads the company statement. Sixteen birds, seven mammals and 38 amphibians have been found dead. More than one million litres of bitumen emulsion have been recovered, according to the press release, but it continues to seep up to the surface at a rate of approximately 3,000 litres per day.

Cold Lake First Nation elder Sam Minoose has seen many of the impacts of military and industrial pollution for

himself, but he still hunts moose in the CLAWR when he can. Cold Lake First Nation members are permitted to hunt inside the CLAWR on weekends, from Friday at 6 p.m. until Sunday at 6 p.m., unless there are military activities going on. With oil development picking up in areas surrounding the CLAWR as well, there is almost nowhere left to pursue traditional hunting and gathering activities.

"When I was on Council in 1990-1994, I went to Ottawa and requested the government to establish some kind of Land

Commissioner so they could interview our People regarding that bombing range area, 'cause we wanted ... our territory back," said Minoose, a former Cold Lake First Nation band councilor. Since the Cold Lake First Nation's settlement in October 2001, oil companies have pretty much been running the show, he added.

Over on the eastern side, plans for more trips and activities inside the CLAWR are underway. "We'll see what happens in the near future, but we're not gonna back down," said Buffalo River Dene Nation Chief Byhette. "It's time to take back our territory."

Sandra Cuffe is a vagabond freelance journalist currently based up in northern Saskatchewan.

This article first appeared in the Dominion, www.dominionpaper.ca.

Cheap energy or clean air?

Finding viable alternatives to coal-fired electricity production in Alberta

JAMAL ALI

In a recent survey of Albertans, only one-third of respondents knew that the majority of our electricity comes from coal. Many more people believe that Alberta's electricity comes from natural gas and assume coal is a product of a bygone era.

In reality, the province has some of the biggest coal deposits in North America and is using them to power its communities – and very cheaply, too, as Alberta has some of the lowest electricity rates in the World. The spring, a coalition of organizations including The Pembina Institute, the Lung Association of Alberta and NWT, the Asthma Society of Canada and the Canadian Association of Physicians for the Environment, produced a study titled *A Costly Diagnosis: Subsidizing coal power*

with Albertans' health. In it, the authors state that the province burns more coal than the rest of Canada combined, and that 64 per cent of Alberta's electricity came from burning coal in 2012.

The culprits among Canada's 10 largest greenhouse gas (GHG) emitters are Alberta's five big coal power plants. These emissions contribute significantly to global warming. In 2011, the 43 megatonnes of GHG emissions from coal-fired electricity plants was only slightly less than all of the GHG emissions from all of the oilsands operations combined. Because of its reliance on coal, Alberta's electricity grid is the dirtiest in the country (a fact that has largely escaped media scrutiny). Thanks to artificially low prices, Albertans have become voracious consumers of

power. To put this in perspective: Alberta produces more GHGs per kilowatt-hour of electricity than any other province. The province's per capita electricity GHG emissions are about 35 times those of Quebec. While Albertans may feel entitled to this surplus electricity, this unrestricted consumption is not without its costs, as the authors of this report point out.

In addition to GHG emissions, coal-fired electricity emits air contaminants that pose direct health risks to people. Nitrogen oxides react in the atmosphere to form ground-level ozone, which is linked to the exacerbation of asthma. Fine particulate matter can damage lung development in children and increase adults' susceptibility to cardiac disease. Exposure to mercury and lead emissions during early pregnancy makes a woman's fetus more prone to neurological problems. Mercury in waterways makes many of the fish in Alberta's waterways unsuitable for consumption, particularly by women and children. The coalition's study found that pollutants contribute to over 4,000 asthma episodes, cause asthma sufferers to miss 4,800 days of work and school in Alberta and prompts 700 emergency room visits from patients seeking treatment for respiratory and cardiovascular ailments each year. Every year, coal-powered electricity leads to nearly 100 premature deaths.

These costs to human health take a financial toll, as well. According to the coalition's report, pollution from Alberta's coal-fired power plants is costing the health-care system \$300 million each year, and Alberta's six coal-fired plants cost \$1.1 billion to \$4.5 billion annually in climate change impacts.

The study authors recommend that the provincial government embark on an accelerated phasing out of coal plants and switch to sources like natural gas, wind and solar power. When health and environmental costs are factored in, the report says coal is the same price as other forms of energy. "We know now that we

have alternative energies that are much cleaner and the bottom line for us is that Albertans are actually subsidizing the coal industry with their health," the report's co-author, Farrah Khan, told CBC in March 2013.

According to the coalition's report, pollution from Alberta's coal-fired power plants is costing the health-care system \$300 million each year and leads to nearly 100 premature deaths. Alberta's six coal-fired plants according to the report, costs \$1.1 billion to \$4.5 billion annually in climate change impacts.

Alberta's Energy Minister Ken Hughes has argued that the provincial government is working towards decreasing the amount of power that comes from coal. In the same CBC article, he stated that while coal represented two-thirds of the province's electricity 15 years ago, it's now down to about 40 per cent. There are conflicting statistics out there (other data suggests Alberta currently gets 2/3 of its electricity from coal), but regardless of the true numbers, it's clear that change isn't happening fast enough.

In 2012, the federal government passed regulations setting a fixed "end of commercial life" date for each coal-fired plant in Alberta and the rest of Canada, which takes effect 50 years after their construction. After that, each unit would have to meet strict new emission standards – achievable only through capturing the carbon dioxide and sequestering it – or be shut down. The Canadian Electricity Association originally asked for 40 years and the federal government started with 45 years, but industry lobbyists pushed Ottawa to extend the operating span of the coal plants to 50 years. This five-year extension means increased GHG emissions and greater health impacts.

Continues on next page

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This clearly shows the weakness of the federal government in giving in to industry at the expense of citizens' well being. Independent of the federal government's regulations, other provinces are taking action. Ontario's coal fleet was once the size of Alberta's, but will be phased out completely by the end of 2014 – a first in North America. Natural gas and wind power are expected to replace most of the province's coal-sourced power. Nuclear power generates 56.4 per cent of Ontario's electricity.

Its nuclear electricity production is considered efficient and clean, but this option is fraught with safety concerns (Fukushima, Chernobyl and Three Mile Island serve as reminders of the 'worst case scenarios'). Once more dependent on coal than Alberta, Nova Scotia has legislated targets that require 40 per cent of its power to be generated by renewable electricity by 2020, which will cut its coal dependence in half.

It's time that Alberta follows suit and beefs up its renewable energy sources to phase out coal. Instead of simply complying with the 50-year grace period offered by the federal government, Alberta should take initiative to clean up its act sooner. Natural gas is shown to contribute 50 per cent fewer carbon emissions than the burning of coal. It's one of the cheapest, cleanest and most efficient sources of energy. Since Alberta produces 71 per cent of the natural gas in Canada, it is shocking that the province has not taken any initiative to transition our electricity grid from coal to natural gas.

Don Wharton, Vice-President of Policy and Sustainability for TransAlta, has said he recognizes a transition from fossil fuels needs to take place, but rejects the suggestion that Alberta's coal plants should be phased out at an accelerated pace. Doing so would lead to a 30-50 per cent jump in the price of electricity, notes Wharton, adding that eight of the nine coal-fired units Transalta operates are slated for

retirement in 2030 anyway.

This is a long time to wait, given the accumulating consequences to both environmental and human health. It also seems unnecessary, given that TransAlta is Canada's largest wind generator, one of Canada's largest geothermal generators and the largest hydro operator in Alberta. Wharton's position on this matter clearly shows that TransAlta is foot-dragging on curbing GHG emissions from the burning of coal. Along with its industry partners, TransAlta actively sought to weaken federal draft regulations that would have been tougher on coal operations, resulting in a rewrite that allows old coal plants to operate longer and emit more carbon emissions. Since Wharton is concerned about the company's bottom line in providing the lowest priced electricity for customers, he overlooks another bottom line: the health and environmental costs.

Alberta is blessed with a portfolio of viable energy alternatives: natural gas,

wind, solar, geothermal and hydro. What is needed is the political will to rapidly transition from coal to cleaner energy sources. This rapid transition requires the cooperation of the provincial government, the electricity providers and advocacy from the public, who need to become more educated about the electricity that powers their daily lives.

Jamal Ali is a Calgary-based writer whose interview with the poet Pamela Porter was published in the Winter 2013 issue of FreeFall Magazine. Also his prize-winning poem, "Nighttime Encounter with a Coyote," was published in the Summer 2013 issue of Wax Poetry and Art Magazine.

ideas



The economy. Growth. Growth of the economy. It's hard to find a policy pronouncement that comes out of Prime Minister Harper's government that isn't justified with an appeal to economic growth, a device which is apparently expected to end all discussion and blunt any objection. This is how "free trade" treaties, cuts to environmental monitoring or social programs, and further tax cuts for corporations are justified. Even controversial, environmentally destructive projects are defended on the basis of their growth stimulation. This is particularly evident in the Alberta government's relentless promotion of tar sands expansion.

Always more: Why capitalism requires unending growth to survive

The fundamental characteristic of the capitalist system is its need for unending growth. This is evident in the calls by Prime Minister Harper, Premier Redford, and other leaders for economic growth at all costs, presented to the public by corporate media as if this were a vital component of our lives. But why? To understand this one must understand the nature of capitalism itself and how money is created in our economy.

The overwhelming majority of all the money in circulation in our economy, and the World as a whole, is created by the banks via the fractional reserve banking system. When money is deposited in a bank the bulk of it is loaned out again. Since the original deposit is still on the books, the money lent out has been created out of thin air by an entry in a bank ledger. Most of this new money will subsequently be redeposited in one bank or another and re-lent, increasing the money supply even further with each round. Conversely, paying back loans erases that amount of money from the economy. If banks are reluctant to lend or the demand for loans declines (as it did after the 2008 crash), more loans are repaid than initiated and the money supply contracts. This money "shortage" can lead to a recession.

Here's the Achilles' heel of the whole system: when loans are made, only the principal is created, but when they're repaid, that principal plus the interest must be paid. This is also true for credit cards. So where does the extra money to pay the interest come from? The economy's money supply must somehow constantly keep increasing. Strangely, it is produced from further loans. This is as true for the economy as a whole as it is for an individual borrower. Thus, to pay the interest on previous loans, additional

ideas

loans must be made to create this money. Of course, these new loans will themselves have further interest charges, necessitating more loans to create the money to pay their interest and on and on, ad infinitum. The need for ever-escalating loans to create ever more money in the economy is at the root of the obsessive need of capitalist leaders to promote ever more growth and consumption. This growth is required to create the demand for these new loans and thereby increase the money supply. This Ponzi scheme can only continue as long as there is still room for growth. Deregulation of the financial sector was championed by neoliberal politicians since removing “useless” safety measures would surely stimulate corporate activity for even more growth. The unsurprising result: speculative bubbles and financial meltdown. Capitalism, to survive even in the short term, needs to be protected from the greed of the capitalists.

Reaching the limits

The desire of wealthy investors for ever greater profits is, of course, another major driving force pushing capitalism's expansion. The rise of the financial sector, with its sub-prime mortgages and menagerie of exotic derivatives, relative to the real economy, also drove the need for relentless growth. The deregulated financial sector turned the world's financial markets into a global casino. Financial companies were able to take huge risks with investors' money for gigantic potential payoffs. In order to compete for investment dollars in this economy, manufacturing and other real businesses had to constantly grow to inflate their own share prices to attract investment.

The ability of capitalism to relentlessly expand is predicated on the continuous opening of new markets. This was on display with the collapse of the Soviet Bloc and the looting of Eastern Europe. It is also responsible for the relentless push by neoliberals to privatize the global commons. Medicare, education, and even our water, are all targeted as the next privatization victims for corporate takeover. Remaining government services are contracted out or given away as Public-Private Partnerships. Globalization and “free trade” treaties allow ever greater penetration of foreign markets and access to cheap labour by Western corporations. All to feed the insatiable maw of a system that must conquer new territories to survive.

Ironically, the neoliberal policies promoted for their growth potential have had the opposite effect. In reality, they just concentrate more wealth in the hands of the rich while causing stagnating real wages or bankruptcy for the middle class and working poor. The richest segment of society tends to hold on to much of this excess money with speculative investment in the financial sector, unlike the rest who largely have to spend what they have on necessities and a few goodies, which would create more actual growth. As a

result, going into debt is the only way many people can live the wasteful consumer lifestyle pushed by corporate advertisers.

The relentless growth demanded to keep capitalism afloat may come to an end before it has a chance to conquer every corner of the globe. While the hunger may remain, the environment cannot supply non-renewable resources indefinitely. Jeff Rubin in *The End of Growth* points out that capitalism's growth was absolutely dependent on cheap oil, especially for transportation, and posits that oil price spikes have triggered recessions (case in point: the bursting of the 2008 housing bubble). Additionally, much of our power generation comes from high-grade, energy dense anthracite and bituminous coal. As the high quality, easily accessible sources are depleted, the price of energy will rise. It is the depletion of easily extracted energy resources that is forcing the turn toward more expensive and even more environmentally destructive sources such as deep water off-shore and Arctic oil drilling, mining Alberta's tar sands gunk, hydraulic fracturing for oil and natural gas, and burning dirtier, energy poor, “brown” coal. Even if these energy sources are made available, Rubin suggests that rising prices will make them unaffordable, leading to practical energy shortages. Additionally, many of the vital basic metals and the more exotic rare earth elements are becoming more difficult and expensive to obtain, as related by Michael T. Klare in *The Race For What's Left*. These shortages are made even more acute with rising demand from major developing countries such as India and China.

The capitalist system seems destined to collapse when its growth imperative runs into the brick wall of physical reality – either when it has finally subjugated every last frontier or sooner, when resources become exhausted or prohibitively expensive. However, a much more devastating crisis looms.

The real meltdown

Environmental destruction, particularly pollution by the greenhouse gases responsible for global warming, threatens the survival of civilization itself, not simply the sustainability of our economic system. Given global warming, it is hardly surprising that we are experiencing heat waves with devastating effects on crops, as in Russia in 2010 and the U.S. Midwest in 2012. For each one degree Celsius rise over optimum growing temperature there is roughly a 10 per cent drop in grain yields. In coming decades, as global warming accelerates, heat waves will become more frequent and severe and be of longer duration—the new normal. Additionally global warming is expected to cause major shifts in rainfall patterns with resulting droughts and floods as well as the disappearance of many of the glaciers that feed the world's rivers.

As Earth Policy Institute founder Lester R. Brown reports in *World On The Edge*, many non-replenishing fossil aquifers

are being pumped dry by industrial agriculture. As water tables fall so does the ability to irrigate crops. On top of this, overplowing and overgrazing are leading to topsoil loss around the world with arable land turning to desert. And oil depletion will have a major impact on industrial agriculture. With an increasing global population, the situation is dire.

As discussed by Ronald Wright in *A Brief History of Progress* agriculture arose independently in several loci around the world during the Holocene Epoch, shortly after the end of the last ice age with the advent of our stable, relatively benign, climate. The sudden and growing climate change from global warming will end this environmental honeymoon. The obsession with growth at all costs that the capitalist system demands may well bequeath to us total agricultural breakdown and the end of anything resembling civilization.

Ecological collapse will willingly serve as judge, jury, and executioner of any civilization that cannot live in a sustainable manner.

The capitalist system seems destined to collapse when its growth imperative runs into the brick wall of physical reality—either when it has finally subjugated every last frontier or sooner, when resources become exhausted or prohibitively expensive.

Occupiers and other rebels

The final entrant in this dismal race is the one we should be cheering on. Throughout the World, people are fighting back against capitalism's dependence on unlimited growth and the inequities built into the system. From Spain's Indignados to the occupy movement to the European “austerity” revolts to Canada's Idle No More, citizens worldwide have had enough of the neoliberal status quo. Worker-controlled enterprises such as Spain's Mondragon network, along with cooperatives, offer an alternative to greed and growth driven corporations while rooting businesses in communities, unlike our current globalized race to the bottom. The degrowth movement, originating in France, emphasizes reduced production and consumption along with a fairer and more ecologically sustainable economy. However, as the protests and resistance to global capitalism become more intensive and widespread, so too will the crackdown on them by our corporate dominated governments and their marginalization and demonization by corporate mass media.

The race is on

As an enabler of endless growth, neoliberalism constantly stresses the efficacy of deregulation to allow the magic of the market to rip ahead at full tilt. It should therefore come as no surprise that

the U.S. Congress's attempt to re-regulate the financial sector with the Dodd-Frank Act has been watered down by Wall Street lobbyists. Apparently, the American government will be expected to come to the bankers' rescue once again after the next implosion, at least until the country undergoes its final bankruptcy.

Across the pond, things haven't improved, either. European governments responded to their capitalist collapse with “austerity programs,” a form of class warfare waged against their workers. But with severe cutbacks to public spending their citizens remain out of work — only now without the public services they need. Things aren't looking good.

Meanwhile, rather than dealing with the reality of global warming and the dangers posed to the future of agriculture, governments and corporate media downplay the danger or stall or take refuge in fallacious “market solutions,” like carbon trading or ludicrous geoengineering megaprojects. Anything to avoid eliminating fossil fuel use. Anything to allow business as usual and corporate profiteering to continue, denying the need for massive, co-ordinated, international government intervention in and regulation of the economy. Admitting to the need for such regulation would threaten not only the fossil fuel industries themselves but also undermine the whole neoliberal “market knows best” fantasy, something that can not be allowed by the corporate elites.

The three-way race outlined above will determine the future of our civilization – or if we'll have one. We may realize with ironic hindsight only when it is too late that our generation, living at the all-time pinnacle of human technological achievement, squandered its last chance to change. A collapse of the global capitalist system would result in panic and massive disruptions to global supply lines. Food shortages would occur. All of this could trigger wars and social disintegration. However, by adopting a saner economic system, civilization could re-emerge. But if capitalism manages to hang on for a few more decades while conducting business as usual, we risk an ecological devastation that humanity may never recover from.

The best hope for the future of the human race is the replacement of capitalism with no-growth economy before either economic or environmental collapse can occur. So which will come in first: capitalism's collapse, ecological collapse, or an end to the willingness of the world's citizens to continue putting up with the present system? The clock is ticking. The race is on.

Randy Steinhauer (a.k.a. 'Radical Randy') is an Edmonton activist and author of *The Edmonton Social Justice/Activist Contact & Resource Handbook*. More information on economic and social justice issues may be found at www.edmontonactivistresources.org

first nations



WILLIAM MACKAY and TIMOTHY WILD

Treaty-making in Canada Time for a change?

The treaty process has a tendency to be slow and ineffective for both First Nations and government.

One of the main grievances of the Idle No More movement was the failure of governments to respect treaty rights. This is no surprise. Indeed, since the Royal Proclamation of 1763 it has been the accepted wisdom between Governments and Aboriginal peoples that the preferred means of managing relations between the Crown and indigenous Canadians was through treaty-making. However, since the first “peace and friendship” treaties were concluded between the Crown and Aboriginal groups in the 1750s, Aboriginal groups have complained that governments have treated the solemn, eternal promises they make in treaties as unimportant and deserving of minimal effort in fulfilling. Indeed, the whole process of treaty-making has been at the Crown’s impetus when it required Aboriginal cooperation to undertake development.

Most of the so-called historical or numbered treaties were concluded in the Prairies and in Ontario in response to the prospect of settlement and development of western Canada. In a similar way, modern treaties – such as the James Bay Treaty – were concluded to make way for major projects that were not possible to complete without Aboriginal involvement.

Governments also undertook treaty negotiations in response to court cases that found that Aboriginal title was not extinguished in areas where treaties had not been concluded – such as British Columbia – and, as a result, Aboriginal groups needed to be consulted prior to Government approval of development on their lands. This duty of government to consult has given Aboriginal groups without treaties a powerful tool to maximize benefits where development is undertaken on their land. But government and industry complain that the terms of engagement on lands not covered by treaty are vague.

On the other hand, treaties, especially the modern ones, give governments a certain comfort regarding the rights Aboriginals have, since all rights and obligations are contained in a formal, constitutionally protected, document. As a result, official government policy has evolved from a policy of non-engagement to the formal recognition, and the negotiation of, comprehensive land claim and self-government agreements with Aboriginal groups. However, without the impetus provided by a major project requiring Aboriginal buy-in, the Crown has dragged its feet in actually signing Treaties.

Several reports were produced that criticized the BC Treaty Process in particular. These include the 2006 Office of the Auditor General’s (OAG) report, the 2011 Lornie Report and the 2012 Senate Report. In its 2006 report, the OAG noted that there were problems with the process related to the rigidity of government policies and the pace and cost of negotiations. In particular, the OAG noted that in 12 years not one treaty had been concluded but close to \$800 million had been spent.

The OAG also pointed out that there were options for Aboriginal groups other than treaties. In particular, the OAG noted that government has signed agreements with Aboriginal groups regarding the parks, land-use planning, resource development, and consultations. Additionally, some First Nations have signed partnership agreements with companies wanting to exploit resources in their traditional territory.

The Lornie Report was commissioned in 2011 by Minister Duncan to address the issues raised by the OAG Report. Among the recommendations, the report suggested reconfiguring the federal treaty related decision-making and mandate process for the sake of flexibility, efficiency and effectiveness. It also recommended developing measures to engage with First Nations outside of the treaty process.

In June of 2012, the Senate released its report on the BC process. The report recommended that federal decision-

making processes and negotiation mandates be revised to accord federal negotiators sufficient flexibility and authority to engage in open, genuine and interest based negotiations with First Nations.

Overall, the BC reports call for flexibility and a less positional approach to negotiations. They also make reference to, and in some cases endorse, non-treaty means of addressing Aboriginal rights.

In response to these criticisms, the Minister of Aboriginal Affairs and Northern Development (AANDC) announced plans to move to a new approach to treaty and self-government negotiations in September of 2012. The Government is currently engaging with Aboriginal groups and provincial and territorial governments to determine how best to implement the new approach. According to the AANDC website, the new approach is based on three “pillars”:

- Results-based negotiations to achieve results with partners
- Promoting more effective use of other tools to address aboriginal rights and promote economic development and self-sufficiency
- Speeding up processes

Hopefully, the Minister’s call for results-based negotiations will mean, as the reports on the BC process recommended, that there will be a commitment to shared-interest negotiations and flexibility in the federal (and to a lesser degree, Aboriginal) approach so that treaties can be settled.

first nations

However, the likely immediate result will be a federal focus on concluding treaties at the tables where the Aboriginal positions align most closely with existing federal policy and proposing alternatives to treaties at the tables where Government and Aboriginal groups are more at odds. Indeed, the AANDC website states that the goal of the new approach is to focus resources on the most productive tables and promote alternative measures to treaties.

As noted in the OAG report, many groups in BC have opted out of the treaty process and have instead decided to manage their rights contractually. These arrangements typically bring certainty over the management of land and resources by giving Aboriginal groups a defined role in land and resource management and offering royalty sharing and other government funding. They do not purport

to define or extinguish Aboriginal rights. Additionally, most of these arrangements are short term and of limited scope.

At first blush, the new approach will undoubtedly be seen by Aboriginal groups as a pullback by the federal government from its comprehensive claims policy. Indeed, it very well may be – but this isn't necessarily be a bad thing. It would be hard to dispute that the treaty negotiation process has reached something of a stalemate. In seeking "results-based negotiations," one would hope that the federal government re-examines its slow internal approval processes and fixed positions.

Aboriginal groups should also exercise some self-examination. As the leaders of the Idle No More movement attested to, however sacred Aboriginal groups may view treaties, the Crown often does not hold their treaty obligations in such high regard. Rather than engaging in years of

fruitless negotiations with governments in order to sign agreements that give governments enduring certainty in exchange for promises that are rarely fulfilled, Aboriginal groups might consider a contractual, time-limited approach.

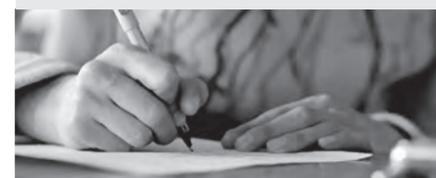
William R. MacKay is an Ottawa lawyer specializing in Aboriginal, constitutional and trade law. He is interested public policy and how it can advance economic equality. He is originally from Calgary and follows the local political scene with interest.

Timothy Wild is a Registered Social Worker who lives in Calgary.

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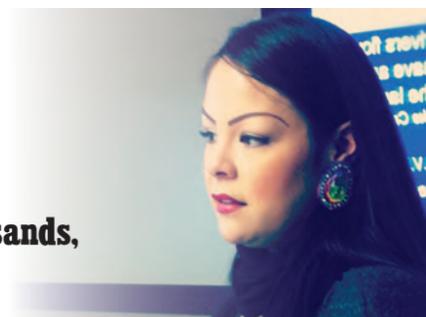
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An obligation to my children

First Nations activist Crystal Lameman speaks out on the tar sands, activism and responsibility



LIAM BARRINGTON-BUSH

The Alberta tar sands have been called the most destructive project on Earth, and hidden behind the industry's well-publicized carbon emissions lies a wide range of very local costs. In the context of unrelenting attacks on their right to hunt and fish on their traditional lands, new leadership is emerging within First Nations communities to challenge industrial encroachment.

Crystal Lameman is a grassroots activist and member of the Beaver Lake Cree Nation, a First Nation located at the heart of planned tar sands expansion, halfway between Edmonton and Fort McMurray.

"First and foremost...I'm a mother," said Lameman from her home in Beaver Lake, AB. "As a mother, I have an obligation to my children.... [I]nvariably, this [industry] could affect my children and their basic human rights to breath clean air and drink clean water."

Five years ago, under the leadership of Lameman's uncle, Chief Alfonse Lameman, the Beaver Lake Cree Nation launched an unprecedented legal case against the federal and provincial governments of Canada and Alberta, citing over 19,000 treaty rights violations linked to the cumulative effect of government-permitted industry expansion plans. The governments attempted to have the case thrown out of court, but in April 2013 a judge ruled it would go to trial. If the First Nation's claim is victorious, the ruling will have implications for roughly half of planned tar sands expansion.

"With this litigation, we have that ability to stop further development within our traditional hunting territory, which could further influence other First Nations [to do

the same]," the younger Lameman said of her community's Treaty 6 legal challenge. If successful, the case would overturn the permits associated with almost half of current industry expansion plans, and it could also set a legal precedent for other First Nations to launch their own lawsuits. "Ultimately, this could end up being a chain of events that could...stop any further development within the tar sands," she said.

Lameman says her life as an activist began in 2011, following a UK-Beaver Lake exchange of young people concerned about the tar sands, organized by UK student activist network People & Planet. Experiencing the solidarity of activists so far from her home helped embolden Lameman to break through the challenges of speaking out against the industry within Alberta. Since taking part in the UK trip in November 2011, she has been a member of the Indigenous Environment Network's delegation to the UN's Rio+20 Summit in Brazil, in June 2012, and was an invited guest at the Nobel Women's Initiative Conference in Ireland in May 2013.

While relatively new to the struggle, Lameman grounds her activism in longstanding tradition. "It's deeply rooted in our culture," she said of First Nations resistance to the tar sands. "Our main obligation is to our creator.... [S]he is the giver of life, that's what we believe.... [W]hen you have those roots, and that's your belief, when we see something like the tar sands that are affecting life and your ability to give life, it's your obligation to protect it."

While non-Indigenous activists have primarily aimed to mobilize others against the tar sands based on the global costs of the industry, Lameman grounds her choice to become active in her culture. "If I didn't

have this identity, I wouldn't be doing this work," she said. "The minute I lose my culture is the minute I lose this challenge."

Crystal's relatively recent efforts to organize members of her 900-person community received an unexpected boost in late 2012 with the birth of the Idle No More movement. "Even our own people that work within [the] industry that didn't want to speak out before, [now] openly and publicly talk about the atrocities, the violations. This is something that didn't happen before [Idle No More]."

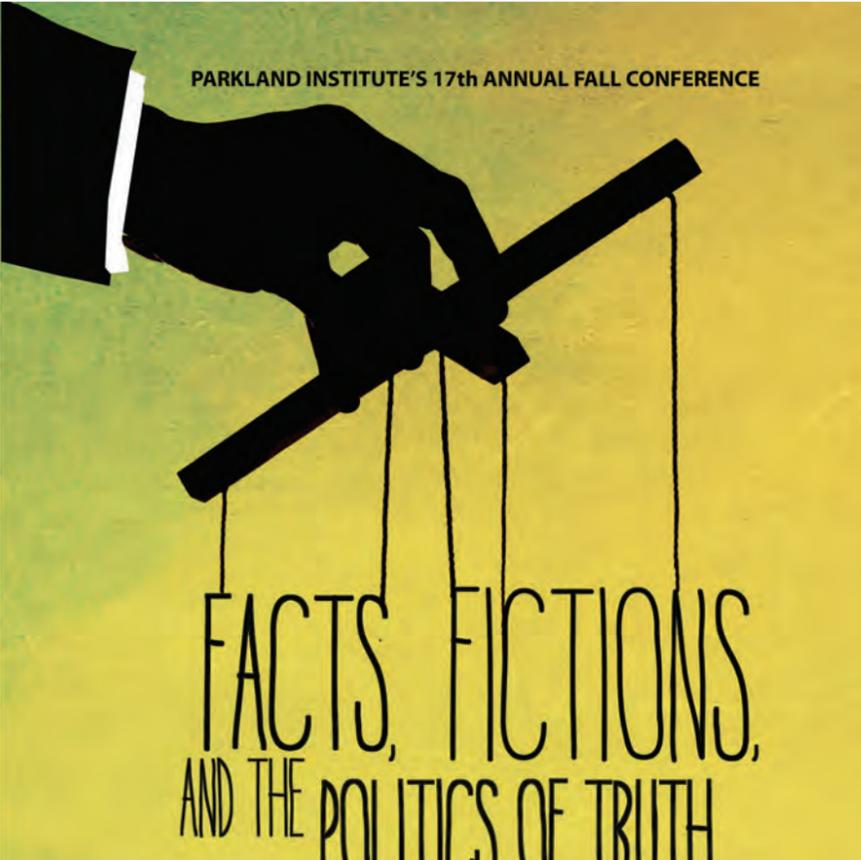
While some have criticized the movement as lacking significant political impact, Lameman has seen it lead to drastic change within the Beaver Lake Cree Nation.

"The biggest challenge I had, previous to Idle No More, [was] mobilizing our own people.... [I]t was always us counting on our leaders to speak for us, instead of us speaking out. So when Idle No More came about, for me, it was a breath of fresh air," she said. "My work has gotten a lot easier, because I saw mobilization within my own community where our people were sleeping.... [T]hey've woken up and they're no longer afraid to speak out now."

Liam Barrington-Bush is a solidarity activist, journalist, and organizational and social change facilitator/consultant. He first met Crystal Lameman during her trip to England in 2011. Liam tweets as @hackofalltrades.

This article first appeared in The Dominion, www.dominionpaper.ca.

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Closing Keynote:
Dr. Michael Geist
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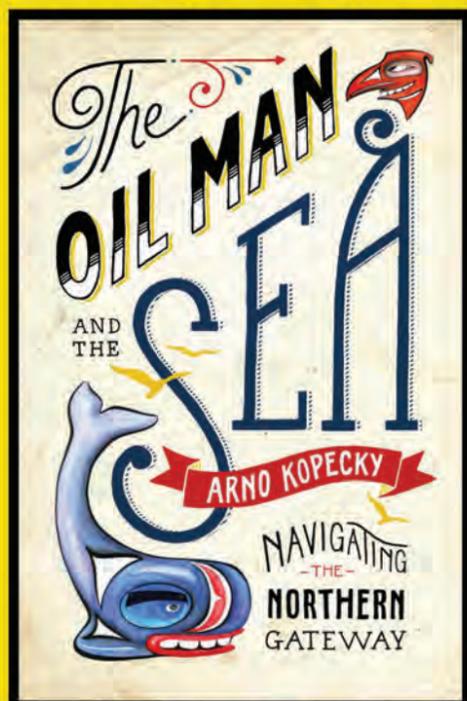
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