

“PARTNERS IN PROSPERITY”:

ANALYZING THE ALBERTA INDIGENOUS OPPORTUNITIES CORPORATION CORPORATION

Written for POL S 327

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ABSTRACT The Alberta Indigenous Opportunities Corporation, introduced by the Jason Kenney United Conservative Government, seeks to “enable access to capital, make financing more affordable and improve lending terms to create economic prosperity and social improvements in communities” (AIOC 2019). In other words, it provides Indigenous nations with loans to participate in resource development in Alberta. This neoliberalist approach suggests Indigenous wellbeing can be improved through induction into the free market. However, the principle of free market has historically dispossessed Indigenous peoples of their lands which urges me to question to what extent does the AIOC address colonial dispossession within the capitalist economy? I will be specifically analyzing the composition of the AIOC through Bill 14 and discuss the current day relevance of this legislation in the context of reconciliation.

INTRODUCTION

The Alberta Indigenous Opportunities Corporation seeks to “enable access to capital, make financing more affordable and improve lending terms to create economic prosperity and social improvements in communities” (AIOC 2019). The AIOC was established with the passage of Bill 14, the *Alberta Indigenous Opportunities Corporation Act*, which provided Indigenous nations with loans to participate in resource development in Alberta. A “loan guarantee to a consortium of six Alberta First Nations to enable their participation in the Cascade Power Project” (AIOC 2019) was recently granted specifically to the “Alexis Nakota Sioux Nation, Enoch Cree Nation, Kehewin Cree Nation, O’Chiese First Nation, Paul First Nation, and Whitefish (Goodfish) Lake First Nation” (AIOC 2019). This policy is part of the current United Conservative government’s approach to reconciliation, where Indigenous nations, the provincial government, and private businesses become “partners in prosperity” (AIOC 2019). This neoliberalist approach suggests Indigenous

“well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Taylor & Friedel 2011, 819). However, this system has historically been “built through social relations that individuate and isolate communities from deeper webs of reciprocity” (Pasternak 2020, 308). With this, I seek to examine the extent to which the AIOC addresses colonial dispossession within the capitalist economy. This dispossession is often “cloaked in the language of self-determination” (Simpson 2019, 48), where extraction of natural resources and occupation on Indigenous land is presented as an “opportunity” to accumulate capital and provide for their communities. To form my argument, I analyze the composition of the AIOC through Bill 14, examining to what extent this legislation has fulfilled prior and informed consent. In addition to this, I assess the strength of Indigenous representation in the corporation and whether a “sustainable source of revenue

that enables [Indigenous peoples] to take charge of your own economic future and fund the development and social programs that will benefit your communities” is possible (AIOC Annual Report 2019, 3).

A central pillar of AIOC partnerships, specifically for non-Indigenous partners, is “early and meaningful engagement with Indigenous communities on whose traditional territories we live and work” (Cascade Power 2020). The duty to consult is a contentious issue as a “master-sanctioned form of recognition” (Coulthard 2007, 439), where Indigenous concerns are only heard if the province requires this process to occur. The AIOC does not include specific guarantees for consultation, but rather leaves this responsibility in the hands of the companies who are seeking to apply under the AIOC, requiring applicants to have “confirmation of support from the Indigenous community available (e.g., Band Council Resolution)” (AIOC 2019). However, Elle-Maija Tailfeathers notes “Aboriginal Affairs and the federal government have ignored...violation of our member population’s basic rights...perpetuat[ing] the vicious cycle of nepotism and corruption within the band council” and “is by no means some sort of inherent trait of Indigenous peoples; rather, it is a symptom of colonialism” (Tailfeathers 2014, 7). In this case, support from a band council does not connote free, prior, and informed consent, but rather represents an incompatible system inserted into Aboriginal governance “to deal with Indigenous populations... in such ways [that] have... always been shared between governments and ‘stakeholders’” (Simpson 2019, 48). Sandwiching Indigenous consent between government policy and corporate promises “through reciprocal processes and exchanges of recognition the possibility of freedom [from colonial forces] emerges”

(Coulthard 2007, 440). This possibility allows Indigenous partners to experience the illusion of meaningful participation, despite the fact that neither the province nor business is legally obligated to earn consent from a nation before proceeding with projects

Similarly, the composition of AIOC leadership reproduces the illusion of self-determination, appointing Indigenous members utilizing their “race” as the paramount of their position instead of their resume. This is not to diminish the achievements of Indigenous members, but rather emphasize “racialization of Indigenous identity [as] not only a misguided understanding of indigeneity and Métis territorial authority, but [as a] broader problem with understandings of indigeneity” (Chris Andersen in Pasternak 2020, 304). Two notable members, Stephan Buffalo, Board Vice-Chair, and Gilman Cardinal, Board Elder Advisor were both appointed by Salma Lakhani, Lieutenant Governor in Council as per Bill 14 to what can be considered as “‘domestication’ of the terms of recognition in such a way that the foundation of the colonial relationship remains relatively undisturbed” (Coulthard 2007, 451). It is not enough that Indigenous voices are included; sincere consideration, active listening, and unfiltered implementation of Indigenous voices must be utilized to deconstruct the colonial framework of Alberta energy projects.

Furthermore, it must be examined how much authority these individuals legitimately hold in shaping AIOC mandates and ensuring Indigenous peoples are equal partners. According to Bill 14, overarching decision making power lies with the Lieutenant Governor concerning “defining Metis groups, appointments to the board, making of grants and loans, [and] the corporation entering into joint ventures...” (Bill 14 2019, 8). This

provides concentrated authority to the Alberta legislature. The presence of resources located in Alberta “serve[s] a purpose even more immediate than capitalist accumulation – it serve[s] to consolidate a nascent settler colonial state’s claims to authority over territory” (Simpson 2019, 74). The AIOC, as an extension of the government “delegates the authority to provide up to \$1 billion in loan guarantees to reduce the cost of capital for Indigenous groups... to invest in natural resource projects” (AIOC 2019). This invites Indigenous peoples to invest in lands which under Treaty 6 are already sovereign, and ignores “property ownership as a concept that is in direct contradiction to first nation sacred responsibilities and distinct relationship to our territories” (Preston 2013, 49). Disregard for the fundamental fact that Indigenous land is sovereign land, and mass extraction of its non-renewable resources for corporate profit is not inherent to Indigenous thought, thwarts the AIOC’s claim to partnership and allows energy development to function under terra nullius in which land untouched by colonial structures are considered “empty.”

Parallel to the unfolding of industrial capitalism in Canada was the establishment of assimilative policies and legislation designed to disenfranchise Indigenous communities. Laws such as the *Indian Act of 1867* served these purposes and dispossessed Indigenous people of their lands, enabling the progress of the industrial economy (Pasternak 2019, 307). Similarly, Bill 14 states “for greater certainty, for the purposes of this Act, “Indigenous groups” means (a) Indian bands as defined by the *Indian Act* [and] (b) Metis settlements established by the *Metis Settlements Act*” (Bill 14 2019, 3). Defining indigeneity using legislation designed to dispossess peoples of their land and labour directly contradicts the AIOC mandate to serve a “transformational

function by supporting Indigenous communities to expand their investments” (AIOC Mandate 2019, 3). However, it can be argued that the use of the *Indian Act* and *Metis Settlements Act* is a conscious choice to proceed with the disenfranchisement of Indigenous rights in which “racial logics [will] help open... energy development, transportation construction and other commodity markets that supported the industrialization of central Canada” (Pasternak 2019, 304). In this context, the AIOC will be unable to fulfill its mandate of providing Indigenous nations with a sustainable source of funds to support social programs and address inequalities within Indigenous communities. Rather, “the rhetoric of “economic development,” [is enacted to] solve today’s “Indian Problem” by extracting resources from land and, in theory, generating employment and sustainable futures for Indigenous peoples” (Tailfeathers 2012, 6). Overall, this rhetoric has manifested in the framework of the AIOC to secure “consent” when as Chief Jackie Thomas of the Saik’uz Nation states, “Indigenous Nations feel they [have] no other choice” (Preston 2013, 48).

After being passed in 2019, the AIOC was expanded in February 2021 to invite Indigenous investment in agricultural projects, telecommunications, transportation, and infrastructure (Government of Alberta, 2021). This diversification of the AIOC mandate has been introduced as part of Alberta’s post-pandemic recovery to incentivize greater investment in the provincial economy. Further, it has underscored the government’s focus on encouraging economic independence within Indigenous communities as part of “an important step in reconciliation [that] will help communities grow and prosper”, as stated by Minister of Indigenous Relations, Rick Wilson (Government of Alberta, 2021). While this broadens the ability of Indigenous businesses

to diversify their investments, the AIOC remains inadequate in advancing reconciliation, defined by “establishing and maintaining respectful relationships... demonstrat[ing] real societal change [and]... the revitalization of Indigenous law and legal traditions” (TRC 2015, 16). Using a decolonial lens, Indigenous investment under the AIOC is not an investment in Indigenous communities since “settler colonialism is a structure not an event” (Kauanui 2016, 4). With colonial structures intact, the institutions involved in the approval and distribution of AIOC loans are inherently colonial and therefore the antithesis of Indigenous politics as “not just about land [but] also a spiritual and emotional, and intellectual space” (Simpson 2015, 19). Given that government remains unresponsive in addressing these spaces of colonial oppression and repairing “the deep reciprocity that forms the cultural core of many Indigenous peoples’ relationships with land” (Coulthard 2015), the AIOC cannot be defined as a reconciliatory piece of legislation and ultimately is unimpactful on the state of Indigenous reconciliation in Alberta.

CONCLUSION

The AIOC’s attempt to “walk with Indigenous people toward economic reconciliation” (AIOC Annual Report 2019, 3) is derailed by its failure to address colonial dispossession inside Alberta’s capitalist economy. Rather, I argue

the AIOC primarily functions as a corporation “through which the colonized come to shed their colonial identities” (Coulthard 2007, 449), and rebrand Alberta’s energy industry as a non-divisive force. By leaving corporations the duty to consult with nations before development while also providing no legal obligation to do so (AIOC 2019), Alberta does not incentivize business to consider the impacts of project development. Instead, the duty to consult and receive consent remains a costly delay to generating revenue. Further, Bill 14 has not delegated authority to Indigenous voices, but rather concentrated decision-making power to the provincial government (Bill 14 2019, 8). Therefore, Indigenous representation on the board of the AIOC cannot properly address Indigenous concerns, such as consultation. This exclusion of Indigenous voices will only acknowledge indignity and the attached inherent rights insofar as it does not challenge “the legal, political and economic framework of the colonial relationship” (Coulthard 2007, 451). This authority extends into the corporations’ ability to refuse financial support to Indigenous groups on the basis of identity as defined under the *Indian Act* (Bill 14 2019, 3). Ultimately, the formation of the AIOC has given the Alberta government and private corporations a place to claim Indigenous “approval” of natural resource development without compromising their monopoly on power.

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