

Empowering Indigenous Nations in the energy transition:

Why strengthening local capacity is the first step to
Canada's future in critical minerals

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Executive summary

Indigenous Nations must be equal partners in developing Canada's critical minerals as a matter of reconciliation and justice. Many essential resources for the global clean energy transition, including nickel, lithium, copper, graphite, rare earth elements, and cobalt, are located on Indigenous lands. For these Nations, such minerals represent not just economic value but also a deep connection to their land, culture, and identity.

This report, based on interviews with Indigenous and non-Indigenous experts in critical minerals mining, and on a case study of the James Bay Eeyou Istchee Cree Nation, concludes that Canada's critical minerals sector can advance reconciliation and Indigenous well-being when four foundational and interconnected conditions are in place. Effective collaboration among federal, provincial, territorial, and Indigenous governments is essential for equitable participation and for realizing the opportunities in mineral development.

This report identifies four pillars on which equitable participation of Indigenous peoples in Canada's critical minerals sector is built:

1. **Capital** provides the financial resources needed for Nations to invest in projects, create businesses, and pursue long-term economic participation.
2. **Capacity** grows from this investment, building the skills, knowledge, and institutions required to fully participate in and shape resource development.

3. **Governance** is strengthened by that capacity, enabling Nations to design and enforce their own decision-making processes, manage benefits, and safeguard the Nations' priorities.
4. **Consent** becomes meaningful when supported by strong governance, ensuring that decisions to approve or reject projects are informed, legitimate, and rooted in Indigenous rights and self-determination.

Limited access to capital prevents Indigenous Nations from participating in critical minerals mining projects on their own terms. Capacity building should move beyond training for entry-level jobs to foster Indigenous-led institutions, mentorship networks, and leadership pathways, equipping Nations with skills to oversee projects from exploration through reclamation. Strong governance structures are the foundation for making and enforcing decisions about the development of critical minerals. Free, prior, and informed consent (FPIC) must be an ongoing, trust-based process, not a one-time checkbox on a corporate or Crown government timeline. Projects should not proceed if Indigenous rights holders consider their impacts on Indigenous lands and people unacceptable, or if a region has already faced too much cumulative harm.

It is important to distinguish between the Canadian Crown's duty to consult and accommodate—a constitutional obligation rooted in Section 35 of the Constitution Act, 1982—and free, prior, and informed consent, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples. These are different legal orders with different implications. Consultation does not require consent, FPIC does.

The Eeyou Istchee Cree Nation's experience with mining projects, documented in the case study, highlights both progress in equitable participation and persistent challenges. The Eeyou Istchee Cree example shows that robust governance frameworks, including the James Bay and Northern Quebec Agreement (1975) and the Cree Nation Mining Policy, enable Indigenous Nations to move from being reactive participants in mining to proactive leaders shaping the terms of development.

To accelerate critical minerals development while avoiding conflicts with Nations, project delays, and further harm to Indigenous peoples, Canada and the mining industry must invest in capital access, capacity building, robust governance, and the meaningful operationalization of FPIC for all Nations, regardless of their resource endowments. Indigenous peoples must be free to say Yes or No to mining projects on their territories from a place of knowledge and well-being, with clearly defined jurisdiction and a self-determined vision for the future. Without this, equitable participation in Canada's critical minerals development will remain elusive, project timelines will suffer, and reconciliation will not advance.

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1. Introduction

Critical minerals such as nickel, lithium, copper, graphite, rare earth elements, and cobalt are essential to Canada's clean energy transition, job creation, and economic growth (G. of Canada 2023). They are required for renewable energy technologies, electric vehicles, battery storage, and achieving net-zero emissions. Demand is expected to surge, with lithium demand alone projected to increase 40-fold by 2040 (Owen et al. 2023).

In Canada, most reserves of these minerals are located on the legal and traditional territories of Indigenous peoples.

In 2024, estimates suggested that six priority critical minerals could contribute up to \$500 billion to Canada's GDP over their lifespans, with financial institutions recognizing partnerships with Indigenous Nations as essential to accessing this value (TD Economics 2024).

Historically, extractive industries like mining in Canada have been marked by inadequate consultation and consent practices, leading to conflict, legal battles, and uncertainty for project developers. Today, Indigenous peoples are a vital part of the labour force, constituting the youngest and fastest-growing demographic in Canada (I.S. Canada 2023), and are disproportionately represented in the mining industry (Mining Industry Human Resources Council 2016b).

The question arises: how can we accelerate the development of critical minerals while respecting Indigenous rights, values, interests, and lands?

In recent years, Canada has announced several policies, including the Indigenous Loan Guarantee Program, which commits up to \$10 billion for Indigenous peoples to leverage to access capital for energy and natural resource projects (CDEV 2025). Several provinces have established similar programs. Critical minerals projects are also included on the federal government's list of major nation-building projects that will receive accelerated regulatory approval.

For many Indigenous Peoples in Canada, minerals are not just resources with market value but part of a spiritual landscape deeply tied to cultural identity, stories, and responsibilities. Extracting them without respect for these connections disrupts the land and the culture of Indigenous Peoples.

Access to capital has long been a barrier to Indigenous economic development. However, ensuring equitable participation in critical minerals development requires much more. Equitable participation, as referred to in this report, means that Nations can fully and meaningfully participate in, benefit from, and consent to critical minerals development projects within their lands and jurisdictions, using Indigenous-led processes, including their own laws, governance systems, and priorities. Equitable participation always requires consent but will look different across Nations because of Nation-specific

processes such as the operationalization of free, prior, and informed consent (FPIC), and different benefit-sharing agreements.

This study, based on expert interviews and a case study with a Nation experienced with mining projects, identifies the enablers of and barriers to equitable participation of Indigenous Nations in critical minerals development in Canada.

2. Methodology

This report used a qualitative methodology, combining a literature review with nine expert interviews and a place-based case study to explore Indigenous equitable participation in the development of critical minerals.

Literature review

A literature review was conducted to identify existing research on Indigenous participation in mining and critical minerals projects. This review encompassed academic publications, government and industry reports, and Indigenous-led research. Specific areas of focus included barriers to Indigenous participation in mining, opportunities for Indigenous participation in mining, Indigenous mining workforce development, and the evolving concepts of social licence and consent in the context of mining in Indigenous territories.

Expert interviews

To enhance the existing literature and incorporate current applied insights, nine semi-structured interviews were conducted in 2025. Participants were selected based on their direct involvement in mining and critical minerals projects with Indigenous Nations and included individuals working within federal, territorial, and Indigenous governments, as well as Indigenous development corporations and community organizations, in consulting, legal, and advisory roles.

Table 1

EXPERT INTERVIEW PARTICIPANTS

Expert #	Descriptor
1	Industry and Indigenous relations consultant
2	Indigenous business leader and corporate director
3	First Nation development corporation executive
4	First Nation government administrator, mining background
5	Sustainability and mine remediation consultant
6	Indigenous economic development and capital access practitioner
7	Indigenous resource law practitioner
8	Indigenous mining and governance consultant

Interview questions examined real-world experiences, challenges, and practical recommendations for enhancing Indigenous equitable participation in critical minerals mining. The themes of the questions focused on barriers to equitable participation, enablers of equitable participation, perceptions of consent, and opportunities for improving equitable participation.

Case study

To complement the expert interviews and provide a deeper, place-based perspective directly from an Indigenous Nation, a case study was conducted with the Cree Nation of Eeyou Istchee. This case study draws on four interviews with community members and highlights the lived experiences, concerns, and enablers that arise when a Nation engages with mining development on its lands. Case study participants are attributed as “a Cree Nation community member” or “a Cree governance leader” and are not included in Table 1.

Data analysis

Interview data was transcribed and analyzed using thematic coding. Insights were organized according to four core themes: enablers of equitable participation; barriers to equitable participation; perceptions of consent; and recommendations for improving equitable participation.

3. The four pillars of equitable participation in the critical minerals sector

While this report examines capital, capacity, governance, and consent as distinct pillars, in practice they are deeply interconnected. Access to capital depends on governance structures that can manage investments; capacity building requires both capital and strong institutions; governance is strengthened by a skilled and informed citizenry; and consent is meaningful only when Nations have the capital, capacity, and governance to evaluate proposals on their own terms. Indigenous worldviews, which emphasize relational thinking and the interdependence of social, economic, and ecological systems, remind us that these pillars cannot be addressed in isolation. Strengthening one while neglecting others will not produce equitable outcomes.

This section discusses how improving access to capital, building capacity, strengthening governance systems, and implementing the principle of free, prior, and informed consent can work together to enable equitable participation. It also identifies the barriers that slow progress on this path.

3.1 Capital

Capital refers to the ability of Indigenous Nations to access and control the financial resources needed to participate in critical minerals development on their own terms. Without access to capital, Indigenous Nations' participation in project decision-making and the economic benefits of projects conducted on their lands remain limited. As a sustainability and mine remediation consultant (Table 1) stated, "I truly believe that mining and mineral development can be a huge force in social and economic development in the North and for Indigenous communities. It has to be the right company, then it also has to be the right leadership within the Nation that represents their interests in the best way and makes sure their rights are being respected, that they establish agreements that make sure the appropriate benefits are being delivered. And then they need to manage that wealth that they're gaining in a way that has an impact on the community."

Enablers of increasing access and control

PROJECT OWNERSHIP

Equity ownership in critical minerals projects can offer Indigenous Nations long-term, recurring revenue streams that can be reinvested in housing, education, health, and infrastructure. Unlike one-time benefits or short-term contracting, having equity

positions Nations as co-owners rather than passive recipients, strengthening their sovereignty and economic independence. Equity ownership also provides strategic governance influence: with a seat at the table, Indigenous partners gain greater ability to shape project decisions, ensure environmental stewardship, and align developments with the Nation's values.

According to estimates by the First Nations Major Project Coalition from 2023, the capital needs of Indigenous Nations in Canada could equal \$10 billion to \$50 billion, assuming Nations are seeking equity stakes between 10 per cent and 50 per cent in the more than 470 major resource projects proposed or underway in Canada at the time (First Nations Major Projects Coalition 2023, as cited Momentus 2023). Some examples of available federal funding initiatives and provincial loan guarantee programs are listed in the Appendix 1.

Despite policy support for Indigenous ownership, equity is not always an ideal option for Indigenous Nations. An Indigenous resource law practitioner (Table 1) discussed how the cyclical nature of mining makes equity risky: "There's very few people in this world that want to put up the capital to invest in things like mines. Mines are cyclical, whereas rate-regulated utilities, an oil and gas pipeline, or a hydro transmission line, those things [...] you know what you're getting in return." Nations still need substantial capital to manage market fluctuations, including the risk of mine closures when low prices make operation uneconomic.

A First Nation government administrator with a mining background (Table 1) described the environmental and legal risks of ownership: "I think it's very easy for us to sit here and say had we been a decision maker, the project would have turned out differently. We want to believe that, but Indigenous-owned projects can also have significant detrimental effects to the environment or to ways of life because that's the reality of risky business."

INVESTMENT IN SUPPORTING INFRASTRUCTURE

An alternative to direct equity in mines is investing in supporting infrastructure. An Indigenous economic development and capital access practitioner (Table 1) noted: "I think where we need to start thinking a little broader now is around infrastructure, especially dual-purpose. When you start looking at grid connections, power, road, those shared services, that's going to be really valuable for these projects, which creates a long-term revenue source that will often extend beyond the life of the mine."

Infrastructure investments, whether in energy, transportation, or enabling systems, often carry more predictable returns, involve lower risk, and can provide lasting benefits to Nations. However, tying community infrastructure to mining projects creates its own risks. The concept of "infrastructural disempowerment" (Scott 2025) refers to situations where Nations that oppose or reject projects are left behind in terms of infrastructure investments, reinforcing state control over the land and enabling the neglect of Nations that resist development.

IMPACT AND BENEFIT AGREEMENTS

Impact and benefit agreements (IBAs) between mining companies and Indigenous Nations are well-established tools for equitable participation. Since 2000, a minimum of 524 agreements have been executed among exploration or mining firms, Indigenous Nations, and governmental authorities (N.R. Canada 2023). They are a typical avenue to secure education, employment, training, and income. For example, a First Nation government administrator with a mining background (Table 1) described how their Nation funds 100 per cent of their members' post-secondary education as a result of IBAs. However, the focus of discussion among experts was on what can be done above and beyond typical IBAs, including equity stakes, royalties, and taxes. As a First Nation government administrator with a mining background (Table 1) said: "Everyone's like, we'll have this partnership agreement, we can give you jobs. I don't have people to fill the jobs...But if you give me capital, I can put it into my treatment program. I can put it into culture and education and wellness. I can fund an architect to go to school."

IBAs are discussed further in Section 3.3 Governance as instruments of governance and agreement-making.

INDIGENOUS PARTICIPATION IN THE CRITICAL MINERALS VALUE CHAIN

Critical minerals are processed and manufactured into end products such as batteries, solar photovoltaic modules, and wind turbines. As an Indigenous economic development and capital access practitioner (Table 1) noted, if Canada wants to be a global critical minerals player, it must bring processing capabilities into the country across the full lifecycle, from extraction through manufacturing. For Indigenous Nations, this represents a significant opportunity to participate in value-added stages of the supply chain, where the greatest economic returns are concentrated.

Barriers to capital access

LIMITED PRECEDENT FOR INDIGENOUS EQUITY IN MINING

Insufficient access to capital is a known barrier to Indigenous economic development. Loan guarantee programs aim to address this, but mining is a risky industry. Cost overruns, environmental disasters, and market volatility mean Indigenous Nations that become owners may face compounding capital constraints. The Rainy River project in Ontario had cost overruns exceeding \$195 million, demonstrating the scale of risk (The Northern Miner, n.d.). Because so few critical minerals projects with Indigenous equity have been developed to date, there is little precedent for how Nations decide to invest and manage risk. As one expert noted, "That nut hasn't yet been cracked and will require different policy approaches and, frankly, solutions on the capital issue."

(IN)EQUITABLE GROWTH

There is a risk that Nations already well-positioned in terms of governance and development capacity will continue to grow while Nations that are not prepared will

continue to struggle. As an Indigenous economic development and capital access practitioner (Table 1) observed: “You can have groups that are at the top of list [for loan guarantees]. They’re doing big deals, [have] great balance sheets, strong governance, impressive folks on payroll, or that they can draw on. But then we’ve got a whole bunch of folks and communities that are just starting their journey.”

Policies like loan-guarantee programs and infrastructure funds may compound this inequality if they under-invest in Nations that lack the capacity to seize opportunities immediately. An Indigenous economic development and capital access practitioner (Table 1) warned: “You see it in society where the wealthy get wealthier, and there are Nations that are wealthy and becoming wealthier. This may create a ‘one per center’ in the Indigenous space.” To address this, experts suggested that well-resourced Nations share their experiences and resources, and that Nations pool capital to enable access to financing.

With capital access established, the next question is whether Nations have the human, institutional, and knowledge capacity to deploy that capital effectively and participate across the full lifecycle of critical minerals projects.

3.2 Capacity

Capacity building means more than offering technical training for entry-level jobs in mining. It includes place-based, culturally grounded education, resources and mentorship to secure jobs and business opportunities from the ground to the board level, across the entire value chain from exploration to manufacturing. It means the development of Indigenous-led institutions capable of stewarding, negotiating, and managing projects, and sharing that experience with others. Increasing capacity empowers Nations to define priorities, negotiate better outcomes, lead environmental assessments, manage revenues, and ensure projects align with their needs and values.

Enablers of capacity building for equitable participation

PROFESSIONAL TRAINING FOR EMPLOYMENT

Indigenous peoples are well represented in the mining labour force in Canada. According to 2021 census data, approximately 17,000 Indigenous individuals are employed within the minerals and mining industry, the second-largest private sector employer of Indigenous peoples (N.R. Canada 2024). Over 50 per cent are engaged in upstream mining, accounting for 11 per cent of employment in that segment versus four per cent of the total mining workforce. TD Economics estimates that approximately 95,000 full-time equivalent jobs could be created solely during the development phase of critical minerals projects (TD Economics 2024).

Indigenous participation in the mining workforce can facilitate reconciliation and equitable benefits sharing, enhance cultural diversity, foster trust with Nations, decrease

project risk, and reduce socioeconomic disadvantages. Benefits for individuals include reduced psychological distress and improved self-esteem linked to meaningful employment (Caron et al. 2019).

The First Nations Energy and Mining Council (BC First Nations Energy and Mining Council 2024) asserts that Indigenous peoples must update their knowledge and skillsets with new technologies, including AI. The council emphasizes the importance of training programs designed by academic and research institutions to educate and train members of Nations in all fields of knowledge related to critical minerals, and of developing skills across the entire value chain to enter job markets beyond resource extraction.

Longer-term, specialized training and education in the community can help develop the skills required for employment in mining. To date, many local training programs focus on entry-level positions rather than trades and professional roles that outlast the mine. An Indigenous industry relations consultant (Table 1) said: “Opportunities for education and jobs within community is really a special thing about industry because mines are remote and they don’t move, and the Nations don’t move. So, there’s a bit of a harmony there when it’s done properly.” An Indigenous business leader and corporate director (Table 1) added: “For skills training, companies should be thinking about bringing the education, skills, and training to community, not asking community [members] to go to the cities.”

BUILDING COLLECTIVE CAPACITY

Some Nations may lack the capacity or experience to participate in mining projects individually. One way to fill the gap is for Nations to pool their respective capacities and experiences. By working together through regional coalitions or shared institutions, Indigenous Nations can amplify their bargaining power, reduce duplication, and create consistent standards for engagement with industry and government. An Indigenous business leader and corporate director (Table 1) noted: “You need to have a pool of people that can do the work and understand it. That’s the tricky part, building trust in community, to allow somebody else there that understands the issues to sit on behalf of and inform the community.”

Barriers to capacity building for equitable participation

COLONIALISM AND INEQUALITY

Indigenous peoples have historically been marginalized within natural resource development. Colonial policies and structural inequalities mean Indigenous peoples continue to experience the highest levels of poverty in Canada, limiting their ability to participate in and benefit from mining (Bourgeois and Zema 2024). Large mining projects have contributed to forced relocation of Indigenous employees, exploitative labour practices, and violence against Indigenous women and girls by short-term labourers (Finn and Stanton 2022). Large projects can also create a “boomtown” effect that increases social pressures like housing shortages (Stokes et al. 2019). Governments have used Indigenous

labour as a rationale for responsible mining development while work disappears when mines close, a direct result of “policy-in-absentia” (Hall and Pryce 2023).

An Indigenous mining and governance consultant (Table 1) sees overcoming historical inequalities as the starting point:

“I think first of all, we have to go back a long way in how we’ve engaged with mining companies. Since the beginning of when mining companies operated, there’s always been, and continues to be, systemic and historical inequalities. Since I can remember—and a lot of the stories my parents, my aunts and uncles, my grandparents talked about—there’s been that deeply ingrained historical and systemic inequality. There were attempts to truly level the playing field to achieve equitable outcomes but I think they (the inequalities) have been challenging and almost been self-perpetuating across generations.”

SYSTEMIC BARRIERS IN WORKPLACE CULTURE

Persistent barriers to integrating Indigenous people in the mining labour force include a lack of training or work experience, limited familiarity with the mining industry, and long distances between Nations and job sites. Employers may prioritize productivity over integration, and upstream mining jobs open to Indigenous employees are frequently entry-level manual positions susceptible to automation (O’Faircheallaigh 2006; Cecil and Daff 2013; Holcombe and Kemp 2020).

One crucial but often overlooked area is the inclusion of Indigenous women and 2SLGBTQ+ individuals. Indigenous women and gender-diverse people face intersecting barriers to employment in resource industries due to gendered workplace cultures, safety concerns, lack of culturally relevant supports, and limited targeted recruitment (Bond and Quinlan 2018; Bridges and Skelding 2024).

SYSTEMIC BARRIERS TO EDUCATION, TRAINING, AND RESEARCH

A history of inadequate and underfunded education within Indigenous Nations, combined with the impacts of poverty, trauma, and inadequate housing, results in substantial disparities in educational attainment. The 1996 Royal Commission on Aboriginal Peoples concluded that systemic exclusions have created significant capacity gaps in education, skills, and experience necessary for Indigenous-led development (Crown-Indigenous Relations and Northern Affairs Canada 2010). Research has shown the lack of secondary and post-secondary education as a primary barrier to hiring Indigenous individuals. It is important that Indigenous peoples are represented across the entire lifecycle of a mining project, including in positions requiring advanced education and leadership, such as in the sciences, engineering, law, policy, and the C-suite (Tortell et al. 2023). While there is an overrepresentation of Indigenous peoples in mining, they largely occupy trades and production roles rather than positions in physical sciences, human resources, legal, and financial sectors (Mining Industry Human Resources Council 2016a; 2016b).

Successfully building local labour capacity requires close collaboration between governments, industry, and Nations to establish programs for liaison, career progression, work readiness, mentorship, and language training (J. Caron et al. 2020).

Building Indigenous research and innovation capacity is equally essential. The Royal Commission on Aboriginal Peoples, established in 1991, emphasized that Indigenous Nations must receive support to build capacity in research, technological innovation, and public service to achieve self-governance and fully participate in sectors like mining (Bullock et al. 2017). Most research on participatory capacity in natural resources is conducted by southern institutions about northern, rural, and remote locations, an asymmetry that policies and programs should address.

SYSTEMIC BARRIERS TO BUILDING INDIGENOUS NEGOTIATION CAPACITY

Community approval of projects, securing equity ownership, adequate compensation, and effective resource-sharing agreements depend on Indigenous negotiation capacity. The International Labour Organization (1997) affirms the importance of building Indigenous negotiation capacity, recognizing that equitable participation depends on meaningful engagement on traditional lands. A 2002 Senate Committee report, “Negotiation or Confrontation, It’s Canada’s Choice” (Government of Canada 2002), emphasizes how colonialism has undermined Indigenous peoples’ capacity to negotiate. Research indicates that negotiation occurs within colonial structures that present challenging cultural and power differences for Indigenous Nations (Coyle 2014).

Few resources exist in Canada specifically designed to build Indigenous negotiation capacity. Existing programs are mainly based on Western legal and economic models, and often overlook Indigenous governance, cultural protocols, and land-based perspectives, reducing their relevance for Indigenous participants and perpetuating power imbalances in negotiations.

Capacity is the foundation for governance: Nations cannot design, enforce, or sustain decision-making systems without skilled people, strong institutions, and the knowledge to navigate complex negotiations with industry and government.

3.3 Governance

Indigenous governance is the foundation that enables First Nations, Inuit, and Métis peoples to make, enforce, and uphold decisions about their land and resources in accordance with their laws, institutions, and community mandates. Governance in this context spans multiple forms: Indian Act Chief and Council systems, modern treaty governments, self-governing Nations, traditional and hereditary governance structures, and corporate governance through development corporations. These forms overlap but are distinct, and their differences shape how Nations engage with resource development.

Strengthening Indigenous governance, both within Nations and in the context of Canadian resource governance more broadly, will strengthen Indigenous sovereignty while also making project development processes more efficient.

Enablers of governance systems for equitable Indigenous participation

CANADIAN RESOURCE GOVERNANCE

At the federal level, Canada's Impact Assessment Act requires meaningful participation and consultation with Indigenous Nations, but experience shows that the Duty to Consult and Accommodate does not always translate to greater control over resource development in practice (Whitelaw et al. 2009). Although case law and evolving industry practices have promoted equitable Indigenous participation, power imbalances persist. Companies typically retain control of key information, and the nation-wide implementation of FPIC is still at early stages. As demand for critical minerals rises, Indigenous Nations have leverage to shape how projects proceed, secure stronger roles in governance, and assert self-determination.

INDIGENOUS-LED ASSESSMENTS, MONITORING, RECLAMATION, AND MITIGATION

One way to enable more equitable participation is for Indigenous peoples to lead environmental assessment, review, and monitoring requirements across the project lifecycle through to land reclamation after mine closure. An Indigenous-industry relations consultant (Table 1) noted:

“We’re big proponents of Indigenous-led assessments. We always recommend to clients that are going through new environmental assessment processes to actually let the Nation scope and do their own assessment. We really believe in that. I also think it helps the Nation to better understand the project when they’re performing their own environmental assessment. From a stewardship perspective, ideally you have a Nation do an assessment, or if the Nation doesn’t want to or doesn’t have capacity, you’re scoping them into it, in a way, above and beyond so you’re not relying on the government to just talk to them—you’re still in the driver’s seat with them.”

Indigenous leadership in environmental monitoring enables the application of both Western science and Indigenous knowledge systems. Indigenous leadership in site reclamation after mine closure may also create economic opportunities since that work receives millions of dollars of support from the government and industry.

SENIOR POSITIONS AND BOARD REPRESENTATION

Nearly all interviewees highlighted the opportunity for more Indigenous peoples to occupy senior and executive positions in mining corporations. When Indigenous leaders hold executive roles, they bring their lived experience and Nations’ priorities into

consequential decisions, ensuring that environmental stewardship, cultural protection, and community well-being are integrated alongside financial and operational priorities.

GOOD GOVERNANCE WITHIN NATIONS

Several interviewees emphasized the importance of good governance within Nations as the key enabler for mining participation. An Indigenous industry relations consultant (Table 1) stated: “It starts by absolutely delineating and putting a big brick wall between the political side and the economic development side, and making sure that the economic development side is empowered.”

However, an Indigenous economic development and capital access practitioner (Table 1) argued that political governance should not be completely separated from business: “In my old world, I would have been hugely focused on clear separation between church and state. Now, having done this for a while, absolutely you want to have that proper governance structure where your leadership is not coming in and sort of directing. But at the same time, there’s an absolute need to have them supporting, positioning, etcetera, right?”

Barriers to greater Indigenous leadership in mining governance

LACK OF FORMAL AGREEMENTS

A notable barrier occurs when projects proceed without a formal agreement between corporations and Indigenous Nations, such as Impact and Benefit Agreements (IBAs). Currently, there are approximately 500 active IBAs (The Mining Association of Canada, n.d.). A comparative analysis found that mining projects in treaty areas or with signed IBAs had Indigenous employment rates of 23 per cent, versus below one per cent for projects without such agreements (Caron et al. 2019).

IBAs can foster Indigenous leadership in three ways: First, they provide an opportunity for secure employment beyond low-skilled jobs. As a First Nation government administrator with a mining background (Table 1) stated: “We want to own the heavy construction. We want our guys trained in the latest technology for remote mining work.” Second, IBAs enable information sharing between Nations. An Indigenous-industry relations consultant (Table 1) observed: “One nation has its own template agreements about how to negotiate and what their expectations are for industry, so you have highly advanced and then you have nothing. We don’t put that into a clearing house.” Third, IBAs provide an opportunity for learning from one project to the next, according to the administrator: “They always say the third agreement is the best agreement because you’ve learned all the deficits the first two.”

However, IBAs alone are insufficient for equitable participation due to information asymmetry. In Nations not governed by modern treaties and without experience negotiating IBAs, companies tend not to pursue agreements voluntarily, and when they do, Indigenous parties are often left with limited benefits.

THE LEGACY OF THE FREE MINING PRINCIPLE

Canada's free mining principle grants individuals the right to register mining claims without consulting Indigenous rights holders (Cameron and Levitan 2016). This principle, a legacy of colonial-era mining law, has been subject to growing reform. Ontario amended its Mining Act in 2009 to require mineral exploration companies to consult with Aboriginal communities before conducting activities in their traditional territories. Quebec reformed its Mining Act in 2013, introducing new obligations for social acceptability and consultation with First Nations. British Columbia passed the Declaration on the Rights of Indigenous Peoples Act (DRIPA) in 2019, formally aligning provincial laws with UNDRIP and committing the province to seek consent before approving major projects. (As this report was being completed, the B.C. government proposed legislation to suspend portions of DRIPA for up to three years while it appealed recent court rulings, including the Cowichan Tribes Aboriginal title decision and a B.C. Court of Appeal finding that the province's mineral claims regime is inconsistent with UNDRIP. The First Nations Leadership Council and several NDP caucus members opposed the proposal, and the government withdrew it. The episode shows how fragile statutory implementation of Indigenous rights remains without sustained political will.)

Despite these reforms, the free mining principle continues to shape exploration practices in most jurisdictions. Exploration agreements between mining companies and Indigenous Nations based on early, effective engagement are instrumental in setting expectations on both sides. An Indigenous-industry relations consultant (Table 1) discussed the importance of engagement before exploration begins: "Before you put a drill in the ground, you know you need to get a permit. And before you go apply for that permit, go talk to the Nation."

Without early consultation and exploration agreements, Nations are unable to begin their own planning processes, share relevant information with proponents, hire local people, prepare for negotiations, and inform the community.

INSUFFICIENT ENVIRONMENTAL REGULATION

In the absence of best-in-class regulatory requirements for environmental risk management across all Canadian jurisdictions, some mining companies aim for minimum compliance rather than adopting best practices. When Indigenous Nations advocate for stronger environmental safeguards, proponents can more easily dismiss these demands. Indigenous Nations often raise concerns about environmental risks guided by their responsibility to steward the land, but without aligned regulatory requirements, their influence on project design may be limited.

Strong governance creates the conditions for meaningful consent: without clear decision-making structures, capacity to evaluate proposals, and jurisdiction over their lands, Indigenous Nations cannot exercise genuine self-determination in choosing whether to approve or reject mining projects.

3.4 Consent

Consent is not a one-time agreement between an Indigenous Nation and a mining company or a legal formality. It is an evolving relationship rooted in mutual trust, respect, and Indigenous legal orders. Projects that respect Indigenous consent tend to face fewer delays and reduced financial risk—while those that do not risk significant legal and financial challenges, social opposition, and reputational damage.

Enablers of consent as a prerequisite for project development

FULL IMPLEMENTATION OF THE PRINCIPLE OF FREE, PRIOR, AND INFORMED CONSENT

Full implementation of FPIC is perhaps the single largest enabler for equitable participation of Indigenous peoples in critical minerals mining. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) outlines the requirements for FPIC, and Canada agreed in 2021 to implement UNDRIP (Government of Canada 2021). Implementation may require changes to environmental assessment legislation (Allard and Curran 2021).

Agreements about Indigenous employment in mining do not automatically equate to compliance with FPIC principles, and neither does the corporate concept of social licence. Employment agreements, social licence, or other negotiated arrangements cannot replace the fundamental standard of free, prior, and informed consent.

WORKING AT THE SPEED OF TRUST

Two competing narratives exist around the pace of critical minerals development. One says projects should proceed at the “speed of business,” implying that consent-based processes are roadblocks. The other says projects can only proceed at “the speed of trust.” Several interviewees pointed out that these narratives are harmful because trust is the quickest way to speed up business. As an Industry and Indigenous Relations Consultant (Table 1) put it: “The ability of government and industry and Nations to work together at the speed of business, while respecting First Nations cultural inherent processes within community, will determine whether or not we help the world with critical minerals.”

BRAIDING INDIGENOUS AND WESTERN LEGAL ORDERS

A solution to consent issues, such as overlapping traditional territories, is braiding together Indigenous and Western legal orders. As an Indigenous resource law practitioner (Table 1) explained: “No one’s out-voting anyone in this universe. Sorry, we’re not bringing in a third-party arbitrator to impose a decision on somebody. That’s also not going to work for communities that have lived side by side for thousands of years.”

Experts broadly emphasized the “informed” aspect of consent. When companies and governments share information transparently, develop consent-based processes together, and ensure appropriate knowledge systems are engaged, they provide the necessary steps in seeking informed consent.

A First Nation government administrator with a mining background (Table 1) who is strongly supportive of the industry, when asked about how consent in mining is obtained, said: “Can I just laugh at you? Because I don’t know if it’s possible... The hole is already dug decades ago. How is a Nation [today] supposed to provide consent for something that’s already been done and been operational?... They’re established. If we want to shut it down, or whatever, roadblock it, we’re shutting our community down. We’re shutting down the entire economy. We’re shutting down all those people that work there, right? It’s, in reality, not an option, and from a political point of view, do we consent to the hole in the ground? No, we didn’t. They did it [previous generations].”

Barriers to establishing consent as a prerequisite for equitable participation

INCONSISTENT DEFINITION AND APPLICATION OF FPIC

There is broad agreement among interviewees that FPIC should follow the UNDRIP definition, but in practice, interpretations vary widely. At one end, some believe that if one person disagrees with one aspect of a project, it should be halted. At the other, some believe that as long as a Nation had all the relevant information, followed its own processes and protocols, and the appropriate decision-making body agreed, then FPIC is met.

Among interviewees, FPIC is not seen as a veto power, although the term itself may distract from the hard work of reaching consensus. A sustainability and mine remediation consultant (Table 1) emphasized that following consent-based processes in good faith should lead to projects going forward, but companies must demonstrate how they will accommodate concerns, and Nation-developed land use plans and mining legislation can help create clarity.

An Indigenous resource law practitioner (Table 1) said: “I’ll tell you a little secret: I hate the idea of consent. I don’t think proper governments give consent. They regulate things, and they tell you, you can do it or you can’t do it, and if you can do it, what are the conditions.” This expert emphasized that framing FPIC as granting or withholding consent positions Nations as participants in someone else’s process rather than self-determining governments. A self-determining Indigenous Nation should have the power to regulate, approve, or deny projects through its own legal and regulatory systems.

Governments are also applying FPIC inconsistently. British Columbia has aligned provincial laws with UNDRIP through DRIPA while Saskatchewan relies on consultation without making consent a binding condition. These inconsistencies force Nations to navigate shifting definitions depending on the jurisdiction or company involved.

UNCLEAR RELATIONSHIP BETWEEN FINANCIAL PARTICIPATION AND CONSENT

A critical barrier, also discussed in Section 3.1, is the conflation of financial participation with consent. While benefits sharing through equity stakes is a positive trend, many experts cautioned that it should not be mistaken for consent itself. As an Indigenous

resource law practitioner (Table 1) emphasized, equity stakes, revenue sharing, and contracting opportunities can create valuable economic outcomes but they do not substitute for the right of Indigenous Nations to decide whether a project proceeds on their lands. When industry or government actors reduce these principles to financial terms, they risk overlooking the deeper meaning consent holds for Indigenous Nations.

UNCLEAR DECISION-MAKING RULES IN CASE OF DISAGREEMENT

An Indigenous business leader and corporate director (Table 1) described the “60-20-20” rule: in any project, expect 20 per cent support, 20 per cent opposition, and 60 per cent neutrality. Consent-based processes must plan how to proceed when facing disagreements, including tipping points that trigger reviews, additional consultations, or new committees. These considerations apply both within and among Nations where several may be engaged in a project. Experts suggested creating development corporations representing multiple Nations, or independent First Nations Tribunals for adjudicating matters of overlapping territories based on their own Indigenous legal orders.

DIFFERENT KNOWLEDGE SYSTEMS AND MULTIPLE TRUTHS

Situations arise where Indigenous and Western science conflict, raising questions about whether projects should proceed. Experts suggest applying the precautionary principle and embracing multiple perspectives: “You don’t have to win, more than one person can be right, and our job is to braid that together and do the right thing—and it can be a very hard thing to do.” Companies should not view these situations as burdens but as precautionary measures that accommodate the concerns of rights holders.

INDUSTRY’S KNOWLEDGE GAPS ON INDIGENOUS PEOPLES

Experts discussed the importance of industry building relationships with and understanding the Nations they work with. A First Nation government administrator with a mining background (Table 1) said: “A lot of these people are fly-in, fly-out executives. The relationships I can reflect on that are really positive are the people who are integrated in our community. I want you to come here, and I want you to clean fish for four and a half hours, and you’re going to smell like a smokehouse, because then you understand, that’s what your money’s paying for.”

An Indigenous business leader and corporate director (Table 1) stated: “These companies spend millions of dollars on engineering plans and all of these things that they have to do, feasibility [studies] and everything, and then they pinch their pennies to have an Indigenous team internally or to engage when quite often that’s the most difficult work to do, right? Engineering is science. It’s math and there’s smart people that can do that. Relationships, oh, man, that can go any which way. There’s no math or science to it. It’s personalities, its relationships, it’s trust that’s much more uncertain. So why aren’t you investing more in that space?”

LAND MANAGEMENT AND DELAYS IN SETTLING LAND CLAIMS

A barrier to consent is the slow pace at which management of Crown lands is transferred to Indigenous peoples. Comprehensive land claims and legal tools that formalize Indigenous leadership in decision-making about resource extraction help Nations build the capacity and trust to engage with projects. As a sustainability and mine remediation consultant (Table 1) explained: “Those places that do have settled land claims, I see how their leadership shows up and the confidence and clarity [they have]... I can’t speak to the impact that has within the Nation and community, and for young people, but my personal experience tells me it can’t help but make a difference.”

EMERGENCY NARRATIVES

The current public discourse around Canada’s critical minerals often frames development as an economic emergency, justifying measures that may circumvent Indigenous rights. As a First Nation development corporation executive (Table 1) observed:

“This is going back to lived experience, most recently with COVID and what was done with emergency measures. There’s been this fear that the need for critical minerals is going to be framed within emergency measures and that Indigenous rights, treaty rights, those will be railroaded. During COVID here in the Yukon, we saw emergency measures being used. I won’t say that they were used to push forward some major projects, but I think definitely it was used as a strategic mechanism to get certain major projects through, and then they circumvented the need for consultation and engagement. I know that it [has been] quite a common fear that’s come up in the circles I’m in of just what happens if we can’t get treaty obligations resolved quick enough and in a way that’s meaningful enough before this becomes a really big emergency issue. It feels like things are operating on completely different timelines.”

CUMULATIVE EFFECTS

Indigenous Nations today consider consent to proposed mining projects on land that may already experience the cumulative effects of previous industrial projects that the Nations never consented to. An Indigenous resource law practitioner (Table 1) cited a community resistant to a proposed wind farm despite shared values and potential revenue: “It’s not anyone’s fault, it’s because their territory has been entirely inundated by a bunch of activity that was preauthorized by somebody else without free, prior, and informed consent. They didn’t benefit from it, and then somebody’s left all the beer cans in the backyard to be cleaned up by somebody else... So maybe we should talk a little bit about cumulative effects loading.”

Large-scale, Nation-led restoration and rehabilitation projects can help Nations facing significant cumulative effects reach a position of health from which they can consider new critical minerals projects.

Emergency narratives and cumulative effects combine to create what this report calls “manufactured scarcity”: conditions in which limited economic alternatives, underfunded

services, and national-interest arguments pressure Indigenous Nations toward accepting projects on terms they would otherwise reject. When the only path to infrastructure, education, or health funding runs through mining agreements, consent is structurally constrained rather than freely given.

The Cree Nation of Eeyou Istchee provides a concrete illustration of how these four pillars interact in practice, showing both the possibilities when governance frameworks are strong and the persistent challenges even well-positioned Nations face.

4. Case Study: Eeyou Istchee Cree Nation's experiences in the critical minerals sector

This case study examines mining practices within the Eeyou Istchee Cree Nation, which has developed robust frameworks for consent, collaboration, and benefits sharing. It highlights the lived experiences, concerns, and enablers that a Nation navigates when engaging with mining on their lands.

Background and context

The James Bay Eeyou Istchee Cree Nation is located in northern Quebec, spanning 11 communities over 450,000 square kilometres with a population over 20,000 (Grand Council of the Crees (Eeyou Istchee), n.d.). Nine communities are under the James Bay and Northern Quebec Agreement (JBNQA), signed in 1975 with Canada and Quebec. The JBNQA was Canada's first modern comprehensive land claims agreement, negotiated after Quebec began the James Bay hydroelectric project in 1971 without consulting the Cree or Inuit. This origin, an agreement born from necessity in response to unilateral development, shapes how the Nation assesses large-scale resource projects to this day.

Mining began in the territory in the 1950s, and multiple lithium, gold, and base metal projects are currently proposed or underway. Over the past two decades, the Nation established strong governance through institutions like the Cree Mineral Exploration Board, the Commerce and Industry Department, and the Cree Nation Mining Policy, which standardizes principles for consultation, impact assessment, and benefits sharing (Grand Council of the Crees (Eeyou Istchee) 2025). Environmental and social impact reviews are conducted through COMEX and COMEV, bodies established under the JBNQA comprising appointees from Quebec and the Cree Nation Government (Environmental and Social Impact Review Committee 2025).

Community governance is vital. Traplines and harvesting activities are highly important, culturally and economically. Each impacted Nation has a chief and council, land users, and Tallymen, people with the responsibility to care for traditional hunting territories. Despite progress, northern coastal communities remain cautious due to past hydroelectric impacts. Recent reporting documents ongoing tensions around the pace of development, environmental impacts (Duff 2025; Bosum 2024), and the almost 500 abandoned exploration camps interfering with hunting (Bell 2024). The Mining Policy states that “the consent of the Chief and Council is a determining factor in determining social acceptability of the mining development” (The Grand Council of the Crees n.d.).

Enablers of equitable participation

Capital: The Cree definition of equitable partnerships centres on economic sovereignty through direct financial benefits to impacted communities and families, fair access to contracts, and investment in community-owned businesses. Landmark agreements such as the Paix des Braves (2002) and participation in Plan Nord (2011) demonstrate how similar models could apply in the critical minerals sector. Cree-owned companies and joint ventures are emerging but remain underutilized. Entities like Cree Construction and Development Company, Air Creebec, and Niskamoon Corporation show potential to diversify into drilling, environmental monitoring, and procurement.

Capacity: Training programs for Cree prospectors, geological technicians, and environmental monitors are building foundational skills. Mentorship opportunities and Cree language glossaries for mining terminology are emerging. Longer-term priorities include helping community members transition into supervisory and technical roles, and reducing turnover.

Governance: The Cree Nation has a structured, Indigenous-led regulatory framework via its Mining Policy and the JBNQA, COMEX, and COMEV, which provide formal mechanisms to evaluate projects and assert Cree interests in early phases. These tools create the foundation to move from procedural inclusion toward substantive influence in mining decisions.

Consent: Consent must be rooted in the Cree worldview and requires broad social acceptability through a two-tier governance structure. The Cree Nation Government, where the Grand Chief acts with the mandate of elected Chiefs, represents the institutional level. Elected Chiefs represent the community level, where lived experience and land-based authority, especially from Tallymen and impacted families, shape decisions. One interviewee emphasized: “We have two levels... here in the Cree world... The Grand Chief can’t go by himself just like that and make decisions if the Chiefs are not [supportive]. This is the best democracy I know in my life... The Chiefs are elected by the community. The Chiefs are the ones who give the ‘yes’ or the ‘no’ to the Grand Chief. Community usually has the last word because they are on the field.”

Tallymen play a critical role: “First of all, you have to inform... not talking about consultation or whatever... just inform the Tallymen and the Chief and Council... Sometimes the Tallyman is happy, sometimes no.”

One interviewee described social acceptability as a source of power: “I call it [social acceptability, local involvement] a weapon because... I used it so many times to protect ideas, or to protect what we’ve been building for a long time, to give more power to the Tallymen and the community. God, thank you that we have that.”

Barriers to equitable participation

Capital: Economic benefits often flow through development corporations, which community members perceive as distant from impacted families. Many, especially in northern or remote areas, have seen little direct benefit.

Capacity: Project documentation is often inaccessible due to language barriers. Provision of technical materials in French or English with no Cree equivalents undermines informed consent. Lack of access to STEM education, mentorship, and local training limits Cree participation in technical and leadership roles.

Governance: Impacted families and Tallymen often feel excluded from negotiations led by Chief and Council. In some cases, community members learned about agreements only after they were signed. Confidentiality of financial terms has led to distrust between community members and leadership.

Consent: For Cree land users, FPIC is an ongoing process, not a one-time step. Consent processes must be continually improved. As one interviewee stated: “I argue that Section 22 of the JBNQA, even though it’s in the modern land agreement, it’s outdated. For example, the principle of precautionary approach, it’s not there... Those are new instruments that should be incorporated.”

Land users and community members may struggle to assess the full implications of proposed mining projects due to technical complexity and the absence of independent experts to help interpret risks. FPIC cannot be meaningful if Nations do not have access to the tools and information needed to weigh their decisions.

Summary

The Eeyou Istchee Cree Nation demonstrates how Indigenous Nations can move from reactive participants toward proactive leaders shaping the terms of development. The JBNQA and Cree Nation Mining Policy create structured pathways for engagement, consent, and benefits-sharing that centre Cree laws, knowledge, and authority. However, challenges persist in equitable access to benefits, education pathways, and communication barriers. For the Cree, equitable participation is grounded in respect for place-based authority, informed consent, and social acceptability at the community level.

5. Policy options

Experts identified several policy options to improve Indigenous Nations' equitable participation in critical minerals mining. These are organized by the four-pillar framework.

POLICY OPTIONS FOR IMPROVING ACCESS TO CAPITAL:

POLICY OPTION 1: Establish a critical minerals development tax for Indigenous capacity building

Actor(s): federal government, provincial governments

Objective: Establish a sustainable, long-term fund for Indigenous Nations to build governance, negotiation, and professional capacities required for meaningful participation across the full lifecycle of critical minerals development.

How it works: Implement a tax on all critical minerals revenue to create national/provincial funds for Indigenous-led use on education, governance development, economic diversification, and professional training. The fund would be Indigenous-led, complement treaty implementation, and support all Nations regardless of their decision to extract resources.

Policy Option 2: Scale joint ventures to Indigenous ownership

Actor(s): Indigenous governments, mining sector

Objective: Expand Indigenous Nations' experience, equity, and control by scaling existing joint ventures toward Indigenous majority or full ownership.

How it works: Indigenous governments require mining proponents to enter joint ventures with pathways to Indigenous majority ownership over time. Federal and provincial governments provide capital, mentorship, and legal support. Indigenous governments and mining proponents expand joint venture roles into fully Indigenous-owned, regionally scalable companies.

POLICY OPTIONS TO BUILD CAPACITY FOR EQUITABLE PARTICIPATION:

Policy Option 3: Create a national Indigenous mining training institute

Actor(s): federal government, provincial governments, Indigenous governments, mining sector

Objective: Establish accredited, locally available, and culturally relevant training programs for higher-level mining roles.

How it works: Federal, provincial, and Indigenous governments, together with mining sector partners, pool capital to fund an Indigenous-led institute offering virtual and in-community accredited programs. All parties support multi-party regional training partnerships to ensure locally relevant curriculum.

Policy Option 4: Strengthen education pathways for Indigenous youth

Actor(s): provincial governments, Indigenous governments

Objective: Increase Indigenous participation in technical, scientific, and executive roles.

How it works: Provincial governments expand STEM education in Indigenous Nations and create funded pathways from high school to relevant university programs. Provincial and Indigenous governments fund upgrading programs for Indigenous learners.

Policy Option 5: Enforce local Indigenous employment and retention targets

Actor(s): Indigenous governments

Objective: Hold mining proponents accountable for workforce commitments in IBAs through enforcement mechanisms.

How it works: Indigenous governments require enforceable minimum employment and retention targets in IBA negotiations with monitoring and penalties. Agreements include mechanisms to renegotiate targets as community capacity grows. Mining proponents fund cultural support, liaison officers, and employee readiness.

POLICY OPTIONS TO STRENGTHEN GOVERNANCE SYSTEMS:

Policy Option 6: Create a Nation-to-Nation knowledge-sharing network

Actor(s): Indigenous governments

Objective: Reduce information imbalances between Nations by creating a shared database of experiences and best practices in critical minerals development.

How it works: Indigenous governments establish a collaborative virtual platform governed by Indigenous data sovereignty principles for sharing strategies, case studies, templates, and best practices. Participating Nations host regular exchanges and training programs.

Policy Option 7: Require equitable benefits for impacted families and land users

Actor(s): Indigenous governments, mining sector

Objective: Ensure those most directly affected by mining, including families and land users like Tallymen, share its benefits.

How it works: Indigenous governments and mining proponents include specific IBA provisions for impacted families and traditional land users, guaranteeing direct access to jobs, equity, compensation, and benefit-sharing mechanisms.

POLICY OPTIONS FOR ESTABLISHING CONSENT AS THE FOUNDATION FOR PROJECT DEVELOPMENT:

Policy Option 8: Operationalize FPIC through community-controlled mechanisms

Actor(s): Federal government, provincial governments, Indigenous governments

Objective: Shift from passive consultation to active, community-based control over resource development.

How it works: Federal and provincial governments establish legal tools and protocols for Indigenous-led FPIC processes. Indigenous governments mandate inclusion of land users and traditional knowledge holders in consent processes. Federal and provincial governments support treaty modernization embedding Indigenous jurisdiction in resource decisions.

Policy Option 9: Integrate FPIC into comprehensive land-use planning frameworks

Actor(s): Federal government, provincial governments, Indigenous governments

Objective: Embed Indigenous-defined consent mechanisms into strategic land-use planning, shifting from ad hoc consultation toward territory-scale collaboration.

How it works: Federal, provincial, and Indigenous governments co-develop joint land-use planning frameworks where consent decisions are made at early strategic stages. All parties formalize mechanisms for aligning Indigenous and Crown government decisions, including agreed rules on precedence and dispute resolution. Federal and provincial governments allocate funding for Indigenous-led land-use planning tools.

6. Conclusion: Critical minerals and reconciliation

Canada faces mounting economic pressures, the escalating impacts of the climate crisis, and the global clean energy transition. In this context, Canadian governments are taking steps to develop major projects more quickly, including critical minerals mining projects. Indigenous peoples recognize the need to address the climate crisis and support the global transition to a cleaner economy, and the potential role of Canadian critical mineral production in that transition. They do so with an unwavering commitment to their lands, values, and rights.

The question for Canadian governments should be: How can Canada respond to these challenges while respecting Indigenous rights, values, interests, and lands?

This study shows that many Indigenous leaders see the potential for mining and critical minerals development to contribute to social and economic development, when done on fair terms. When governments and companies fail to meaningfully engage Indigenous leaders from the beginning of minerals exploration, projects stall, conflicts escalate, and the courts become the only avenue for redress.

Critical minerals can contribute to true reconciliation when their development does not come at the cost of Indigenous lands, well-being, rights, or governance. Reconciliation in critical minerals mining means ensuring that projects do not undermine the opportunity for historic redress, do not deepen existing inequalities, and do not assume development is inevitable. It means asking what industrial activities the land can sustain and who benefits from them, before asking how to proceed. Some critical minerals projects will not go ahead because their impacts to Indigenous lands are unacceptable to rights holders, or because the region has already faced too much cumulative harm.

Too often, Indigenous Nations face situations of “manufactured scarcity,” where limited economic alternatives, underfunded services, and national-interest arguments are used to justify rushed project developments despite inadequate consultation. These colonial narratives coerce consent, undermine Indigenous sovereignty, and perpetuate mistrust. The current push for critical minerals risks repeating these patterns unless Indigenous peoples are genuinely included in planning, development, and ownership of new mining operations.

Canada’s critical minerals opportunity is not simply a question of speed, scale, or global competitiveness. It is a question of justice, trust, and the future we choose to build. If development proceeds without Indigenous capital, capacity, consent, and governance, it will reproduce the conflicts and inequities that reconciliation is meant to overcome. When these foundations are honoured, critical minerals can be more than a resource strategy: they can be a reconciliation strategy.

Appendix:

Examples of federal, provincial, and Indigenous-led actions to improve Indigenous Nations' access to capital (as of May 2026)

1.1 Provincial Loan Guarantee Programs

Indigenous Opportunities Financing Program (Ontario)
Alberta Indigenous Opportunities Corporation
British Columbia First Nations Equity Financing Framework
Saskatchewan Indigenous Investment Finance Corporation
Quebec Indigenous Initiatives Fund IV

1.2 Federal Funding Initiatives

Indigenous Loan Guarantee Program | G. of Canada 2024
Canada Infrastructure Bank Indigenous Equity Initiative | Canada Infrastructure Bank 2023
Indigenous Natural Resource Partnerships Program |
Critical Minerals Infrastructure Fund | Canada 2025
National Benefits-Sharing Framework | N.R. Canada 2024
Note: Export Development Canada and commercial banks are the other typical finance sources for these projects.

1.3 Indigenous-Led Funding Initiatives

First Nations Financial Management Board (FMB)
First Nations Finance Authority (FNFA)
First Nations Major Projects Coalition (FNMPC)
National Aboriginal Capital Corporations Association (NACCA)

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It also exists because Indigenous peoples never agreed to disappear.

Our grandmothers and grandfathers carried our laws when our laws were outlawed. They held the land when others claimed it. They kept our ceremonies and languages alive when both were punished. They sent children to schools designed to take them, and welcomed home the ones who came back. None of that was a strategy. It was a refusal, repeated daily, across generations, by people who were never given the option of quitting.

What was taken has not all been returned. What was kept is the reason we are still here.

The Aboriginal Rights and Indigenous Legal Orders being regained and rebuilt today are not new inventions. They are old inheritances finding new institutional form. To those carrying that work, from the grassroots to the highest offices: we see you. The work continues.

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