



FIRST PEOPLES WORLDWIDE

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Second Spill on Fort Berthold

For the second time in two months, a pipeline owned by [Arrow Pipeline](#) (a subsidiary of [Crestwood Midstream Partners](#)) leaked thousands of gallons of waste onto the Fort Berthold Reservation in North Dakota. Community members still have unanswered questions about the first spill, and the second spill is likely to agitate their concerns. Tribal and company officials claim the first spill did not reach drinking water supplies, but the results of water tests have not been made public. Few details about the second spill have been disclosed.

Transparency will reportedly be a key focus of Fort Berthold's upcoming tribal elections, as community members grow wary of their leaders' questionable business dealings and the environmental impacts of oil and gas drilling. The elections could produce leadership changes that significantly alter the reservation's business landscape. Fort Berthold's current Chairman, Tex Hall, has already been defeated in the primaries. According to an article in *The Bismarck Tribune*, Hall's ouster will bring "change" to the reservation.

On the nearby Fort Peck Reservation in Montana, tribal officials are beginning to openly criticize the industry, with Chairman Rusty Stafne claiming that "because of our proximity to the Bakken oil field...we are already seeing the negative effects of oil and gas development without any financial benefits."

Sources: [Indian Country Today](#), [Native American Times](#), [Missoulian](#)

Successful IBAs in Yukon

An updated edition of the [Impact Benefit Agreement Community Toolkit](#) highlights examples of successful impact benefit agreements (IBAs) between companies and Aboriginal communities in Yukon. The toolkit “is designed to help communities negotiate with mining companies or businesses in other industries.” Mathieya Alatani, Chief of the [Kluane First Nation](#), which signed an IBA with [Prophecy Platinum](#) in 2012, says that “we've had a lot of economic benefits, a lot of job opportunities, and opportunity for our corporations to create an economy, which didn't exist in our area. I think for First Nations that are just starting out, having that sort of checklist that they can go through is useful.”

Ginger Gibson, the toolkit's co-author, says that “Yukon's agreements with resource companies have set important precedents...There are deals that stand up across Canada, and so we've brought a team of people here to learn from Yukon experiences.” Gibson notes that IBAs are often confidential, but that it is important for communities to have access to information about “what kinds of benefits they can gain from companies operating in their lands and how they can protect themselves from impacts.” A recent workshop on the toolkit in Whitehorse was attended by representatives from the Kwanlin Dün First Nation, Champagne and Aisihik First Nations, Selkirk First Nations, Ross River Dena Council, Teslin Tlingit Council, Vuntut Gwitchin, Nacho Nyak Dun and the Council of Yukon First Nations.

Sources: [CBC](#)

Mount Polley Tailings Spill Sparks Outrage

In August 2014, a tailings spill at [Imperial Metals'](#) Mount Polley mine unleashed 2.5 billion gallons of contaminants into the Fraser River watershed in southern BC, sparking outrage from the [Neskonlith Indian Band](#). Community members established a monitoring checkpoint and encampment at the mine's entrance, and Chief Judy Wilson delivered an eviction notice to the company's offices in Vancouver.

The spill's ramifications rippled to Imperial's Red Chris mine in northern BC, where elders from the Tahltan Central Council (with whom the company previously had a positive working relationship) established a blockade to voice their concerns about the potential of a similar incident in their territories. The blockade ended when the company signed an agreement with the community "that will see the company pay for an outside engineering firm, chosen by the band, to review the Red Chris tailings facility."

Companies should enter such agreements with communities proactively, rather than reactively, as they relate a strong commitment to collaborative monitoring of projects with communities. Imperial will probably have far greater difficulties redeeming its community relationships at Mount Polley, where disaster has already occurred.

Sources: CBC, Warrior Publications, CBC

Supporting Knowledge Exchange and Partnerships

The Karlka Nyiyaparli Aboriginal Corporation, owned by the Nyiyaparli from Western Australia, is working with the NANA Regional Corporation, owned by the Inupiat from Alaska, to explore business ventures in resource development in the US. If they are successful, the partnership could become the first international joint venture in resource development that is wholly owned and operated by Indigenous Peoples. It could also become the first major international project for an Australian Aboriginal company. The two groups have already worked together to secure a \$25 million housing contract, and plan to attend the National Minority Supplier Development Council's conference in November.

Knowledge exchange and partnerships between Indigenous Peoples from different regions of the world is often an effective method of building capacity and support networks. Funding communities to visit and learn from each other's experiences with resource development can enhance their ability to engage with companies on fair and equitable terms.

Sources: Mining Australia

The Cost of Ignoring Cleanup

Nigerian communities are reportedly angered by speculations that Royal Dutch Shell is cancelling construction of the Trans Niger Pipeline (TNP), which would carry 180,000 barrels of oil per day to the Nigerian coast. The TNP would replace an older, ruptured pipeline that has caused repeated environmental damage. It would be routed to avoid areas where sabotage and theft have been common, equipped with monitoring systems to detect intrusions and leaks, and designed to enable quick access to all its sections. The communities believe the TNP would have environmental benefits and create jobs for local contractors and youths, and do not want the project cancelled.

Constructing the TNP with support from communities could be an opportunity for Shell to improve its legacy in the Niger Delta. On the other hand, cancelling the project could reignite local hostilities against the company. Shell should consider these factors before making a final decision about the project.

Sources: This Day Live

Canada Delays First Nations Financial Transparency Act

Canada plans to unveil legislation requiring Canadian companies to disclose natural resource payments to foreign and domestic governments, but is delaying the onset of similar requirements for payments to First Nations, so that consultations with Aboriginal leaders can take place. This decision was welcomed by Aboriginal leaders, some of whom are concerned about the potential consequences of such requirements. Hayden King, Director of the Centre for Indigenous Governance at Ryerson University, predicts that “because of the likely superficial media reporting we can expect many to run with the popular ‘corrupt chief’ narrative...[and to] call for the erosion of treaties, end of ‘special’ Indian status, privatization of reserves, etc.” There are also concerns that the government will reduce funding for Aboriginal programs and services based on revenues coming from the private sector.

Transparency of natural resource payments on Indigenous territories should be supported in principle, but must be approached in ways that strengthen, rather than erode, communities' sovereignty over their lands and natural resources. The consultations will hopefully elicit a disclosure process that addresses the legitimate concerns of Canada's Aboriginal leaders.

Sources: [Globe and Mail](#), [CBC](#)