Leading practices for resource benefit sharing and development for and with Indigenous communities

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OECD Regional Development Papers

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This OECD working paper summarises leading practices for benefit sharing, workforce development, and business and governance development *for* and *with* Indigenous peoples. This work has been informed by the OECD's programme of work on *Linking Indigenous Communities with Regional Development*, on *Mining Regions and Cities* and on *Indigenous Employment and Skills Strategies*. This working paper specifically aims to inform the Department of Infrastructure, Transport, Cities and Regional Development of Australia. The paper covers six key policy areas: i) Indigenous benefits funds and benefit sharing agreements, ii) Indigenous governance, iii) Indigenous entrepreneurship, iv) Indigenous education and training, v) Indigenous employment, and vi) Indigenous community programmes.

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This paper is authorised for publication by Lamia Kamal-Chaoui, Director, Centre for Entrepreneurship, SMEs, Regions and Cities, OECD.

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Introduction

Scope and Objective

This working paper provides a summary of leading practices for how Indigenous communities can better derive economic and social well-being from energy and resource sector development. It takes stock of work carried out by OECD's programme of work on *Linking Indigenous Communities with Regional Development, Mining Regions and Cities* and *Indigenous Employment and Skills* guided by the OECD's Regional Development Policy Committee, its Working Party for Rural Policy as well as the Local Economic and Employment Development Programme. The paper aims to inform the Department of Infrastructure, Transport, Cities and Regional Development of Australia in developing their Aboriginal Economic Development Strategy with a focus in the Beetaloo Sub-basin of the Northern Territory. It also identifies policy responses for other OECD members, accession and partner countries with Indigenous populations.

More specifically, the working paper:

- Summarises challenges linked to Indigenous community and economic development in the context of resource extraction and energy developments, with some insight into the Australian context;
- Identifies approaches for how Indigenous communities can best derive benefit from developments in the energy and resource sectors;
- Synthesises relevant policies/programmes from a range of OECD countries to elicit 'leading practice' approaches and;
- Recommends pathways to empower Indigenous communities to realise energy and resource sector benefits for regional prosperity and resilience.

This work puts a special focus on economic geography and recognises there is no one-size-fits-all solution for how Indigenous peoples can pursue economic development and improve their well-being from resource developments. The variety of framework legislations, governance systems, historic legacies and diverse capabilities and aspiration of Indigenous peoples all shape the way benefit sharing is organised. Despite this, the paper seeks to identify comparative examples that can be useful for policy makers and Indigenous communities in their respective contexts.

The working paper is structured into the following six sections: i) Indigenous benefits funds and benefit sharing agreements,; ii) Indigenous governance,; iii) Indigenous entrepreneurship,; iv) Indigenous education and training ,; v) Indigenous employment,; and vi) Indigenous community programmes. Overall, the paper provides 25 key lessons and 42 leading practice examples - mainly derived from Australia, Canada, New Zealand and the United States.

Across all sections the paper shows that:

- Despite the fact that there are no one-size-fits-all solutions for how Indigenous peoples can best derive economic and social well-being from the developments in the energy and resource sectors, addressing power asymmetries between communities and proponents in agreement negotiations, shared commitment and co-ordination between Indigenous communities, public and private

sectors and linking programmes to wider long-term regional development initiatives are necessary conditions.

- Future development for Indigenous communities linked to the resource and energy sectors highly depends on building the right capabilities and skills in support of self-determination. Policies need to support capacity and skills development that is long-term oriented and extends beyond the life cycle of a project across a range of policy areas including Indigenous governance, Indigenous business and entrepreneurship and Indigenous employment.

- Prioritising Indigenous-led and informed programmes, services and businesses are an essential aspect of improved benefit sharing outcomes for Indigenous communities. Firstly, policymakers and companies need to develop an in-depth understanding of local business capabilities and service ecosystems as well as community challenges and aspirations. Secondly, they need to use this knowledge to address individual challenges, build on existing strength and empower Indigenous communities with targeted support for instance from "wrap around" services.

Context

Revenue from extractive industries is important for national and regional economic development in natural resource rich countries. In Australia, mining alone contributes around 8-9% of GDP and 55% of export revenues (Minerals Council of Australia, 2019[1]) (Australian Bureau of Statistics, 2020[2]). From 2003-04 to 2014-15, over AUS $400 billion of resource projects were initiated in Australia and, in the 2014-15 financial year, export earnings from resource and energy commodities totaled $174 billion. There is no doubt that resource extraction has been a significant generator of wealth for Australia.

Despite the staggering earnings of the mining and extractives industries in Australia as well as in other OECD countries, Indigenous communities and traditional landowners do not experience commensurate economic and wider social benefits from developments occurring on land that is traditionally occupied, used or owned by them. The UN Special Rapporteur on the Rights of Indigenous Peoples documents that approaches of resource development on Indigenous land are predominantly driven by actors external to local Indigenous communities and fail to deliver adequate local benefits (UN General Assembly Report No. A/HRC/24/41, 2013[3]).

Across far too many indicators – income, employment, life expectancy and educational attainment – there are important gaps between Indigenous and non-Indigenous populations (OECD, 2019[4]). For example, Indigenous peoples have an annual household income that is on average 30% lower than that of the non-Indigenous population. Labour market inequalities are also high between Indigenous and non-Indigenous population with rates of secondary school completion standing 20 percentage points (pp) lower and employment participation 13 pp lower for the Indigenous population (OECD, 2019[4]). Furthermore, gaps in well-being between Indigenous and non-Indigenous populations tend to be larger in rural areas against national averages despite that fact that resource extraction is often happening in rural areas. For instance, Indigenous peoples living in rural areas have a lower likelihood of being employed (on average about 7 pp [1]) than the average Indigenous citizen.

Considering these inequalities, there is a need to identify how Indigenous communities can better derive economic and social well-being from energy and resource sector development opportunities on their own terms. While there are strong examples of industry and Indigenous communities working together to achieve positive economic and social outcomes, through providing employment, supporting local businesses and suppliers, and delivering royalties, this is not the norm. There is ample room to better support the creation of sustainable economic futures for Indigenous communities in concert with the private sector and governments.

Box 1.1. The Beetaloo Sub-basin and the Northern Territory as a case in point

The Beetaloo Sub-basin is located in Australia's sparsely populated Northern Territory (NT). The region has significant shale gas reserves that the Australian Government is seeking to develop. At the same time, Aboriginal peoples are critical regional development actors. Around 28% of the population of the Northern Territory is Aboriginal [2] and they hold land rights to around half of the territory.[3] While prospective energy and resource sector activity can be an important source of revenue, employment and improved infrastructure for the local population, it also carries the risk of environmental degradation, threatening Indigenous culture and entrenching already stark well-being inequalities.

The NT is the only jurisdiction in Australia where income inequality between Indigenous/non-Indigenous peoples increased (by 5 pp) between 2011 and 2016. Indigenous peoples in the Northern Territory also have the lowest employment rate in Australia with only 29% of the Indigenous working age population employed in 2016. It also has the highest gap between Indigenous and non-Indigenous employment, standing at 56 pp in 2016. This gap increased by ten percentage points between 2011 and 2016 and is higher than in any other Australian territory or state. Moreover, the NT has the lowest rate of self-employment for Indigenous peoples; the lowest Indigenous education rate; and the largest gaps in education between the Indigenous and non-Indigenous populations of any Australian territory or state (OECD, 2020[5]).[4]

Researchers and Indigenous leaders have pointed out that the current regulatory and public policy framework of the NT does not support providing wider benefits to its Indigenous population from developments. They have requested fundamental transformations in the governance space, notably calling for greater involvement of the sub-national government with regards to brokering between proponent and Indigenous interests (Northern Land Council, 2017[6]) (Holcombe, 2020[7]). Consequently, there is a fundamental need to improve the way Indigenous communities derive economic and social well-being from energy and resource sector developments in the NT. While this paper makes some references to the Northern Territory, and the Australian context in general, the scope of working paper does not allow for an in-depth assessment of local conditions and advises that local needs be carefully assessed to fully reflect local specificities.

Source: Authors' elaboration

Box 1.2. Note on terminology and methodology

In the United Nations the term Indigenous Peoples is understood as peoples who inhabited a country prior to colonisation, and who self-identify as such due to descent from these peoples, and belonging to social, cultural or political institutions that govern them. Different terminology is used in specific countries (OECD, 2019[4]). Across 13 OECD countries, there are approximately 39 million Indigenous peoples. Indigenous peoples also live in a number of non-member countries that work closely with the OECD (e.g. Brazil, Costa Rica and Peru). In Australia, the term Aboriginal or Torres Strait Islander is used. For the purposes of this paper, the term Indigenous is used throughout, unless referring to a specific country or regional context. The term Indigenous communities is used to capture a range of smaller sub-groups including Indigenous governments, nations and collectives: e.g. First Nations in Canada, Tribal governments in the United States, Sameby (Sami villages) in Sweden.

The methodological approach of this work follows the principle of learning from and including Indigenous peoples in the process of development. It follows the previously published work on *Linking Indigenous Peoples with Regional Development*, in that engagement and peer review of Indigenous leaders and Indigenous led-organisation was central to the drafting process of this paper. The draft version of this paper was shared twice for peer-review with a network of Indigenous leaders, government officials and academics strengthening the outcomes of this paper and sharpening the nuance of analysis.

Leading practices from selected policy areas

1 Benefit sharing agreements and funds

Benefit sharing agreements and funds, if well-designed, can support Indigenous well-being and self-determination. They can set Indigenous communities on a path of sustainable development and help reduce the regional inequalities that are all too often apparent among Indigenous and non-Indigenous peoples. But the extent to which benefit sharing agreements and funds deliver robust results for Indigenous peoples differs considerably. Much comes down to the nature of the benefits and ownership regimes and how they are implemented.

Agreements and funds are often established at the onset of a resource development or extraction process and set-out a financial or working relationship that spans across its lifetime. Benefits may include payments, profit sharing, local hiring, skills development, education, cultural support and environmental protection and remediation.

From the perspective of Indigenous communities, benefit sharing agreements can establish a clear process for engagement between the community and development proponents wherein development proceeds in line with informed community consent and rights and interests are respected including environmental and cultural rights and protections.[5] From the perspective of a development proponent, benefit sharing agreements establish a social license to operate; they outline clear processes of engagement and as such, reduce project risk through economic certainty, predictable timelines, reputational protection and cost management guarantees. Beyond this, many companies increasingly understand the importance of supporting regional development more broadly. While benefit sharing agreements can lead to positive outcomes, they also have drawbacks. Indigenous communities may feel pressured to sign agreements because they have no actual control or veto over developments on their traditional territories and the benefits that they receive may compensate little for the negative impacts of resource developments. This section outlines different types of benefit sharing agreements and funds and the ways in which they can contribute to community economic development and strengthen Indigenous sovereignty.

Benefit sharing takes several forms and is closely linked to land rights regimes—can these practices lead to long term development gains for Indigenous communities?

There are a range of benefit sharing models (see Table 1.1) – from those that are government-controlled to those that include, voluntary, company-led initiatives, or partnership models or those that entail Indigenous ownership and control.

This section considers two types: benefit sharing **agreements** and benefit **funds**.

- Benefit sharing **agreements** are privately negotiated and legally enforceable agreements that establish formal relationships between Indigenous communities and industry proponents.

- Benefit or resource sharing **funds** are financial structures wherein revenues collected by governments from specific activities (e.g., taxes, royalties, penalties, permits and other fees) and/or royalties and payments from companies are shared with Indigenous peoples and/or communities. Participation in a benefit sharing agreement does not negate participation in benefit sharing funds and some benefit sharing agreements include benefit funds.

Table 1.1. Benefit sharing models and governance types

A. Government-Controlled Benefit Sharing	
Resource sharing revenues/benefit funds	Sharing of industry revenues collected by governments with Indigenous peoples and/or communities. This includes but is not limited to taxes, royalties, penalties, permit and other fees.
Local content obligations	Targets for the hiring of local workers and procurement of local goods and services may be included in host government agreements with companies, and in some cases is legislated. Government-mandated local content is frequently interpreted as 'national' content, rather than targeting local and Indigenous communities.
Mandatory social investment	Social investment spending can be mandatory as part of a host government agreement or national legislation, whereby companies are required to invest in infrastructure programmes, such as road construction or health facilities, as a condition of their licence.
B. Voluntary Company-Led Initiatives	
Voluntary engagement	Companies may voluntarily engage in community engagement and/or investment in addition to their mandatory obligations under law. For example, the International Council on Mining and Metals (ICMM) 'Community Development Toolkit' and 'Good Practice Guide: Indigenous Peoples and Mining".
Strategic social investment	Social investment spending on programmes are designed to survive beyond the life of the industrial project and/or to create value for the industrial project. These might include micro-credit programmes, local livelihoods support programmes, skills training, enterprise development support, or conservation programmes.
C. Partnership Model	
Voluntary local content initiatives	Companies may develop partnership programmes based on voluntary targets and initiatives to train and bring in the local and Indigenous workforce to a project, with training and enterprise support linked to opportunities to secure employment or contracts, often with an element of preferential contracting. This may or may not form part of a wide benefit sharing agreement.
Benefit sharing agreements	Benefit sharing agreements are negotiated directly with communities and may include payments, profit sharing, local hiring, skills development, education, cultural support and environmental protection. These are likely to be closely related to impact assessments, and may also provide the basis for a process that reflects principles aligned with the concept of free, prior and informed consent (FPIC). Benefit sharing agreements may include benefit funds: the payment and management of royalties from development activities to affected Indigenous communities and peoples.
D. Indigenous Ownership and Control	
Indigenous ownership	Indigenous peoples' ownership of companies or equity shares in enterprises involved in extracting or processing resources or enterprises providing services to the industry. Opportunities can be enhanced through government support and preferential contracting.
Indigenous control	Indigenous control relates to Indigenous peoples' right to determine their own development priorities and strategies, and includes participation in strategic-level decision-making on resource-related policies, programmes and regulations, including resource mapping, zoning and land allocation and environmental processes (such as remediation),, and free prior and informed consent.

Source: Adapted from Wilson, E. (2019). What is Benefit Sharing? Respecting Indigenous Rights and Addressing Inequities in Arctic Resource Projects. *Resources*, *8*(2), 74. https://doi.org/10.3390/resources8020074. The role of government differs significantly across the four benefit sharing models.

While the government leads actions in the first type (government-controlled benefit sharing), they may equally play some role in voluntary, company-led and partnership models as a facilitator, by developing guidance and toolkits or by supporting organisations and communities engaged in the benefit sharing process. Governments can also support Indigenous ownership and control through access to financing[6]. However, in other instances, governments (national, regional) may play a peripheral role within the latter three governance types.

There is a large and growing literature on benefit sharing models and there are long-standing debates regarding their effectiveness in Australia (Altman, 2004[8]) (Altman and Martin, 2009[9]) and elsewhere (Cameron and Levitan, 2014[10]) (Peterson St-Laurent and Billon, 2015[11]). This literature raises a number

of concerns—from the inherent power asymmetries between Indigenous communities and development proponents at the negotiating stage of benefit sharing agreements and the lack of public policy to guide them to the appropriateness of the benefits and the effectiveness of monitoring and enforcement and the long term impacts on communities including legacy planning in the event of a development's closure. Much of the literature asks how communities can avoid the 'resource curse' – short-medium term economic gains followed by decline, leaving environmental degradation in its wake – and how they can have more collective control over developments on their territories (Morgera, 2019[12]) (Eggert, 2001[13]) (Parlee, 2015[14]) (Petrov and Tysiachniouk, 2019[15]).

The level of participation in resource projects and benefit sharing is related to the level of Indigenous ownership and control over resources (recognition of land, subsurface and water rights). Indigenous land rights regimes differ across OECD countries with Indigenous populations (see Table 1.2 for select country comparison).[7] In many places, Indigenous land rights remain contested and are a matter of evolving jurisprudence. For example, in the case of Sweden, Finland and Norway, Sami rights to land are interpreted as rights to *use* and industries have adopted compensatory models (as opposed to benefit sharing agreements): this approach is widely contested by Sami peoples (Koivurova et al., 2015[16]), (Larsen, Österlin and Guia, 2018[17]), (OECD, 2019[18]).[8]

Table 1.2. Indigenous property rights: United States, Canada, New Zealand Australia, and Sweden

Country	Statutory Indigenous property rights
United States	▪ **Owner** of lands and sub-surface resources in Alaska (Regional Corporations) ▪ **Individual owner** of fee simple title (allotted lands) ▪ **Collective proprietor** of reserve land and restricted fee title
Canada	▪ **Collective owner** of land through comprehensive agreements ▪ **Collective owner** of land acquired in the market ▪ **Collective proprietor** of reserve land ▪ **Individual possessor** of reserve land allotted by collective
New Zealand	▪ **Individual owner** of Māori land, often in co-ownership.
Australia	▪ **Collective owner** of land through state land rights acts of Northern Territory, South Australia and New South Wales ▪ **Collective proprietor** of exclusive Native Title determinations (national) ▪ **Collective possessor** of non-exclusive Native Title determinations (national) ▪ **Collective possessor** of reservations in Western Australia
Sweden	▪ **Collective authorised user** of land, but only for *Sameby* members and with the purpose of reindeer herding.

Source: (OECD, 2019[4])

In Australia, there are multiple land rights regimes that vary across States and Territories: the Aboriginal Land Rights Act (Northern Territory) 1976, the Native Title Act 1993 and other state's Land Rights Acts. Each of these confer different rights and have different benefit sharing mechanisms. In the Northern Territory and South Australia, the land rights acts confer collective fee simple title (they do not confer sub-surface rights) (OECD, 2019[4]).[9] The Beetaloo Basin is predominantly Native Title land. Overall, these Acts have supported agreement-making in a resource development context. In the words of Marcia Langton (2015[19]) (2015 p. 27) they gave "Indigenous parties a position in the market and a prospect of economic participation that they had previously been denied."

Beyond Australia's land rights, the unique status of Indigenous peoples is recognised globally through four main instruments of international law:

i. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),

ii. Convention 169 of the International Labour Organization (ILO);

iii.   The United Nations International Covenant on Civil and Political Rights (ICCPR);

iv.   UN International Covenant on Economic, Social and Cultural Rights (ICESCR)

These international instruments impact national laws and obligations differently, depending on the nature of the document from which they arise. While UNDRIP expresses a *political commitment* by signatory nations, treaties and conventions express rights and obligations that ratifying states are responsible for[10]. These set the basis for rights recognition, but how they are interpreted and enacted in national law differs across states.[11] In the context of resource development, UNDRIP plays a particular role as it describes a the government's duty to consult with regards to projects that affect Indigenous lands and resources on the basis of free, prior and informed consent principles (FPIC)[12].

Entering and managing benefit sharing agreements from a place of strength

Benefit sharing agreements have evolved significantly since they were first employed in the 1950s (see Figure 1.1).[13] In the early days, especially in Canada, agreements focused on a combination of employment and environmental protections, while today they encompass a wide range of activities—from education and training, to funds for economic development, socio-cultural support and communications structures, environmental monitoring and protection, direct payments and finance or commercial terms (see Table A A.1.). In Australia these agreements are referred to as Indigenous Land Use Agreements (ILUA) in the case of Native Title Land,[14] in Canada they are called Impact and Benefit Agreements (IBAs), in New Zealand the terminology differs by agreement type,[15] and in the United States there is a mix of terminology related to specific legislation.[16] Here the term benefit sharing agreement will be used.[17] Though benefit sharing agreements have mostly been used in the context of resource developments, they can be adopted for a broad range of activities including genetic resources, scientific research, Indigenous knowledge and the protection of cultural heritage (Marshall, 2013[20]) (Martin and Vermeylen, 2005[21]) (O'Faircheallaigh, 2008[22]).

Figure 1.1. The evolution of benefit agreements
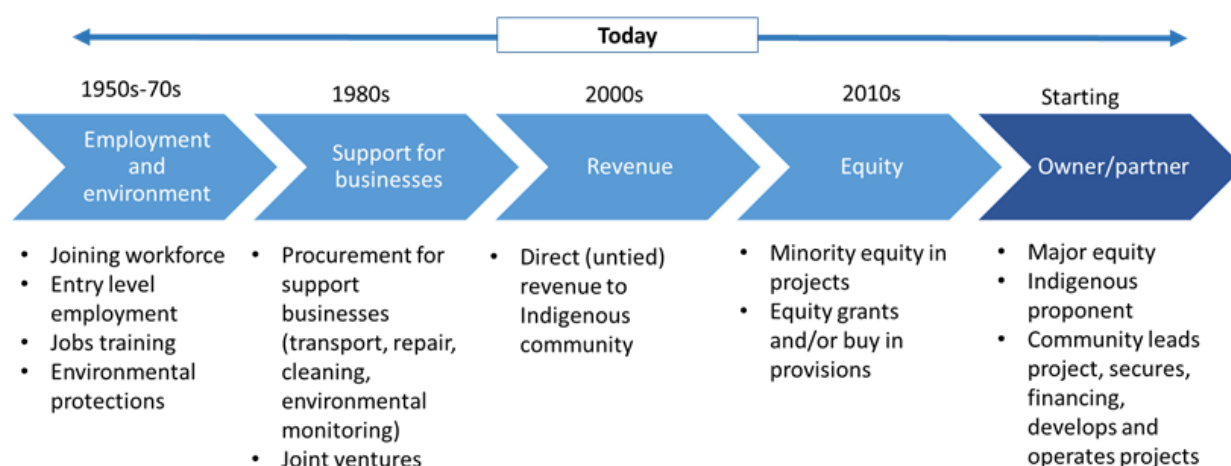
Source: Adapted from Nlaka'pamux Legacy Trust as reported in Podlasly, M., & von der Porten, S. (2019). The Role of Indigenous People in Major Project Development: Paths for Indigenous Participation in Electricity Infrastructure.

Balancing asymmetries between Indigenous communities and development proponents

One of the chief challenges associated with benefit sharing agreements are the inherent power asymmetries between Indigenous communities and development proponents – these include asymmetries in access to information such as technical information, regulatory requirements and adherence to due process; a lack of resources to meaningfully engage with development proponents and in some cases, a lack of documentation to demonstrate anticipated community impacts and concerns. There are critiques that the assessment process itself is set on industry and government terms, privileging certain forms of knowledge (Larsen, Österlin and Guia, 2018[17]). In line with this privatisation of knowledge, Indigenous interests are not always recognised as inherent rights but often suffer from being considered as just another stakeholder group. Further, many Indigenous communities are small administrations with neither the time to dedicate to lengthy engagement processes nor the funds to hire external experts to support them. In response to these issues it is common for development proponents and/or government to provide funding to communities and Indigenous organisations effectively partake in the engagement process[18]. Also, governments, Indigenous organisations and industry have developed best practice tools-kits and other guidance to support engagement—e.g., guidance and tools kits for exploration agreements (prior to on-the-ground-activities) and negotiation agreements[19]. This guidance is useful, but it may not address complex and specific circumstances or adequately address Indigenous perspectives.

In Australia, the negotiation or implementation of agreements are supported by state-funded statutory bodies. This funding differs depending on group need and region (for an overview see Deloitte, 2014[23]). There are on-going concerns that these bodies have been underfunded and under resourced, that there are delays caused by litigation of native title claims and agreements, and that there is a lack of coordination with regulatory/licencing processes including and poor strategic planning (Cooney, 2013[23]).

One of the most promising initiatives to address this challenge are the development of hubs or centres of expertise for data sharing, regulatory guidance and best practices. In Canada, this model is presently being developed through the Centre of Excellence for Indigenous Mineral Development which is part of a larger Aboriginal Mining Strategy for North-Eastern Ontario lead by Waubetek Business Development Corporation. The Centre is being established in order to support the participation of the Indigenous peoples in the mining industry, and to assist industry and government through information sharing and best practice protocols with Indigenous engagement, including understanding environmental data. It is a partnership between a University, an Indigenous business development corporation and the Canadian government; the Centre has received significant funding from one of the world's largest mining corporations in order to extend its repository of expertise beyond Ontario.[20] The Centre will be situated within the University and as such, will be able to draw on the expertise of various academic departments. Institutions such as the Indian Law Resource Center in United States also offer a range of supports (legal expertise, regulatory guidance) but they are not specialised in this way (Indian Law Resource Center, 2020[24]). In Australia, the University of Queensland's Centre for Social Responsibility in Mining has also set up a resource hub, where practitioners in the Indigenous/resources interface can easily find key relevant national and international resources and guides (indigenousminingfutures.net, n.d.[25]).

Improving transparency and supporting pathways of co-operations amongst Indigenous peoples.

Another issue of note is that confidentiality clauses in benefit sharing agreements reduce the bargaining power of Indigenous groups, create divisions amongst Indigenous groups, prevent Indigenous groups from seeking assistance from third parties (OECD, 2020[26]). Benefit sharing agreements are private law and as such, they do not require collective decisions making; agreements can be entered into with hereditary or elected Indigenous leaders absent community knowledge of the terms of the agreement (Yellowhead Institute, 2019[27]). As a case in point, a 2013 analysis of Canadian IBAs could find only 142 publicly reported IBAs between 2005-2013; of those, only 20% reported on the main attributes of the agreements

(Northern Development Ministers Forum, 2013[28]). In Australia, ILUAs under the Native Title Act require agreements to be certified by the representative body, such that all people that hold native title in the area covered by the agreement have been identified and have authorised the making of the agreement. Land Rights Act agreements require informed, group consent of the traditional Owners.

Access to comparable benefit agreements assists informed negotiation. As such, the OECD has recommended that governments should support the development of accessible databases that systematically record and publish benefit sharing agreements (excluding commercial confidential information), in order to ensure more transparency and, ultimately, more accountability (OECD, 2019[4]).[21] While some clauses (e.g., market, share, monetary compensation) may need to remain confidential, others could be freely disclosed. A the few repositories of information on benefit sharing agreements are the Columbia Centre for Sustainable Investment's (CCSI) Community Development Agreement database and the Simon Fraser University's Impact Benefit Agreement database (Columbia Centre on Sustainable Investment, 2020[29]) (SFU, 2020[30]) and the "ATNS" website at the University of Melbourne also lists over 1000 agreements, some even in full, from Australia, Canada, New Zealand and South Africa (ATNS, n.d.[31]).

Finally, it is important to note that a community may face numerous barriers to employment or procurement opportunities that are part of negotiated agreements. This includes a mismatch in education or certification requirements in the case of employment or in the case of businesses, not having access to capital or to the appropriate infrastructure in order to participate in procurement activities. Thus, community infrastructure investment, education, training and business development are key elements of successful benefit sharing agreements. Initiatives to support community readiness may involve industry, government or third sector interventions. For example, pre-employment training such as Canada's "mining essentials"—a partnership between communities, educators and industry, with the industry partner having the intent to hire some or all the successful graduates (Mining Industry Human Resources Council, 2020[32]).

In an assessment of benefit sharing agreements employed in the Canadian north under the partnership model, Caine and Krogman argue that while they can provide direct engagement with industry and a sharing of benefits, they can also "…stifle Aboriginal people from sharing information about benefits negotiated by other groups, prevent deeper understanding of long-term social impacts of development, thwart subsequent objections to the development and its impacts, and reduce visioning about the type and pace of development that is desirable" (Caine and Krogman, 2010[33]). Benefit sharing agreements can also lead to divisions within Indigenous communities. For example, the engagement processes of the Coastal GasLink pipeline in north-eastern British Columbia have exacerbated divisions between Wet'suwet'en Nation hereditary and elected chiefs (McCreary and Turner, 2018[34]).

Such drawbacks have led many Indigenous communities/nations to favour either partnership or ownership models and/or Indigenous benefit funds—approaches that may better address need for secure, long term and Indigenous-led development and decision making control. As one response to these concerns, in Canada, a number of First Nations have proposed the creation of an Aboriginal Resource Tax (ART) which would create a common structure for resource benefits (First Nations Tax Commission, 2020[35]). This would entail a tax on resources, infrastructure projects and expansions taking place on traditional territories replacing the negotiate of one-off financial arrangements every time a project infringes on First Nations title or Treaty rights.

Benefit funds—structuring opportunities for long term development and investment

Indigenous benefit funds entail private royalties or payments *directly from companies* to affected Indigenous communities and peoples; in others they entail the distribution of taxes, royalties, penalties,

permits and other fees *collected by governments* to Indigenous communities and peoples (O'Faircheallaigh, 2018[36]). The latter type can be policy driven or part of treaties/land agreements. Benefit funds of both types are commonly used in Canada, Australia and the United States as well as in a wide range of developing countries (in some cases benefits regimes are outlined in in domestic law). To offer three examples:

- Under Australia's Aboriginal Land Rights Act 1976 (Northern Territory), mining companies pay royalties for operations located on Aboriginal land to the government. The Land Rights Act also establishes a financial regime whereby the Aboriginal population of the Northern Territory receives a share of the mining royalties. Land councils (statutory bodies) are established to administer the Act. With respect to mining, they have the right to refuse exploration licence applications on instructions from traditional owners. Where exploration licences are not refused, mining companies must negotiate agreements with the land council on behalf of traditional owners.

- Under the Australian Native Title Act (1993), native title groups can develop agreements with project proponents wishing to undertake commercial development on Indigenous lands. Agreements are usually confidential to third parties and are concerned with payments and other benefits.

- In the United States, the federal government collects revenue from natural resource extraction on Native American land in each phase of the production process (e.g., bonuses to secure rights, rents during exploration, and royalties once production begins) and disperses these to trusts or to tribes directly. Direct payments from companies to tribes is also employed in some cases. 22

- In Canada, benefit funds have been established both as part of treaty agreements and also as a matter of government policy (see Table A A.2. for overview). For example, the province of British Columbia has revenue sharing arrangements for mining royalties, stumpage fees, and oil and gas revenues. Under such arrangement a percentage of the revenue from the resource extraction goes to the Indigenous community through a trust, which can then be invested by them in new enterprises, local infrastructure, community services etc. Benefits funds may also be part of benefit agreements signed between a company and First Nations.

Benefit funds have various structures. The share of royalties and payments may be revenue-based, net profits based, a combination of revenue and profits of production based; they may also entail cascading terms where contributions are set across multiple thresholds. In the case of funds collected by governments, they may be based on taxes, penalties, permits and other fees (not necessarily be related to production). They may further follow differing logics. For example, if the funds are meant to offer compensation for local impacts, then royalties and payments based on a development's profits may not be appropriate as they would not necessarily equate to the negative impacts of the mining activities; if they are meant to share of mineral rent due to traditional owners then the funds should address both compensation and rent.

The institutional vehicle by which Indigenous communities receive and disperse funds differs across OECD countries with Indigenous populations. In some cases the government acts as the intermediary (e.g., United States), in others, there are specific institutions to manage royalties and disperse payments (e.g., land councils, in the case of Northern Territory these are statutory government bodies). Payments can be made directly to Indigenous communities or they can be delivered through trusts. Important considerations for evaluating these approaches is the degree to which Indigenous peoples are involved in setting these framework conditions and development objectives; the cost and complexity imposed upon communities of establishing and operating these structures and; how effective they are at delivering better (self-determined) outcomes for Indigenous peoples.

Furthermore, there are choices to be made in terms of how funds are disbursed and whether there should be established criteria that govern their use. Options include, among others:

- Individual direct payments,

- Long-term investments funds,
- Investments to meet communities' needs such as investments in education, infrastructure or economic development.

In some cases benefit agreements may specify allowable uses. For example, the Government of Ontario's resource revenue sharing agreements stipulate that funds "cannot be spent on per capita distribution to community members, redistributed to other First Nation communities, used to cover any costs of litigation, or invested to accrue returns without first advancing five key areas: economic development, community development, cultural development, education, and health" (Yellowhead Institute, 2019[27]).

The success of benefit funds has been mixed (see for example the work of O'Faircheallaigh, 2008, 2017, 2018). In some cases, they have led to health, social and community investments, robust business development and have set communities up with long term capital funds support their development.[23] In others, impacts are negligible or non-existent.

What accounts for these differences in outcomes? While there are a host of studies on how benefit funds have been used in specific cases, comparative research on leading practices and success factors are under theorized (O'Faircheallaigh, 2018[36]). This is particularly the case for company-Indigenous benefit funds as confidentiality clauses regarding fund terms may make it challenging to evaluate their impacts. Nevertheless, the literature on benefit funds highlights several key factors for success:

- **Indigenous agency and autonomy in the use of mineral revenues combined with internal mechanisms of accountability** (HPAIED, 2020[37]). Concerns about fund misappropriation have led to growing mechanisms of oversight in some cases combined with sometimes complex fund governance that is removed from the community itself (e.g., managed by a third party trust).[24] The case study literature on benefit funds suggest that fund use is more robust and effective where there is Indigenous agency and autonomy over their governance combined with accountability to the community itself (O'Faircheallaigh, 2018[36]). Funds may include provisions for community investment in employment, education, business development, community programmes, governance and infrastructure; however Indigenous autonomy and agency over allocations are critical. Government legislation can facilitate this. For example, Canadian legislation has increased the role of First Nations in large scale industrial developments and provides for First Nations to become trustees of oil and gas revenues, displacing the federal government.[25] Upon a successful community vote and adoption of management provisions (i.e., provisions for investment, spending and accountability), the First Nation's capital and revenue moneys will be transferred to the First Nation for its control and management.

- **Indigenous fund governance can be supported by training and mentorship programmes.** Indigenous organisations may be well-placed to offer training and mentorship programmes in support of fund governance and should be resourced to do so. Doing so could help to overcome the reliance on external trusts that operate relatively independently of community decision making. It is important that the governance of funds is understandable to the community and guided by their interests, embedded in social and cultural values.

- **Budgetary stability supports long term planning.** Successful fund management combines investments in the communities' needs today alongside long term planning for social and economic development. Short term fluctuations in funding leads to unpredictable and unstable budgets making it hard to plan medium and long term investments. For this reason, untied government appropriations from consolidated revenue (based on resource wealth derived over a specified time period) can complement variable mining agreement funds.

- **Trilateral frameworks of engagement between Indigenous communities, companies, and governments may be desirable in some circumstances** (Cooney, 2013[23]). It is presently common for benefit funds to be comprised of bilateral relationship between a company and Indigenous communities on one hand and governments and Indigenous communities on the other.

An integrated and balanced trilateral process may be beneficial in some cases to consider in tandem community development and planning, mining development and infrastructure and community investments.[26]

Key lessons

- **Governments set the rules—it is important that they address Indigenous autonomy and control, the principles of free, prior and informed consent (FPIC) and set fair and transparent processes**. National governments have direct relations and obligations to Indigenous peoples and they set the rules and regulations by which industries operate, including benefit sharing with Indigenous peoples. It is important that the principles of FPIC are thereby enshrined in industry-related legislation and clearly defined. In Canada legislation has been adopted in British Columbia to ensure legislative conformity and adherence to the principles of FPIC. Governments can also establish regulations for community investments. Among OECD countries, only Canada has requirements for community development in mining laws (select provinces/territories) (Columbia Centre on Sustainable Investment, 2020). There should also be a criterion in guidelines requesting evidence of early engagement with Indigenous communities that covers the key policy areas outlined in the paper from the outset.

- **Benefits sharing agreements or funds single out beneficiaries and can cause community conflict; these relations need to be navigated with attention to Indigenous group dynamics and rights**. Fund and/or agreement beneficiaries need to carefully balance both local and regional interests including the role of intermediate or regional Indigenous organisations and work to ensure that they do not undermine or disrupt Indigenous governance and group relations in the process. A key consideration is how to manage tensions between "the narrower interests of the Indigenous 'owners' of land on which a mining project is located and the wider interests of Indigenous people affected by the project" (O'Faircheallaigh, 2018[36]). Systematic and consistent criteria should be used to identify areas affected by resource developments with the contribution of the Indigenous peoples.

- **Indigenous benefit funds should be guided by a coherent policy framework**. Funds should be distributed to meet specific objective's (e.g., compensatory or rent-based) and funding amounts should be related to these policy aims. In Australia, such an approach has been lacking, specifically with regard to policies seeking development of the north (Northern Land Council, 2017[6]).

- **The adoption of benefit sharing agreements should not negate the adoption of government-Indigenous benefit funds or investments in Indigenous social and economic development more generally**. Benefit funds and benefits agreements differ in scope and function. Private sector-Indigenous benefit funds and agreements should not supplant government investment in Indigenous communities. Both are necessary and important to support social, economic and cultural development and community resilience.

Table 1.3. Summary Benefit sharing agreements and funds

Key Challenges	Solutions	General Lessons	Considerations specific to Australian context
Power asymmetries in negotiation and implementation of benefit sharing agreements	Provision of funding, best practice tool-kits and other guidance, including hubs for data sharing, regulatory guidance and best practices exchange	Governments set fair and transparent processes. Honouring and defining the principles of free, prior and informed consent (FPIC)	Legislation could be adopted to ensure conformity and adherence to principles of FPIC. Community development requirements could also be added to mining laws
Confidentiality clauses in benefit	Accessible databases that record and		Development of centres of

sharing agreements reduce the bargaining power of Indigenous groups, create divisions amongst Indigenous groups	publish benefit sharing agreements (excluding commercial confidential information), to ensure more transparency and accountability		expertise for data sharing, regulatory guidance and best practices at regional level to structure information sharing.
Barriers to implementation of negotiated agreements i.e. employment and procurement	Initiatives to support community readiness may involve industry, government or third sector interventions		
Benefit sharing agreements or funds single out beneficiaries and can cause community conflict	Aboriginal Resource Tax	Funds and agreements need to ensure that they do not undermine or disrupt relations among Indigenous groups. The adoption of benefit sharing agreements should not negate government-investments in Indigenous development.	Get an in-depth understanding of Indigenous groups and their relationships prior to any development. Consider groups that might be living in a territory but not hold land rights or are not represented through corresponding organisations.
Concerns about misappropriation of funds have led to growing mechanisms of oversight combined with fund governance removed from the community itself	Indigenous fund governance can be supported by training and mentorship programmes.	Indigenous autonomy and agency over allocations are critical. Fund use is more robust and effective where there is Indigenous agency and autonomy and increases accountability to the community itself.	Integrated and balanced trilateral process may be beneficial to consider in tandem community development and planning, mining development and infrastructure and community investments.

Source: own elaboration

2 Strengthening Indigenous governance and capacity

Energy and resource developments may bring opportunities and threats. It is important that Indigenous communities entering into discussions with industry proponents and governments do so from a place of strength wherein they understand the risks and are well-placed to meet the goals and development aspirations of their community members. Indigenous communities should have *self-determination* in this process. This section explores how Indigenous governance and capacity strengthening can be supported, and by whom.

Indigenous autonomy and self-determination in an energy and resource development context

Across diverse country contexts, historic injustices have dismantled Indigenous governance structures and replaced them with institutions dependent upon the state and/or religious organisations. As such, contemporary Indigenous self-governance models often reflect the process of settler societies and their legal frameworks. Indigenous communities are working to overcome this legacy by developing quality leadership, strong corporate governance, sound financial management and sustainable practices to preserve cultural distinctiveness and meet social, economic, environmental and cultural goals.

The path to self-government and self-determination is shaped by matters of jurisdiction, government form and function, revenue generating abilities (and related to this, the security of land and water rights), accountability regimes and intergovernmental relations. There are a diversity of Indigenous governance actors in Australia including Indigenous land councils, Indigenous corporations and co-operatives and Prescribed Bodies Corporate (PBCs), or Registered Native Title Bodies Corporate (RNTBCs) linked to native title claims.[27] Regardless of governance type, it is important that policies and practices support and strengthen their capacity and agency and that they do not disrupt or undermine them no matter where they stand in the path to self-determination.

Beyond *internal* matters of Indigenous governance, in a resource development context, there are multiple *external* relationships to consider. These include: bilateral relationships between an Indigenous government and industry proponents; between national and regional governments and industry; between national and regional governments and Indigenous governments; among Indigenous governments and organisations within a region; and between Indigenous organisations that either provide services and/or act as political bodies across multiple Indigenous communities.

Community empowerment in resource decision making

These are major power asymmetries amongst public, private and Indigenous actors when it comes to resources development. Indigenous governments and communities are generally smaller, more poorly resourced, have limited access to specialized legal and regulatory expertise than their public and private sector counterparts.

Hill et al.'s (2012[38]) typology of Indigenous engagement in Australian environmental management usefully outlines power, sharing, participation and intercultural purpose across a range of governance types—from Indigenous-governed collaborations and Indigenous-driven co-governance to agency-driven co-governance and agency governance. Control over decision making may rest with a high degree of Indigenous control on the one hand, or relegate it to a form of consultation (input) where power rests with a government agency. While this typology is derived from a particular analysis of Australia's environmental management system, it bears relevance to many other elements of public policy, such as social care or education. A key point is that community empowerment over decision-making is shaped by these institutional contexts. In recent years, benefit sharing agreements have increasingly embraced community decision-making by, for example, establishing an environmental committee constituted by local community members whose function is to assess the environmental impact of a development and recommend action (Loutit, Mandelbaum and Szoke-Burke, 2016[39]).

Table 2.1. Typology of Indigenous Engagement over environmental management

	Indigenous-governed collaborations (IG)	Indigenous-driven co-governance (ICoG)	Agency-driven co-governance (ACoG)	Agency governance (AG)
Power sharing				
Decision making level and control	Decision making between Indigenous agencies; high Indigenous control	Decision making defined by Indigenous law and culture and partner requirements; substantial Indigenous control	Decision making by agency and Indigenous people according to agreed structures, typically committees; substantial agency control	Depends on specific project, usually agency controlled but local scale provides Indigenous input
Rules-definition	Rules defined by Indigenous organizations working together to shape contemporary Indigenous governance	Rules defined by Indigenous peoples as constrained by partner requirements	Rules defined by agency as constrained by legislative and policy recognition of Indigenous rights	Rules defined by agency constrained only by legally enforced Indigenous rights
Resource cultural values and property rights	Resources highly valued by Indigenous societies; rights may be defined/constrained but viewed as open to transformation	Resources of lesser value in industrial economy (hinterlands of first world economies); Indigenous property rights strong	Resources of contested value between industrial and Indigenous economies; Indigenous property rights defined and contained	Resources highly valued by industrial economy, e.g., water in heavily used systems; few Indigenous property rights
Participation				
Participatory processes and functions	Inclusivity that engages Indigenous people in new Indigenous institution building	Inclusivity that engages Indigenous people in new environmental institution building	Indigenous rights-based negotiation, e.g., for Native Title Acts, cultural heritage clearances	Participation through stakeholder mechanisms, e.g., committees, projects
Organizations engaged	Diverse Indigenous organizations at multiple scales	Diverse Indigenous and nonindigenous organizations at multiple scales	Government agencies and NGOs, with defined Indigenous roles, e.g., Land Councils	Government agencies and NGOs with defined environment management roles
Coordination	Cross-regional and cross-jurisdictional empowerment of Indigenous groups	Indigenous holistic place-based community empowerment	Whole-of-government coordination	"Silo", agency accountability for specific mandate
Intercultural purpose				
Environmental management project purposes	Overall purpose of strengthening Indigenous society through environmental management	Multiple purposes, reflecting Indigenous-centred holistic community planning	Multiple purposes, reflecting outcomes of negotiated agreements	Usually single or dual purpose, managing specific threats, species or areas
Purpose of Indigenous roles	Expression of inherent rights and responsibilities	Reconciliation, long-term, lasting resolution of issues	Equity plus recognition of specifically defined rights	Equity with other stakeholders in environmental management

Purpose of Indigenous development	Indigenous modernity, people resist, accommodate, and reshape interventions	Indigenous empowerment and community development	Human capability development, sustainable livelihoods through deployment of assets	Development as modernization and technology transfer
Capacity-building	Focus on building trust and relationships between diverse Indigenous groups	Focus on Indigenous and nonindigenous functionality in both Indigenous and settler society	Focus on Indigenous functionality in settler society and cross-cultural training for nonindigenous people	Focus on training Indigenous peoples to ensure functionality in settler-society

Source: Hill, R., Grant, C., George, M., Robinson, C. J., Jackson, S., & Abel, N. (2012). A typology of indigenous engagement in Australian environmental management: Implications for knowledge integration and social-ecological system sustainability. *Ecology and Society*, *17*(1). https://doi.org/10.5751/ES-04587-170123

Across OECD countries with Indigenous populations there are a wide range of resources dedicated to governance capacity strengthening and there has been a growth in Indigenous organisations to lead these initiatives. Upfront engagement in strategic community planning can help Indigenous communities ensure that they are entering dialogue from a place of strength. Beyond this, a range of capacity strengthening initiatives from training and mentorship to regionally-scaled Indigenous institutions can support Indigenous decision-making and governance. Table 2.2 provides an overview of different mechanisms to strengthen governance capacities for Indigenous peoples, which are elaborated in the following section.

Table 2.2. Mechanisms to strengthen governance capacities

Institutions and networks	Strategies for Indigenous communities
Centres of expertise and mentorship for strategic planning, toolkits, guidelines, and funding programmes	Elaboration of strategic planning goals to manage community development ambitions in the medium and longer terms. May include: an articulation of community values and vision of the future and a series of short, medium and long-term development goals that have been elaborated on the basis of community engagement.
Indigenous organisations, Professional associations, consultants	Capacity strengthening training including audits and self-assessments for both individuals and organisations. Focus on hard (technical, financial, infrastructure management skills) alongside soft skills such as management and leadership.
Regional alliances	Build alliances with other communities in order to scale activities and gain greater access to diversified expertise, opportunities for joint procurement advocacy and services delivery.
"Co-development" institutions and networks	Outreach to organisations that offer research and development, financial support, and advocacy to Indigenous governance institutions (e.g., specialist centres in universities, not profit organisations). This may include legal advocacy and advice.

Source: Own elaboration.

Strengthening governance capacities

Strategic community planning is essential to manage community development ambitions, especially in the field of energy and resource development

'*Where are we, where do we want to be, how do we get there and how well are we doing*?' These are the central questions for a community's social, cultural and economic development. In the event of new energy and resource development activities in Indigenous territories, these questions become all the more important because such developments can impact the environment and way of life for generations now and in the future. The opportunities and challenges arising from this potential change need to be carefully evaluated and balanced from the onset to the closure of projects. Strategic planning can start these conversations and manage community development ambitions on an ongoing basis. This type of planning can take several forms. It may, for example, entail a vision of the future and a series of short, medium and

long-term development goals that have been elaborated on the basis of community engagement. Typical components include:

i) An overview of a community's mission, vision and values;

ii) An analysis of the current state of affairs (e.g., community challenge, assets and opportunities),

iii) Strategic priorities, and

iv) Prioritisation for actions in the short, medium and longer terms.

Strategic planning is used by municipalities and rural communities across the OECD but it is of particular importance for Indigenous communities given the role of community economic development corporations and the importance of community consent for business development on Indigenous lands.

Strategic plans (or community plans) signal to potential investors and business partners the community's development interests and terms of engagement. In negotiations with development proponents (i.e., benefit sharing agreement), they can help strengthen the bargaining position of Indigenous communities. Strategic plans can be elaborated by a single community or a connected set of communities. They tackle a community's development in comprehensive terms and are linked to sectoral strategies/goals, as depicted in Figure 2.1.

Figure 2.1. Comprehensive Community Planning

Source: Adapted from AANDC. (2020). Comprehensive Community Planning. Retrieved June 19, 2020, from https://www.aadnc-aandc.gc.ca/eng/1100100021901/1100100021902.

Developing a strategic plan can be time consuming and often requires specialised skills such as community asset mapping, knowledge and use of environmental indicators, land use planning and knowledge of government regulations across different sectors (e.g., natural resources management, health). There are a number of ways in which governments and Indigenous organisations can support community planning. In Canada, the two lead departments for Indigenous Affairs offer the Comprehensive Community Planning Program (CCP) (see Table 2.3 for overview of project planning components).[28] This community-led process builds a roadmap for sustainability, self-sufficiency and improved governance capacity. These plans can also help to translate ancestral understandings of the management of an area into a shape and

form that is legible to outsiders—facilitating communication between the Indigenous inhabitants of a territory and the outsiders that in one way or another act upon the territory. Community comprehensive plans are used to inform national and sub-national plans and engagement with development proponents. It is important that communities have the right funding in place to meet their longer term development goals. Recognising this, the Canadian government has shifted from project-based (and year-to-year) funding towards block or longer term funding linked to strategic planning objectives.

Table 2.3. Canada: Project phases for Comprehensive Community Planning

Planning stage	Planning actions
Pre-planning	- Assessment of community readiness - Leadership, administration and community informed of intent to engage in CCP process - Planning coordinator identified
Planning	- Background Information gathered on: geography, language and culture, infrastructure development (existing assets, including housing), social, education and health programmes and services demographic land base natural resources governance, economic, existing plans and reports - Information gathered from community (surveys, open houses, forums, focus groups, meetings, lunches, etc.)
Community analysis	- Assessment of strengths, weaknesses, opportunities and threats with regards to lands and resources, culture, society, economy, governance, infrastructure development, health - Community and leadership endorsement and support
Vision and values	- Vision statement and values developed by community - Community and leadership endorsement and support
Comprehensive Strategic Framework	- Community development of strategic framework for CCP, around key planning areas relevant for the community - Community and leadership endorsement and support
Goals and objectives	Identification of community goals and objectives
Projects and activities	Identification of projects and activities for: lands and resources, social and economic development, governance, culture, infrastructure health, housing.
Implementation strategy	- Projects rated and prioritized over 5-10 year period - Funding secured; community endorsement of plan; projects implemented.
Community engagement	- Community endorsement of comprehensive community plan (e.g., vote, community meeting, focus groups, traditional process) - Chief and Council acknowledgement and endorsement and support of Plan
Implementation and monitoring	- Budget prepared and resourced; projects/activities initiated - Work plan reports prepared, progress reports communicated regularly - Annual evaluation with new implementation strategies created in five-year periods - Community Plan updated every 20 years or as required

Source: Adapted from: AANDC. (2020)CCP Handbook - Comprehensive Community Planning for First Nations in British Columbia Third Edition - Tools. Retrieved June 20, 2020, from https://www.aadnc-aandc.gc.ca/eng/1378746040717/1378752573855#tool4.

In a similar vein, the Regional Comprehensive Economic Development Strategies of the Economic Development Administration (EDA) in the United States works with Native American Tribes to improve their planning frameworks (EDA, 2020[40]). The EDA provides funding and technical support to tribal organisations to develop a regional economic development strategy that assesses local economic strengths and challenges, identifies priorities and develops a framework to evaluate success. These strategies can then be used to unlock funding from the EDA for local infrastructure, small business and technical support. There is also government support for sectoral planning –e.g., climate change mitigation, adaptation and environmental planning (Data.gov, 2020[41]).

In Australia, Indigenous communities have embraced different approaches to priority-setting through local Indigenous corporations, PBCs, and Land Councils. The OECD has found the quality of these planning frameworks to be variable, with a lack of consistent mechanisms for support from different levels of government (OECD, 2019[4]). Support for local area planning is provided on an exceptional basis; for

example, the eight Empowered Community sites where financial and technical support is provided for each region to establish a local development agenda (Empowered Communities, 2020[42]). In the OECD's assessment, this situation makes it difficult for local Indigenous communities to proactively plan, and re-orientate community development to an asset-based approach (OECD, 2019[4]). In contrast, U.S. and Canadian community planning approaches are more-community led and part of established programmes. In Canada, the Indigenous community planning mentorship programme pioneered in the province of British Columbia is a notable practice.[29]

Capacity strengthening

"*Nothing about us without us*". Indigenous communities have responded with spirited and continuous action to regain control of their resources and systems of governance. Governance capacity is fundamental to Indigenous self-determination and nation building.

Capacity strengthening involves "accessing opportunities and processes to enhance an organisation's abilities to perform specific functions, solve problems, and set and achieve goals; that is, *to get things done"* (Hunt and Smith, 2006[43]). These capacities include people, structures, processes, and ongoing investments in systems, tools and peoples in such areas as:

- Leadership
- Control and management over group membership
- Law-making abilities
- Community involvement in decision making
- External relations
- Planning and risk management
- Financial management
- Human resource management
- Information management/information technology
- Administration (CIRNAC, 2017[44])

Capacity strengthening activities increasingly focus on organisational (and not just individual) contexts and multi stakeholder processes since people are embedded in broader organisational and institutional contexts that guide their actions (scope for action, resources etc.).

Internal governance capacity can be built by understanding the skills, financing, technical acumen and relationships of the decision-making group and/or organization, and offering education, training, mentoring or organizational restructuring to fill gaps. Across a range of OECD countries, programmes and institutions offer leadership training, certification, mentorship and capacity strengthening designed specifically for Indigenous contexts. For example, the Aboriginal Financial Officers Association (AFOA)—an Indigenous-led not for profit that focuses on capacity building for Indigenous professionals working in finance, management, band administration and program management—offers a Certified Aboriginal Financial Manager designation (AFOA, 2020[45]). This is a preferred credential for Indigenous financial managers. A growing number of Universities and community colleges offer programmes focussed on Indigenous governance[30]. In Australia, the Indigenous Governance Toolkit developed by the Indigenous Community Governance Project delivers customisable solutions that are informed by community practices and success stories (AIGI, 2020[46]). The tool facilitates peer learning.

Organisations may also benefit from targeted training and research partnerships. For example, the Apunipima Cape York Health Council—a membership-based, community controlled Aboriginal Health Organisation located in Cairns, Australia—invited university researchers to work with them to improve employee capacity within their organisation. Training focused both on building hard capacity, such as in

the technical aspects of planning, and soft capacity, including empowerment. Participants identified planning priorities, developing their skills, and then refined the strategies. The project was able to demonstrate changes in organisational capacity and confidence over time (Tsey et al., 2012[47]). These types of skills assessments are particularly important in a resources development context where new needs might quickly arise.

Beyond skills training, capacity strengthening requires a framework for understanding the community development processes that builds local leadership and the institutional processes through which communities can take charge of, and responsibility for, improving their circumstances. This includes ways to empower governance institutions to create legitimacy, seek community input, reconcile different opinions, make decisions, build the right relationships with those that can help achieve goals, create profitable models for action, and ensure leadership that can bring a community along on the journey. Mentorship and training between 'like' Indigenous communities on how to hone these skills can be particularly useful. British Columbia's CPP programme includes this type of community peer mentorship.

Scaling-up governance

Scaling-up governance can increase governing capacities and build political voice. In Canada, a growing number of First Nations are building scale for leadership and decision making through regional governance structures. For example, the St'at'imc Governance Services of the St'át'imc Nation—comprised of 10 First Nation Bands—formed a unified governance structure to deliver programmes for fisheries, stewardship advocacy, heritage and culture, and education and training; the economic development strategy of the Mi'kmaq Nation which spans three provinces and multiple First Nations; and the Matawa First Nations Management tribal council which unites 9 First Nations to pursue common social and economic opportunities by focussing collective efforts and setting strategic priorities.[31,32,33] These organisations are all unique to their historical group contexts but their aims are similar – to provide a space to reach common goals, to deliver services and to strengthen political voice while maintaining self-determination.

'Scaling up' can also take the form of access to "co-development" institutions and networks, particularly those that offer research and development, financial support, and advocacy to Indigenous governance institutions. There are a number of specialist centres in universities that provide research and development to Indigenous governance. For example: Te Mata Hautū Taketake (Māori and Indigenous Governance Centre, New Zealand), the Centre for Aboriginal Economic Policy Research (Australia), the Australia Indigenous Governance Institute and the Harvard Project of the John F. Kennedy School of Government (Harvard University, USA). They examine best practices in governance, community development processes and tools, and models for economic development and review and collate learning from global experiences, giving communities access to the combined body of knowledge on governance from Indigenous groups globally. These institutions are reliant on government funding. The scope of their work could be expanded to include support for capacity strengthening, such as is commonly requested by regional Indigenous organisations.

While a wide range of training and support services may be available, they may be much harder to access for rural Indigenous populations. Care should be taken in programme design and funding support to ensure that rural dwellers have equal opportunities to participate.

Key lessons

- **Private and public sector policies and practices should empower Indigenous communities and support their paths to self-determination**. Indigenous nations, communities and governments are engaged in a continual process of reasserting their sovereignty and are working to disentangle themselves from dependency relationships and administrative systems imposed on them by the dominant regulatory systems such as the Indian Act (1876) in Canada and

"trusteeship" over Indian Tribes in the United States. Government policies and programmes should support and strengthen the capacity and agency of Indigenous communities and take care not to disrupt or undermine them. Government and industry proponents need to be highly aware of group dynamics and navigate them with sensitivity so as to not disrupt relations within and among Indigenous communities and peoples (e.g., by conducting ethnography prior to community engagement). Indigenous communities should be involved in decisions that impact their territories and should be resourced to have the right expertise to make informed decisions.

- **Strategic (or comprehensive) community planning can facilitate Indigenous communities identify their assets and opportunities and determine their development priorities through culturally-embedded practices and community-led governance**. Such planning practices increase the likelihood that initiatives reflect community priorities and they communicate these priorities to outside actors such as governments and industry. Strategic community plans often require specialised expertise and background information. Governments can support this process by resourcing communities to undertake these functions and by supporting mentorship networks for plan development and implementation. Beyond this, community and social development can be supported by shifts from project-based or year-to-year funding to longer term block funding so that communities can more effectively plan in the medium to longer term and support their human resources development. Fluctuating financing through different programmes and projects hinders community planning and economic development. Reliance on a multiplicity of funding arrangements means that contract management and reporting obligations are onerous for small administrations—taking up a great of their time and focus. In Canada, the Federal Government and Assembly of First Nations have worked toward a new fiscal relationship to address this issue by creating a 10-year grant funding mechanism (Indigenous Services Canada, 2020[48]).

- **Indigenous communities require access to professional/ technical skills and capabilities in order to effectively engage with development proponents**. Indigenous communities face inherent power and information asymmetries when negotiating with development proponents. In order for them to make informed decisions regarding resources development agreements and negotiations on their territories, they require access to various expertise including commercial, legal, financial, anthropological, land use, geological expertise and data. The Alberta Indigenous Opportunities Corporation "Capacity Grants" work to enhance Indigenous access to relevant expertise (and does not dictate which expert can be retained – or impose a list of approved professionals) so to support independent and informed decision making. Also the grants are not to be paid back – even when expertise does not support engagement/investment in a project. In some cases these skills can be developed within communities; in others, communities need to rely on external experts. This advice is expensive and the costs should not entirely be borne by community members. In Australia, some government-funded bodies fulfil these functions e.g. Native Title Service Providers and Land Councils.

- **Capacity strengthening programmes do not work unless they reflect community development priorities**. Capacity strengthening is context dependant and should include both hard (technical skills training) and soft capacities (values, motivations). Capacity strengthening initiatives are most effective when they are part of a long-term development processes that build trust and relationships over time and where they reflect Indigenous cultural values and norms.

- **Regional Indigenous organisations are a key vehicle for community capacity building.** There are a growing number of regionally-scaled Indigenous organisations that support community capacity strengthening and governance. In some cases these are political bodies while in others they act more as service delivery agents. By building economies of scale they can amplify Indigenous voices, coordinate initiatives across territories and represent a collective voice in relations with development proponents.

- **Initiatives that shift the narrative from dependency to empowerment matter**. In many countries there is a dominant narrative of Indigenous dependency—dependency that has been reinforced by decades of paternalistic state policies. Such narratives undermine Indigenous governance. Indigenous peoples and organisations are working to shift this narrative and they should be supported in this work. These initiatives take a variety of forms—from Australia's Empowered Communities initiative to the National Aboriginal Capital Corporations Association's Indigenous Business Awards of Excellence (Canada). The many successes and strengths of Indigenous businesses and communities should be celebrated.

Table 2.4. Summary Governance

Key Challenges	Solutions	General Lessons	Considerations specific to Australian context
Power asymmetries: Indigenous governments and communities are smaller, more poorly resourced, have limited access to specialized legal and regulatory expertise than national/regional governments and large corporate firms.	Develop Strategic community planning to manage community development ambitions. Governments can support this process by resourcing communities to undertake these functions and by supporting mentorship networks for plan development and implementation. Shifts to longer term funding helps communities to plan more effectively.	Private and public sector policies and practices should empower Indigenous communities and support their paths to self-determination. Policies and programmes should support and strengthen the capacity and agency of Indigenous communities.	Planning frameworks in Australia vary and lack consistent mechanisms for support. This makes it difficult for local Indigenous communities to proactively plan, and re-orientate community development to an asset-based approach. Strategic Community Planning could follow a more structured approach.
	Capacity strengthening training. Focus on hard and soft skills	Capacity strengthening need to reflect community development priorities.	Increase overall funding to better address capability gaps and re-focus support on strengthening institutional capacities that address these gaps at critical points in the lifecycle.
	Build alliances with other communities in order to scale activities and gain greater access to expertise, opportunities for joint procurement advocacy and services delivery. Out-reach to organisations that offer research and development, financial support, and advocacy to Indigenous governance institutions.	Regional Indigenous organisations are a key vehicle for community capacity building. They can amplify Indigenous voices, coordinate initiatives across territories and represent a collective voice.	Organisations forms differ in Australia. Regardless of governance type, it is important that policies and practices support and strengthen their capacity and agency. Strengthen the role of Indigenous-led third party organisations in delivering these programs including support to develop guidance, the sharing good practices and lessons, and coordinating local effort.
	Celebrate the many successes and strengths of Indigenous businesses and communities instead of pointing only to challenges.	Initiatives that shift the narrative from dependency to empowerment matter.	The Australian narrative of 'Closing the Gap' highlights the challenges Indigenous communities face. It is important to shift the narrative to celebrate Indigenous successes and champion Indigenous economies.

Source: own elaboration

3 Supporting Indigenous entrepreneurship

Large-scale mining and extractive and energy projects generate economic impacts for local economies in terms of backward linkages (use of machinery and logistics to extract resources), forward linkages (processing and services), and final demand (expenditure of income from resource extraction). Depending on the phase of the mining life cycle different business opportunities might arise. In the exploration phase they might be linked to sampling and geological guidance while development and operations provide business opportunities in building and logistics and closure and reclamation, including re-revegetation/remediation activities. Overall, research shows that services are the main input sector into mining activities, outside of the mining sector itself, representing 23% of the value added of mining exports. Moreover, services are less traded than goods, and 18% of the value added of exports from mining are domestically produced services (Korinek, 2020[49]).

In rural and remote regions with less economically diversified economies, energy and resource developments are especially important. And yet, the degree by which local entrepreneurs benefit from such economic activities differs considerably. Much depends on framework conditions (infrastructure, skills training, access to finance) and the nature of the established business ecosystem alongside the extent to which resource developments are integrated within the local and regional economy. This section examines how Indigenous entrepreneurship can best be supported in a resource development context. It will focus primarily on the business development opportunities directly related to energy and resource developments, as opposed to business development more generally.

A culture and place-based lens on business development

Research suggests that economic impacts of mining and extractive and energy projects for Indigenous businesses has been limited—most benefits have been realised by direct employment (Horowitz et al., 2018[50]). Common barriers include that:

- Communities may not have the right infrastructure in place to support business development—from high quality broadband to clean drinking water;
- Existing enterprises may be too small to meet the scale of new demand (a common challenge with procurement opportunities) and not have the right skills to meet new business needs; and
- Indigenous business may face a lack of access to finance to support new ventures or expand existing ones.

As a starting point, it is important to consider the unique features of Indigenous entrepreneurship. Across OECD countries with Indigenous populations, Indigenous entrepreneurs are represented in all sectors of the economy and reflect every business type – from small businesses based on sole proprietorship to large corporate enterprises. While Indigenous businesses may operate like any other, they can also have unique features such as an emphasis on community goals, strong links to land, and alignment with Indigenous culture, values and worldviews. Indigenous economies may have hybrid characteristics combining for-profit activities with a substance and sharing economy—values which are related to the importance and

culture, land and environmental stewardship. Recognition of these oft-present characteristics is important in order to design relevant and culturally acceptable policies and partnerships. Indigenous peoples' rights to lands, resources and self-determination impacts individual and community led business activities and recognition of these rights shapes economic opportunities.

Collective-ownership can take the form of community-owned enterprises that operate as a subsidiary of a trust, or as a separate legal entity of an Indigenous governance body. They can also help manage risk as the group can collectively absorb early losses, separate the assets and liabilities of the groups' commercial enterprise from those of the group's government and develop a portfolio of businesses to diversify the local economy and encourage experimentation. [34] This is of particular importance when the resource the enterprise was built for is depleted or becomes economically unviable. These forms of collective ownership enable Indigenous communities to build scale and to compete effectively in the primary sector (agriculture, mining, or fisheries and aquaculture), gaming, and for public service delivery contracts.

The OECD's programme of work on Indigenous entrepreneurship has emphasised the importance of geography and local endowments (OECD, 2019[4]) (OECD, 2019[18]), (OECD, 2020[5]) , (OECD, 2020[26]). Firms operating in rural and remote locations face many additional costs that lower their competitiveness such as higher transportation, telecommunications and capital infrastructure costs. Remote Indigenous communities with abundant natural resources and amenities may have opportunities to participate in commercial development related to minerals, hydrocarbons, renewable energy, fishing and aquaculture, food production, and nature based tourism. In some cases, Indigenous communities also take on an equity stake in mining and resources businesses by investing own-source revenues. This gives Indigenous communities decision-making power in the conduct of these operations, provides opportunities to them to take responsibility and make use of opportunities to grow their business if they like, and provides a sustainable income stream. Some communities have opted to set up their own mining and resource companies, generating local jobs and new incomes streams that are reinvested back into the community. Successful examples include:

- Frog Lake Energy Resources Corp. (Alberta, Canada) which owns an interest in oil and gas exploration, development and production assets and is wholly owned by the people of Frog Lake First Nation (FLER, 2020[51]);

- The bauxite mine operation of Gumatj Corporation Ltd (Arnhem Land in the Northern Territory, Australia)—a local Aboriginal Corporation that manages Aboriginal freehold land on behalf of the Gumatj peoples who are one of 13 Yolngu clans of northeast Arnhem Land—which has also developed a portfolio of businesses to diversify income streams (food production, timber harvesting, retail, construction and waste management) (Gumatj Corporation Ltd., 2020[52]);

- The Campo Band of the Kumeyaay Indians in San Diego County (California, USA) who have reinvested the income from their 50 MW wind farm (completed in 2005) into projects, such as an overnight rest stop in order to stimulate the Tribe's economy (Meisen, n.d.[53]).

There are also successful examples of firms that provide key services for energy developments. For example, the Aboriginal-owned and operated business Triple P based in Elliott, Australia holds a contract with a resource firm to monitor and maintain well sites (Origin Beetaloo, 2019[54]).

The public and private sectors can support Indigenous entrepreneurship by working with communities to help them set objectives and invest in enabling factors (e.g. skills and infrastructure). Capacity is needed within the private and public sector to deal with Indigenous businesses. For the Australian context these the Aboriginal Enterprises in Mining, Energy and Exploration Association's benchmarking of leading practice offers valuable resources (AEMEE, n.d.[55]). Alongside these basic framework conditions, policies specifically targeted to entrepreneurship and small business development play an important role. There are three key actions in this respect: (i) increasing access to finance (debt and equity); (ii) building business capabilities; and, (iii) addressing barriers to accessing markets through preferential procurement policies and making use of local knowledge.

Access to finance, building business capabilities and ensuring access to markets and using local knowledge

Increasing access to finance

Indigenous entrepreneurs commonly report a lack of access to finance. The reasons for this may differ. In some cases, businesses may face barriers due to a lack of knowledge/understanding of their businesses and the markets they serve, limited collateral and credit history, and lack of expertise with regards to business planning and producing financial statements; in others cases lenders may view the inclusion of broader social and economic development goals as overly complex.

Collateral for business loans can be more challenging to access because in some jurisdictions Indigenous peoples living in traditional settlement areas do not individually own their land or home.[35] Historical dependency on government transfers for housing and income has also resulted in a weak credit history, which makes it difficult for institutions to make an assessment of risks related to investment or finance. This makes it harder to secure funding but can also lead to a higher rate of interest on loans to offset the perceived higher risk. Discrimination and cultural bias can result in lenders or investors being unwilling to even consider funding Indigenous communities or individuals.

Businesses in remote areas can face additional challenges because there may be a lack of similar proposals or investments for institutions to benchmark against, returns tend to be smaller than in urban places, and there may be a lack of local financial institutions that have the local knowledge to effectively assess a proposal. With the exception of tourism (where a market is brought to a place), remote rural entrepreneurship tends to focus on natural resources including forestry, minerals, hydrocarbons, renewable energy, fishing and aquaculture. Many of these industries are capital intensive and require large long-term investments before gains are realised.

While the private sector banking is showing growing interest in serving Indigenous banking needs, lending gaps remain, particularly for small rural Indigenous businesses.[36] Ongoing efforts are needed to strengthen access to finance. Governments can address these market imperfections by providing targeted financial instruments for Indigenous businesses at different sizes and at different points in the business growth lifecycle (start-up phase, a period of growth and financing, succession, and disposal). Governments in Australia, Canada and the United States all provide different financial instruments, mainly loan facilities, to address needs at different points of this cycle (OECD, 2019[4]). This support may entail a mix of grants and loans, and loan guarantees where the loans are provided by mainstream banks and backed by government guarantees. These facilitate more affordable borrowing rates and enable entrepreneurs to build their equity share, and if the business is successful, enables them to access further finance. Loan provision may further include flexible repayment schedules (e.g. accounting for seasonal conditions), no interest loan periods, lower requirements for capital contributions, and the direct provision of public capital.

There is also the issue of scale. In regional and remote Australia, small and micro businesses are common and these may not be large enough or have the capacity to take up some of the opportunities from the energy and resource developments. While they may be small, they are still important. They support jobs and wealth creation at a local level and tend to not just be focused on the resource sector but at servicing broader community needs. Micro-finance addresses a financing and business support gap for very small enterprises, and encompasses different tools (savings, insurance and loans). Such loans may address a gap in the provision of credit for groups that lack personal savings, a credit history, and different forms of discrimination. Moreover, smaller tender for more specific, locally sourced goods and services will promote inclusion of smaller firms in the supply chain and opening the potential for smaller firms to bid for contracts in a more competitive fashion.

There are many examples of successful micro-lending serving Indigenous communities. For example, the Whānau Ora is a collective impact model that was established in 2011 in New Zealand to improve the

delivery of social services at a local level (Te Puni Kōkiri, 2020[56]). Different commissioning agencies coordinate service delivery and engage Māori in decision-making.[37] In Australia, "Many Rivers" provides loans, financial advice and support to Indigenous entrepreneurs through a network of locations across Australia (Many Rivers, 2020[57]). They have formed a strategic relationship with Westpac Banking Group to provide a pathway toward access to mainstream banking; the majority of the organisation's funding comes from government (around 61 percent), with a focus on microbusiness support and microfinance services in regional and remote communities.

Once Indigenous–owned businesses are established and growing, governments may offer loan facilities. Examples include: the United States Indian Financing Act (1974) which offers eligible borrowers (tribal organisations, tribal members, and businesses with at least 51% Indigenous ownership) loan guarantees through lending institutions; [38] Business Development Canada which offers an Indigenous Entrepreneur Loan with access to funding of up to C\$ 250,000 for existing businesses and up to C\$ 150,000 for start-ups;[39] Indigenous Business Australia (IBA) which provides business development and loan programmes on behalf of the Australian Government; and also the Australian government's Indigenous Entrepreneurs Fund that provides business support and capital for plant and equipment (BDC, 2020[58]) (IBA, 2020[59]).[40]

Flexible provisions are an important component of these loan facilities. For example, IBA offers flexible provisions to cover contract costs, extended interest only repayments, and seasonal fluctuations.[41] Regional governments in Australia have also adopted regionally-tailored loan facilities and grants. In 2018, the Northern Territory (NT) Start-up Package provided \$3.1 million over 18 months to deliver business support and financial products up to a value of \$100,000 (in the form of loans, leases and/or grants or a mix of these) for the purchase of business related assets. This package was aimed at Indigenous start-up businesses specifically in remote native title areas, Aboriginal Land Rights Act areas and Community Living Areas in the Northern Territory. This is a good example a targeted and timely initiative.

Finally, local Indigenous Financial Institutions have been established in a number of countries to support Indigenous economic development. These developmental lenders can play a unique role in the Indigenous business ecosystem. They may offer a range of supports to businesses beyond lending such as mentoring support and businesses plan development. Many of them are located in the communities they serve, including rural and remote ones. As such, they have strong connections to and understanding of local and regional dynamics and can work one on-one-with their clients in a way that larger lenders cannot. Examples include:

- Indigenous Community Development Finance Institutions (CDFI) in the United States. CDFIs include banks, credit unions, loan funds, microloan funds, or venture capital providers. The initial capital for the institution can be raised from the local community, other financial institutions, and/or government. CDFIs are normally accountable to their local community and operate on a not-for-profit basis with legislative and funding support from governments. CDFIs were created by the Community Reinvestment Act (1977) that provides encouragement for financial institutions to address the needs of minority and economically disadvantaged communities.

- Aboriginal Financial Institutions (AFIs) in Canada. There are three types AFIs operating in Canada: i) Aboriginal Capital Corporations that are capitalized by the Federal Government, ii) Aboriginal Community Futures Institutions that are capitalized through Federal Regional Development Agencies (RDAs); iii) Aboriginal Developmental Lenders that are capitalized by provincial governments and/or the private sector and provide debt and equity capital, and business support services (NACCA, 2020[60]) .[42] Since their creation in the 1980s, AFIs have provided over 42,000 loans to Indigenous business owners with a total loan value of over \$2.3 billion.

Taken together, targeted financial instruments, micro finance, loan facilities and support for Indigenous Financial Institutions are key initiatives that increased access to finance. While the public sector and Indigenous organisations have been leaders in this regard, the private sector is starting to develop more

instruments that meet Indigenous business needs. Social impact investing is another possibility – this has been underused in most places to date.

While access to finance can prevent participation in business, other barriers include the high cost of travel in remote and rural locations, limited infrastructure, limited internet accessibility, lower education and literacy levels, and reduced opportunities for networking and training. While suitable loan products are important to support access to capital for start-up and growing Indigenous businesses, thought must also be given to ensuring that the right support is provided for building sustainable and viable Indigenous businesses, especially in rural and remote contexts.

Building business capabilities

The entry of energy and resource industries into a regional economy brings a unique set of economic demands. It is too often the case that major benefits from mining and extractive industries leak out of the local community. For example, a recent study of two Inuit regions of Canada (Nunavik and Nunatsiavut) has found that an estimated 70% of all local Inuit-owned businesses derive less than 10% of their overall revenues from mining in an economy with mining as the predominant sector (Belayneh, Schott and Rodon, 2018[61]).

The OECD has found a lack of access to formal and informal mechanisms to develop business capabilities to be common across Indigenous organisations, governments, industry and local Indigenous communities (OECD, 2019[4]). This includes lack of awareness about the information, tools and resources that are available for Indigenous people looking to start and grow a business, and gaps in the provision of support (particularly around financial literacy), a lack of capacity for local Indigenous communities to navigate and access programmes and a lack of a local intermediary (such as an Indigenous Financial Institution) that could build relationships with local communities, and provide coherent information and support on a consistent basis (OECD, 2019[18]), (OECD, 2020[5]) (OECD, 2020[26]) . Particularly in the context of energy and resource projects, a lack of appropriate skills and technical certifications can quickly result in Indigenous communities missing out on local business and employment opportunities.

Canada, New Zealand, Norway and Sweden provide targeted business development support for individual Indigenous start-ups and small business owners. For example, in Canada, Aboriginal Financial Institutions (AFIs) provide business advice alongside capital and operating costs. In New Zealand, Te Puni Kōkiri provides targeted capacity building support for Māori entrepreneurs in three ways: (i) information provision and networking; (ii) business growth assessment and planning; and, (iii) business support services (Te Puni Kōkiri, 2020[56]). This requires Māori owned businesses to register with the Department, and includes support and referral to other government agencies dealing in business related matters (e.g. export assistance, innovation, and tourism). The key interface for support is through Business Growth Advisors in the 18 regional offices of Te Puni Kōkiri across New Zealand. Beyond these examples, regional incubator platforms can provide a platform to deliver a range of services to micro businesses such as legal and accounting services, and the provision of physical space to meet and work. These can also help to link up diverse entrepreneurs to build economies of scale and pool resources.

Another example of a policy targeted at building business capabilities in remote areas is the Australian Government's Remote Indigenous Business Incubator Pilot. Incubators promote economic development by working with local Aboriginal and Torres Strait Islander people in remote Australia to build financial literacy, business skills and help get small business started. A dozen Incubators have been funded for a two year period to provide culturally appropriate, in-house business advisory support services.[43] Each Incubator employs a Business Development Officer (BDO) who acts as the primary point of contact embedded within the community. The BDO will provide the basic, foundational business information, plus skills and knowledge development; this includes assistance identifying and/or applying for small grants, licenses and small loans or leases. Each Incubator is unique, reflecting the settings and circumstances of

their clients and communities, including the local business eco-system in which the Incubator operates and their access to larger, more established markets.

Community-embedded models are a best practice. They help to build high levels of trust and strengthen relationships. Indigenous-owned institutions are particularly well-placed to deliver credible and close support. This can also help overcome the problem of fragmentation and gaps in the provision of support for Indigenous entrepreneurs. Training in entrepreneurial skills can be delivered by remote training, but the literature indicates that it community embedded models that are more effective. In interviews with organisations that provide these services, it is commonly reported that their business advisory roles are under resourced, and yet they are one of the most critical aspects of their work. For a mix of cultural and practical reasons, in-person supports may be preferred and more effective. Indigenous organisations commonly report struggling to resource their employees to travel to rural and remote communities. Community engagement and embeddedness should be viewed as a key function of these business development models and they should be resourced accordingly.

Preferential procurement policies and making use of local knowledge

Indigenous peoples have unique assets and knowledge that can help address global challenges, achieve the Sustainable Development Goals (SDGs) and develop stronger local, regional and national economies. Traditional knowledge (a living system of knowledge and practices developed by Indigenous peoples over millennia that continues to develop and change) provides the means to improve natural resources management, develop innovations in food production and harvesting, and the utilisation of biological resources for health and well-being.

In the context of resource extraction, Indigenous businesses have important knowledge to offer and can draw on competitive advantage due to geographic proximity. Indigenous businesses conduct civil engineering work, land management, hospitality, transport and other vital support services in and around resource and energy projects [44]. One of the greatest assets Indigenous people possess and can provide is their attachment to and knowledge of their land. Local Indigenous knowledge has been recognised as particularly important with regards to environmental management and rehabilitation of mine sites and engagement with Indigenous groups on these aspects creates significant opportunities that should be further enhanced, expanded and replicated to enable Indigenous economic development (Barnes et al., 2020[62]). For further discussion see Section 6 on service delivery.

Preferential procurement contracts can be used to stimulate Indigenous business growth, if they have the right scale and allow also small business to bid successfully. Governmental preferential procurement policies that include a combination of targets alongside mandatory and voluntary set-asides are used in Canada, the United States and Australia the national level and less frequently at the sub-national one. New Zealand does not have a general procurement strategy for Māori, rather provisions for social procurement appear in specific policies (Borrows and Schwartz, 2020, p. 242[63]).

Procurement strategies are likely to be less effective in low-density economies due to the smaller number of contracts available, lack of scale and specialisation in the local economy, and the longer distances that are required to travel. For these schemes to work in rural regions it is important that different levels of government have a shared commitment to preferential procurement and coordinate their actions. Local linkages are difficult to develop, particularly in rural remote regions (Ivanova, 2014[64]). Often local Indigenous communities can miss the benefits due to unequal relationships in the negotiation process, and lack of capacity to capture supply chain opportunities (Campbell, 2012[65]). Barriers to Indigenous businesses realising these opportunities can include limited experience and skill development, complexity and size of contracts, inadequate access to information, and limited capital (Sosa and Keenan, 2001[66]).

In recent years, there has been significant growth in benefit sharing agreements in Canada and Australia as corporations have adjusted their procurement policies and benefit agreements have sought to address

these barriers. This can include setting specific target in the proportion of the mining operation's goods and services being provided by Indigenous businesses, setting up local Indigenous business registries, and a greater focus by corporates on relationship building with local Indigenous communities. Preferential procurement policies can be made more effective by increasing programme access: making the process more supplier-oriented in terms of simplifying the amount of information needed; provide requests in plain language form; accepting paper bids and; breaking down larger RFPs into smaller contracts. Where access to finance is a barrier, procurement loans are important. For example, Indigenous Business Australia (IBA) offers procurement loans (for up to 2 years) to cover initial capital costs related to the awarding of a contract through the Indigenous Procurement Policy (IPP) or another government programme (IBA, 2020[59]). Preferential procurement policies can also be made more effective by incentivising companies to not only operate as single entities in a region, but to collaborate regionally.

Beyond this, 'wrap around' supports are a key success factor and can extend to the provision of low interest loans, on-site training and health services, structuring procurement to incentivise joint ventures between local Indigenous firms and large contractors. This can entail targeted training initiatives to help match businesses with procurement contracts—e.g., training on how to design effective bids; how to take better advantage of regional opportunities; offer training to support newer and smaller Indigenous firms to navigate the procurement environment. A practice of note is the Waubetek Business Development Corporation's work with Indigenous businesses and First Nations to support a mine supply and service network and maintain a register of Aboriginal businesses that can supply the mining sector (Waubetek Business Development Corporation, 2020[67]).

The Australian Government has adopted a number of initiatives to promote procurement policies in remote areas. The Indigenous Procurement Policy set-aside arrangements prioritise Indigenous Businesses for contracts in remote areas (even more than for government contracts in non-remote areas). It also includes Indigenous participation targets for high value government contracts (those above $7.5 million) that are higher for contracts delivered in remote areas. The Indigenous Procurement Policy's minimum Indigenous participation requirements require that any contract delivered in remote Australia provide a significant Indigenous participation outcome in that local area. The policy sets higher minimum employment or supply use targets for remote areas. These two elements of the Indigenous Procurement Policy reflect an acknowledgement that Indigenous Businesses are uniquely placed to effectively deliver goods and services in remote areas (including as a result of their local knowledge). The Australian Government has also been working with the jurisdictions to boost employment and business opportunities for Aboriginal and Torres Strait Islander people through targets in intergovernmental agreements relating to infrastructure funding.[45]

Key lessons

- ***Early engagement and a mapping of the local entrepreneurial ecosystem can help Indigenous entrepreneurs and industry contractors prepare for new business opportunities.*** As a form of early engagement, energy and resource firms can conduct a scan of the local business ecosystem in order to determine firms that could work with at an early stage to contribute to their supply chains, ensuring a strong lead-time for business development and up-skilling of businesses. It also allows for the creation of smaller tender for locally sourced goods and services that can promote inclusion of smaller firms in the supply chain and opening the potential for smaller firms to bid for contracts Companies should also consult with Indigenous communities regarding the types of business development opportunities that interests them and seek forms of partnership and collaboration. Community economic development corporations are key vehicles for Indigenous business development in the energy and resources sector. In some cases, social enterprise may be a more appropriate tool to achieve development objectives.

- *Governments play a key role in kick-start Indigenous entrepreneurship, particularly in rural areas.* These supports take different forms but may include: establishing Indigenous developmental lenders, supporting access to finance for larger Indigenous businesses including community-led corporations, supporting Indigenous business directories for procurement. Australia's Indigenous Procurement Policy and intergovernmental agreements demonstrate how the specific needs of rural and remote areas can be take into consideration to support Indigenous employment and business development.

- *Indigenous organisations and communities together with the public and private sectors can work to increase access to finance, build business capabilities and address barriers to accessing markets through preferential procurement policies.* Targeted financial instruments, micro finance, loan facilities and support for Indigenous Financial Institutions are key initiatives that increased access to finance. Investments in business development mentoring and support through community embedded models are important—these services need to reach rural dwellers. Preferential procurement strategies can adopt a range of supplier-oriented practices to increase Indigenous participation such as tailoring the size & scope of contracts to suit local suppliers; pre-qualifying local suppliers; and timely payments for small SMEs with limited cash-flow. It is important that these have hard targets that are publicly reported on.

- *Indigenous communities should determine the right level of integration and engagement with the mining and resource sectors*. While there may be opportunities for individuals to work on-site or for Indigenous businesses to provide goods and services, there may also be hesitancy with regards to the level of connection and integration between the industry and Indigenous communities, including the proximity and location of work camps. For example, studies have pointed to increases in human trafficking and sexual abuse associating with energy and resource developments in Indigenous territories (Bruce, 2019; Sweet, 2013). Communities should have agency in determining the appropriate level of integration (Holcombe and Kemp, 2020[68]).

Table 3.1. Summary Indigenous Entrepreneurship

Key Challenges	Solutions/Examples	General Lessons	Consideration specific to Australian context
Infrastructure missing to support business development	Public and private sectors invest in enabling factors (e.g. skills and infrastructure)	Early engagement and a mapping of the local circumstances including entrepreneurial ecosystem can help better prepare. Ensuring a long lead-time for building infrastructure, business development and up-skilling.	Harmonising Indigenous procurement rules across jurisdictions (e.g. setting a common target and timeframe and requirements for suppliers related to sub-contracting and employment, and reporting).
Existing enterprises may be too small to meet the scale of new demand and not have the right skills and capabilities to meet demand or requirements.	Resources companies set targets for Indigenous procurement, and encourage/ mandate larger companies to form joint ventures with local Indigenous enterprises to help them take on larger contracts or tender for smaller, more targeted goods and services.

Governmental procurement policies. These policies are more effective by facilitating programme access.

Building business capabilities though provision of targeted business development through IFAs or regional public services or incubator platforms | Shared commitment and co-ordinate actions between Indigenous communities public and private sectors is needed to increase access to finance, build business capabilities and address barriers to accessing markets.

The levels of integration and engagement with the mining and resource sectors should be a matter of community choice

Community-embedded models work best. They help to build high levels of trust and strengthen relationships. They can also help overcome fragmentation and gaps in the provision of support. | Preferential procurement policies can be made more effective by incentivising companies to not only operate as single entities in a region, but to collaborate regionally.

Providing more effective capacity building support for entrepreneurs and small businesses to participate in public procurement markets (e.g. pre-establishment and establishment phases to access finance, insurance, required certifications,and business strategy). |
| Indigenous business | Financial support targeted at business | | Consider support for the |

may face a lack of access to finance to support new ventures or expand existing ones	growth cycle, flexible repayment schedules, no interest loan periods and lower requirements for capital contributions		establishment of Indigenous-owned local financial institutions.
	Providing micro financing for very small businesses		Strengthening the Remote Indigenous Business Incubation model by ensuring this pilot has the elements in place to support entrepreneurial ecosystem in remote areas (appropriate physical space, business expertise, digital technologies, mentors and peer support).
	Indigenous Financial Institutions function as lenders and offer additional support such as mentoring and business plan development, located close to or within communities		
	Community-owned enterprises can help manage risk as the group can collectively absorb early losses, separate the assets and liabilities from enterprise from government.		Establishment of a loan instrument that would enable equity participation by Indigenous groups in mining and resource projects.

Source: own elaboration

4 Indigenous education and training

Education and training are a key route out of poverty a key element of self-determination and a fundamental determinant of labour market success for Indigenous peoples. While mining does bring jobs to areas where Indigenous peoples live, firms often report that they lack access to the required skills from the local community to fill needed positions within the sector. This means that they often recruit from afar and do not put sufficient efforts to provide training to Indigenous people who may be available for work locally. This section examines how Indigenous people can be better supported through skills development to take advantage of opportunities created by resource developments today and in the future.

It will be critical to move Indigenous Australians up the skills ladder to promote better employment in the energy and resource sectors

Large gaps persist between the skills attainment of Indigenous and non-Indigenous Australians

One of the significant challenges that prevents Indigenous peoples from taking on more senior roles in the resource and energy sector is their lower level of skills.

Indigenous Australians tend to be overrepresented in certificate III level attainment and underrepresented in higher level qualifications, including advanced diplomas/degrees, bachelor degrees, graduate diplomas/degrees, and postgraduate diplomas/degrees (Figure 4.1). The gap between Indigenous and non-Indigenous Australians is particularly high when looking at education attainment in bachelor degrees, at 18 percentage points.

Skills outcomes differ across states and territories. In the Australian Capital Territory, 56% of Indigenous Australians attained at least upper secondary education, the highest share across Australia (Australian Bureau of Statistics, 2016[69]). The largest skills gaps tend to be in the Northern Territory where the share of non-Indigenous peoples with at least upper secondary education is about 60% higher than the share of Indigenous peoples with this level of education (OECD, 2020, forthcoming).

Since 2014 a greater share of Indigenous Australians are participating in higher-level VET (certificate III and above) than lower-level qualifications, evidence that Indigenous Australians are pursuing higher skill pathways (NCVER, 2017[70]). Although participation has been increasing for Indigenous Australians in vocational education and training, completion still only reached 46.9% in 2016 (OECD, 2020[5]). Undergraduate completion rates were even lower for Indigenous Australians, reaching 40.5% in 2015, compared to over 66% for non-Indigenous students (Australian Government, 2018[71]). The Australian government has identified a host of factors that contribute to educational gaps, including inadequate economic support for students, poverty, discrimination and insufficient information about programmes (Australian Government, 2010[72]). Particularly in rural and remote communities, low completion rates may also be driven by spatial barriers to participation, such as limited public transport (OECD, 2019[73]).

An investigation of education systems in Australia, Canada and New Zealand (OECD, 2017[74]) found systemic inequalities in the provision of early education. Indigenous children were less likely to participate in high quality early childhood education and care, started school later than non-Indigenous children and were not provided with effective support to transition from their home language to the language of school

instruction. By the time Indigenous children reached seven years of age, the gap with their non-Indigenous peers was significant and challenging to shift.

Figure 4.1. Indigenous Australians concentrate in lower skill level qualifications compared to non-Indigenous Australians

Distribution across level of qualification for those who hold a non-school qualification for Indigenous and non-Indigenous Australians, 2016
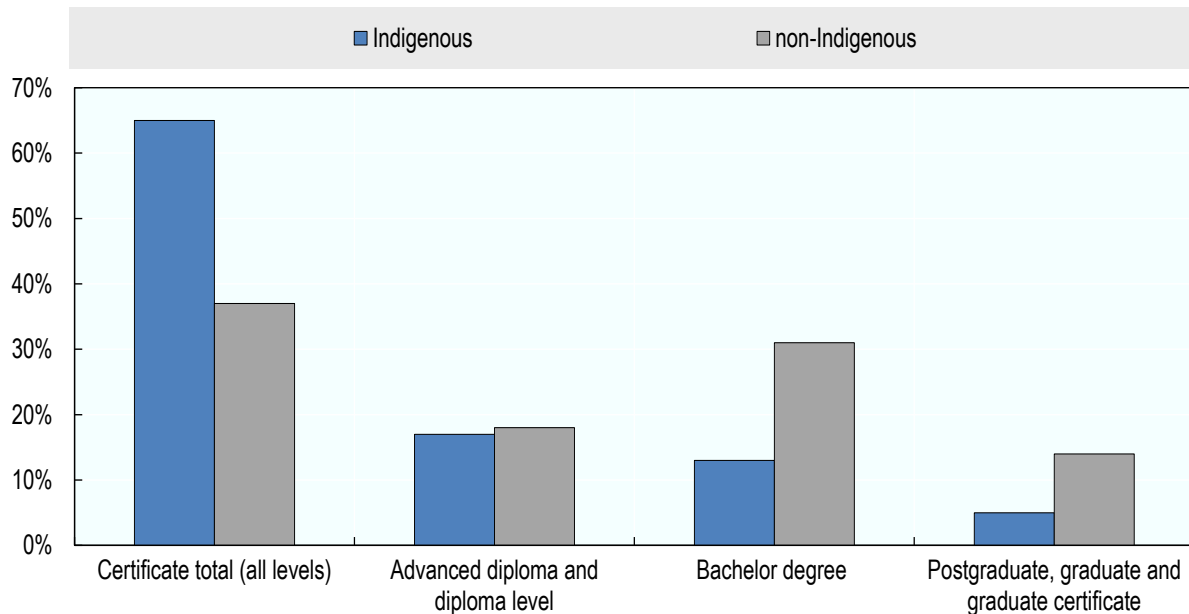
Note: The percentages are computed as the share of each non-school qualification over the total non-school qualifications. The sum of the five categories is equal to 100% for each population group. Certificate qualifications provide vocational skills for employment or further education, including basic (certificates I-II) and advanced skills (certificates III-IV); Diploma and advanced diploma, qualify individuals for specialised knowledge in advanced skilled or paraprofessional work; Higher education degrees include Bachelor degrees, graduate certificates, graduate diplomas, masters degrees and doctoral degrees prepare for professional work as well as research.
Source: Australian Bureau of Statistics (2016), "Aboriginal and Torres Strait Islander Peoples Profile", 2016 Census of Population and Housing, Catalogue no. 2002.0, available at http://www.abs.gov.au/websitedbs/D3310114.nsf/Home/2016%20Census%20Community%20Profiles.

Skills programmes need to take into account Indigenous-specific challenges

Supporting Indigenous Australians through better access to skills training will raise wellbeing and achieve greater economic independence. It is important that vocational and higher education institutions make space for indigenous values within their organisations. Successful participation of Indigenous Australians in formal education and training programmes often involves learning the "academic culture" of institutions, which may be in conflict with Indigenous values. This would include the direct employment of Indigenous administrators, teachers, tutors, and support staff within vocational and higher educational institutions. It would also include involving Indigenous communities in the development of course curriculum and delivery (OECD, 2019[73]). Positively, VET policies in Australia can be tailored to regional needs though co-design with state and territory governments, making room for flexible policies conscious of Indigenous contexts (NCVER, 2017[70]). Training providers, such as TAFEs have also taken steps to involve Indigenous communities through initiatives such as advisory committees and Indigenous representatives (NCVER, 2005[75]).

Foundational skills training prior to VET prepares Indigenous students for success

Access to basic literacy and numeracy training can help to build the employability skills of Indigenous Australians. Many Indigenous people are entering a new classroom environment entailing a diverse set of challenges, such as introduction to a new set of knowledge, travel over long distances and a need to balance family and educational responsibilities. Providing foundational skills training is a one way to address the multiple employment challenges faced by Indigenous people, particularly social, academic and cultural barriers.

In Canada, the Community Future Treaty Seven (CFT7) is an Indigenous education and training entity active in Alberta (Trade Winds to Success, 2020[76]). In one of its seven employment centres on treaty territory, CFT7's operates *Trade Winds to Success*, an Indigenous-run pre-apprenticeship programme. Table 4.1 summarises the programmes four-step approach to apprenticeship preparation. One of the key features of the programme is following up with individuals 6, and 12 months after their participation, while the Indigenous staff creates a sense of belonging and trust among participants. *Trades Winds to Success* is also particularly successful at placing graduates due to its close links with unions and employers. Staff build relationships with employers, establishing pathways for recruitment. The centre also incites companies to take up specific practices sensitive to Indigenous recruits. For example, the Employers of Excellence programme recognises employers who have recruited at least five graduates and are supporting Indigenous people within the company. Unions, meanwhile, co-manage the centre, dispense the pre-apprenticeship training and provide a direct path for graduates into unionised labour.

Table 4.1. *Trade Winds to Success*, **Canada places a strong emphasis on foundational skills training**

Pre-apprenticeship candidates are taken through four programme steps

1. Foundational skills	2. Academic preparation	3. Pre-apprenticeship	4. Career skills
Career orientation, digital training, apprenticeship registration, personal counselling, First Aid, financial management, legal rights and programme overview.	Math and sciences review that prepares for trades exams.	Theoretical knowledge, safety training, initial accreditation for trades and provision of basic tools for apprenticeship.	Upon graduation, resume development, interview techniques, employer expectations, job referrals and information sessions with employers.

Source: Author adaptation of (Trade Winds to Success, 2020[76]).

Mentoring and coaching should be embedded into the delivery of skills development programmes

Mentoring is critical to both build the motivations of Indigenous Australians to participate in the labour market but also to ensure employment. Mentors are critical in establishing trust with the skills training system, while also supporting learners to aspire to better training opportunities. In many cases, Indigenous Australians have extended family, social obligations and cultural responsibilities. Consequently, skills development programmes that provide Indigenous people with training need to offer much more than just education, they also need to accommodate for a range of other needs to ensure that the aspirational goal of skills training does not overwhelm or backfire in terms of well-being.

One successful example is the *Formation Cadres Avenir* programme, put in place by the French government for the Indigenous Kanak population in the French overseas territory of New Caledonia. The programme has raised skill levels for Kanak people and placed over 80% of graduates into employment in 2015-2016, often in the island's large resource extraction sector (Sénat, 2011[77]) (Cadres Avenir, 2020[78]). The programme trains Kanak people younger than 40 years in metropolitan France, before they return to

New Caledonia (Sénat, 2011[77]). During their training or studies, counsellors accompany and guide students, particularly by meeting with them in their training or higher education institutions, and coordinating with instructors. Once students complete their education, counsellors help students enter the labour market by supporting them to reach out to local professional networks in New Caledonia (Formation Cadres Avenir, n.d.[79]). The programme funds students through scholarships and travel allowance for travel between New Caledonia and metropolitan France (IDCNC, 2012[80]).

Indigenous youth need customised support to participate in training opportunities

Young Indigenous people often face discrimination and have higher levels of economic and social difficulties (OECD, 2019[81]) (Blignault et al., 2013[82]). This put them at risk of long-term unemployment and the "scarring" effects it can produce, resulting in potential damage to self-confidence, income, mental health and future possibilities to find and hold a job (OECD, 2019[73]). Facing these multiple challenges, young Indigenous people benefit from broader and tailored assistance to help them succeed in training and education programmes.

New Zealand has been particularly active in creating programmes for Indigenous youth. Through the Provincial Growth Fund (PGF), a funding mechanism for regional development projects, New Zealand has allocated funds to the *He Poutama Rangatahi*, a programme that supports training providers who can support Indigenous youth into long-term employment (Ministry of Māori Development, 2019[83]). The supports Rangatahi youth who risk long-term unemployment, particularly through intensive and individualised support, integration into local employment networkers and training that continues into employment. The PGF also expanded the Pacific Employment Support Service (PESS), now known as *Tupu Aotearoa*. The programme works with young Pacific Islanders to connect them with employment service providers. In turn, local providers help Indigenous youth with upskilling and training, obtaining a drivers licence, support with CV and cover letter, interview preparation, career advice and accompanying them towards a job (Ministry for Pacific Peoples, n.d.[84]).

Key lessons

- ***Address systemic early disparities in access to high quality early education, to eliminate or reduce early gaps between Indigenous and non-Indigenous children.*** This would enable Indigenous students to gain greater benefit from schooling and increase the opportunities for vocational and higher education.

- ***Indigenous pre-apprenticeship programmes are important to provide employability skills to Indigenous Australians.*** Pre-apprenticeship programmes are an educational pathway designed to provide foundational skills training while exposing individuals to workplace experience through on the job training. These programmes are all the more successful when delivered by Indigenous people with knowledge of the local culture. The government could also look at the potential of higher-level apprenticeship programmes as a way of improving overall skills attainment among Indigenous Australians

- ***Encourage vocational education and training providers to do regular outreach with employers.*** This is crucial to ensure that curriculum development as well as training delivery are tested and informed by local industry. Creating these types of partnerships may involve the creation of local employer networks, which directly engage TAFEs in training design and curriculum development. In some cases, it might be best to engage more directly with professional associations or sector bodies that represent a group of employers. This is particularly the case for small and medium-sized employers who face unique barriers to engagement.

- ***Skills development programmes should embed mentorship and extra support into their delivery to achieve success.*** Mentorship can help Indigenous Australians stay on track and advance through their academic and career path. This could include Indigenous mentors who have completed training or dedicated staff within training organisations that can provide dedicated and intensive support to Indigenous learners.

- ***An Indigenous-run employment service for rural Indigenous youth could act as an intermediary between young people and training providers.*** An Indigenous-run employment service targeted at Indigenous youth living in rural areas could orient young Indigenous people towards training and provide career guidance. In resource extraction areas, such a service could liaise between companies and training centres to support young people with information on the types of training available and providing advice as they enter the world of work.

Table 4.2. Summary education and training

Key Challenges	Solutions/Examples	General Lessons	Considerations specific to Australian context
Indigenous students often lack the foundational skills and guidance to succeed in training and education.	Implement programmes that include foundational skills or pre-apprenticeship/employment to prepare Indigenous students for the classroom or apprenticeship environment. Embed mentorship and guidance throughout education.	Education programmes in energy-related fields should be tailored to Indigenous peoples needs, providing training for foundational skills and sufficient lead-time for upskilling.	Australia should consider programmes that focus on medium-to-longer term, individualised and intensive training focused on giving Indigenous Australians the skills necessary for resource jobs in the community. Australia could also create an employment service specific to rural Indigenous youth.
Indigenous people tend to occupy lower skill jobs - many of these jobs are at high risk of automation.	Better link programs to demand and engage employers in this process. Training providers should reach out to employers. Supporting Indigenous people into higher education to occupy high skilled positions in the sector. Providing specific support that account for economic and social challenges that come with moving away from communities. Good practices include financial support, close counselling and building a network of peers.	Training programmes can evolve to take advantage of job upskilling in the sector. Indigenous youth need specific support to succeed in education and find work.	Supporting Indigenous people open their own training centres to serve as anchor institutions in a resource extraction areas can eliminate need to travel far. Such educational hubs can open centres across territory, and forge close links with universities and resource extraction and energy employers in the region. Large distances and remoteness in Australia will require close mentorship, housing away from home and financial support to allow Indigenous peoples to benefit from higher level education.

Source: own elaboration

5 Indigenous employment

Quality employment in the energy and resources sectors can be a way of increasing Indigenous labour market participation and a tool to foster increased self-determination. While the mining sector does not always create many direct jobs (in the sector itself), it uses inputs from other sectors, which means that it is a particularly important source of indirect employment for many regions (Korinek, 2020[49]). Access to quality employment opportunities for Indigenous Australians is often influenced by active labour market programmes, which aim to match people to jobs, as well as employer human resource practices to foster career progression pathways. This section highlights the important role to be played by employment services in tackling labour market gaps between Indigenous and non-Indigenous Australians. It also spotlights the critical role of employer leadership in creating better job opportunities for Indigenous people. Making the most of Indigenous employment should not be a simple 'numbers game' of increasing numbers, but depends on whether employees feel respected and valued, how discrimination is sanctioned, and what policies are put in place to foster equality of opportunity (OECD, 2020[85]). That being said, it is important for employment efforts to reflect what development means for Indigenous peoples and contribute to self-determining development that does not fall in the trap of reducing them as a mere source of labour supply (Holcombe and Kemp, 2020[68]). The level of engagement with industry should be defined by Indigenous peoples only then can mining employment a contributor to local development.

Tackling labour market inequalities can promote the inclusive employment of Indigenous Australians

Employment gaps are growing between Indigenous and non-Indigenous Australians

Australia's "Closing the Gap" strategy sets two Indigenous employment targets: (1) to increase the share of Aboriginal and Torres Strait Islander youth (15-24 years) in employment, education or training to 65% and (2) to increase the share of Aboriginal and Torres Strait Islander Australians (25-64 years) in employment to 60% by 2028. This renewed agenda affirms self-determination as a leading principle across policy areas to improve Indigenous wellbeing (COAG, 2019[86]).

While Closing the Gap strategy aims to strengthen the employment outcomes for Indigenous Australians, recent data suggests that their labour market participation is not improving. The latest 2016 census shows that 57.1% of Indigenous Australians participated in the labour market, compared to 77% of non-Indigenous Australians, a gap that increased from 18.7% in 2006 to 19.9% in 2016 (Australian Bureau of Statistics, 2016[69]). Labour market outcomes differs among Australian states and territories. When looking at employment rates, more than 65% of working age Indigenous Australians are employed in the Australian Capital Territory, while around 50% are employed in Victoria and Tasmania. In Queensland, South Australia, Western Australia and the Northern Territory, where many resource development activities are located, Indigenous employment rates are generally below 50%. The lowest employment rate is reported in the Northern Territory, where only 29% of the Indigenous working age population is employed (OECD, forthcoming 2020).

Looking at the employment composition of Indigenous Australians, they tend to be over-represented in energy- and resource sector jobs relative to the non-Indigenous population. This could be because they

tend to make up larger shares of the local population in remote and resource-rich regions. In 2016, 3.9% of working age Indigenous Australians were employed in the mining sector versus 1.7% of non-Indigenous Australians. One of the main challenges facing Indigenous Australians is that they are often employed in lower-skilled jobs within the energy and resource sectors. Indigenous Australians are more often employed as labourers or machine operators as opposed to managers and professionals (see Figure 5.1). These are jobs generally consist of lower pay and poorer quality working conditions. Data collected from 10 Australian mines showed that nearly 57% of Indigenous Australians worked in lower-skilled jobs, such as truck driving, while a smaller proportion worked as specialists (0.6%), superintendents (0.7%) and/or managers (0.4%) (Brereton and Parmenter, 2008[87]) (McNab and Garcia-Vasquez, 2011[88]).

Figure 5.1. Larger shares of Indigenous Australians work in low skilled occupations compared to non-Indigenous Australians

Employment by occupation comparing Indigenous and non-Indigenous Australians, 2016
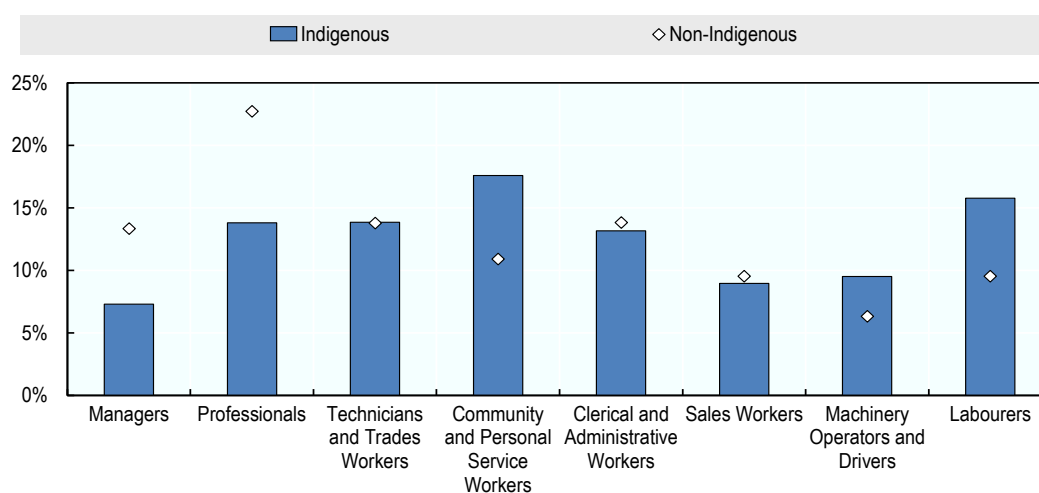
Note: Non-Indigenous Identity also includes persons who did not specify an identity within the 2016 Census (the category "Indigenous Status Not Stated").
Source: Australian Bureau of Statistics, Census of Population and Housing, 2016; Indigenous Employment and Skills Strategies in Australia, OECD Reviews on Local Job Creation, OECD Publishing, Paris, https://doi.org/10.1787/dd1029ea-e.

Skills training will be critical to respond to automation in the energy and resource sectors

Incited by tighter profit margins and falling commodity prices, mining companies are set to rapidly integrate new technologies into production. New mining technologies include autonomous vehicles, remote loaders, automated drilling systems (International Institute for Sustainable Development, 2016[89]).Due to automation, many low or middle skill jobs in the resource and energy sectors – many of whom are important sources of livelihood for Indigenous Australians - are specifically at high risk of being supressed, or requiring re-training to keep people in employment. This will also reduce classic benefit sharing propositions to local communities (International Institute for Sustainable Development, 2016[89]).

Occupations most at risk include cleaners and helpers, stationary plant and machine operators, drivers and mobile plant operators as well as labourers in mining, construction, and manufacturing. In the Northern Territory, 64.2% of jobs as labourers in mining, construction, manufacturing and transport are at high and significant risk. Together, this represents around 2 700 people in the sector that could be impacted by technological change (OECD (forthcoming), 2020[90]). New mining technologies, however, will also require

higher skill workers to construct, operate and repair machinery, creating opportunities for Indigenous workers.

Some have argued that mining companies have taken little action to protect Indigenous employment as automation risks significantly supressing low and middle skill jobs in the sector (Holcombe and Kemp, 2019[91]). Consequently, companies will have to find new ways to make sure they can still deliver on their value proposition to local communities. As new mining technologies entail recruitment of higher skill workers, upskilling is a fundamental mechanism to maintain Indigenous employment opportunities in the sector. Current Indigenous workers, meanwhile, are at risk of losing their jobs as labour-saving technologies are introduced. Thus, it is imperative for training systems and company human resource services to dispense transferable skills to Indigenous workers, enabling Indigenous workers to find other labour market opportunities.

Efforts must be placed on getting Indigenous Australians into more jobs while also improving their quality

Employment services have an important role to play in connecting Indigenous job seekers to available jobs in a local labour market. New technologies can also be harnessed to expand the scope and reach of these types of services to Indigenous job seekers. Alongside these services, it is also critical to engage firms to create jobs and career progression opportunities for Indigenous people so they have access to better employment conditions over the long-term. Employer HR practices that are sensitive to the social and cultural practices of Indigenous Australians will ensure they are supported in the work environment (OECD, 2019[73]).

Indigenous-led delivery of employment programmes has the best chance of success

Recent OECD work in Australia demonstrates the importance of Indigenous leadership within the management of implementation of employment programmes (OECD, 2019[73]). Employment services destined to Indigenous communities tend to be more effective when they are managed and delivered by Indigenous people themselves. It is critical that front-line staff providing job coaching and mentoring support delivery these services in a culturally appropriate manner. *jobactive* is one of the key employment programmes connecting Indigenous Australians to work comprising a network of service providers in around 1 700 locations across Australia. Australia is currently in the process of modernising the delivery of employment services with a strong emphasis on "going digital" while also creating flexibility for service providers to cater support to disadvantaged clients (OECD, 2019[73]).

In Australia, there are opportunities to build the capacity of employment service providers to deliver cultural appropriate services. For example, a 2018 National Employment Services Association survey of 2 250 front-line staff found that around 6% of staff identified as Indigenous. Facilitating the growth of Indigenous led service delivery organisations and enabling them to deliver services will be an important policy imperative to improve employment outcomes.

Looking at international best practices, Canada has entrusted more responsibility to Indigenous-led organisations through the Indigenous Skills and Employment Training Program (ISET). The ISET Program was introduced in 2017 with the goal of reflecting key changes sought from Indigenous partners in Canada, including greater involvement in programme development, greater funding, an extension of grant periods from five to ten years and increased flexibility of programme design, encouraging a longer-term and sustainable vision of labour market integration (Government of Canada, 2019[92]).

OECD research has found that programmes with a jobs-first focus may not address the complex and multi-faceted barriers that some Indigenous people face to participate in the labour market (OECD, 2018[93]). Non-indigenous service providers may not be best positioned to deliver on specific Indigenous social challenges, such as poverty, health difficulties and child care. These realities are often more acute in remote Indigenous communities near resource extraction sites, where service delivery organisations face

challenges such as lengthy travel, high costs and difficulties recruiting staff (Central Australian Aboriginal Congress, 2017[94]). Programmes tend to better meet the needs of Indigenous communities when they prioritise a set of "wrap around" services (OECD, 2019[73]). A good example is the Centre for Aboriginal Human Resource Development (CAHRD) in Winnipeg, Canada. The centre is designed around a "wrap around" service model, including:

- **Employment**: the centre includes three employment departments, including a central department to co-create career plans with job seekers, staffing solutions for recent graduates and a service for Aboriginal people with disabilities;
- **Education and training**: such as an adult learning centre, a centre teaching foundational skills, a college for applied technology;
- **Human services**: such as a day care centre, subsidised housing campus for low-income students and a healthy living centre dispensing physical education, nutritional guidance and gardening classes (CAHRD, 2020[95]).

Digital platforms connect Indigenous job seekers to resource and energy jobs

Remoteness reduces Indigenous peoples capacity to engage or seek employment and creates missed opportunities for benefit sharing (OECD, 2019[73]). Resource companies are often unaware of the skills of nearby Indigenous communities, while Indigenous job seekers may not be aware of suitable job openings in the resources and energy sectors. In this way, digital platforms can help match Indigenous job seekers with the jobs in these sectors, while providing a better understanding of the skills available to firms. Moreover, digital platforms can also provide links to related training opportunities or social services that can assist Indigenous job seekers to finding sustainable employment. Table 5.1 summarises Indigenous digital platform initiatives that have been introduced across the OECD.

These tools are all the more fruitful for Indigenous communities when they are run by Indigenous groups or partnerships, creating local digital infrastructure, a source of revenue and services that are sensitive to the needs of Indigenous jobseekers. These tools are likely to work best around resource extraction areas when paired with initiatives that help expand the internet infrastructure to remote Indigenous communities. In the US, the southern California Native American tribes have tackled this issue by connecting Nativehire with a digital broadband expansion programme, the Tribal Digital Village (TDV). While digital platforms can expand access and create efficiencies in matching people to jobs, it is critical to consider that some Indigenous job seekers will not have the digital skills required to benefit from these tools. A digital offer should be complemented by more intensive case management supports.

Table 5.1. Digital platforms open new avenues for job matching

Nativehire, USA and Working Warriors, Canada, are Indigenous-run digital job-matching platforms

Name	Job matching	Training and job services	Skills data	Digital inclusivity
Nativehire, USA by the Southern California Tribal Chairmen's Association (SCTCA)	Job seekers connect with employers through online job advertisements.	• Guides job seekers to the Red Cloud Renewable Energy Center (RCREC), an educational centre in which Native Americans dispense training on jobs in green energy. • Job seekers can register for job fairs and follow videos on job search skills, such as compiling applications.		The SCTCA's Tribal Digital Village (TDV) works to extend broadband access in the south-western US
Working Warriors, Canada by Esgenoôpetitj and Elsipogtog First Nations	Job seekers can search for openings, while employers can post jobs	• Provides an occupational health and safety workshop • Organises a pre-apprenticeship programme • Liaison between employers and Indigenous associations	Provides data analytical work on the skills of Indigenous workforces for Indigenous communities	

Source: Author's elaboration based on (SCTCA, 2020[96]) and (Working Warriors, 2020[97]).

Employer leadership is fundamental to promote quality Indigenous employment

Resource and energy companies play a vital role in increasing the recruitment of Indigenous people and supporting their professional development. Previous OECD research has argued that training programmes that aim to develop awareness and knowledge needed to appropriately interact with Indigenous Australians should be an important element for every firm's human resources strategy (OECD, 2019[73]).This requires a focus on promoting human resources practices that acknowledge Indigenous values, including the need to balance family and customary obligations with work. This is fundamental to prevent discrimination in hiring practices and in the workplace in general (Tiplady and Barclay, 2007[98]) (MacLaine, Melissa and Fiser, 2019[99]). This is in line with the OECD's research finding that show that that anti-discrimination policy alone cannot remove structural obstacles for disadvantaged groups but that promote pro-active efforts by all stakeholders such as employers is key (OECD, 2020[85]).

To promote quality employment, employers can reshape human resource practices to acknowledge Indigenous values, contract services to Indigenous-owned companies or increase Indigenous participation in company governance or management. In light of rapid automation in the mining sector, it is also important for employers to consider the future-proofing skills for Indigenous peoples and recognising the importance of transferable skills. Such skills give greater labour market flexibility to Indigenous peoples, reducing their dependence on specific jobs in the sector. Table 5.2 highlights good practices in this field from resource companies in Canada and the US.

Table 5.2. Indigenous human resource good practices in resource extraction and energy

Human resource reforms can support Indigenous hiring and retention by adjusting working conditions

Type of human resource practice	Human resource practices	Examples from *Awasis Solar Project*, Saskatchewan, Canada	Examples from *Red Dog Mine,* Alaska, USA
Strategy	• Full or partial Indigenous ownership or governance • Self-audit of policies impacting Indigenous people	• 51% equity share • Majority board membership from Indigenous community	• Joint-venture agreement between company and Indigenous shareholders of the Northwest Arctic Native Association (NANA) • Commitment to 100% hire of NANA members (53% in 2010)
Training	• Train managers on collaborative management techniques, including on Indigenous sensitivity • Pre-employment training • Ongoing training and upskilling	• Planning to train potential Indigenous employees before jobs open • Retraining Indigenous workers who built the facility to work as long-term facility staff	• Funding for university studies and apprenticeships relating to mining operation • On and off-site training programmes
Job design	• Create Indigenous human resource units • Adjusting job offers to ensure knowledge of local culture is included as a required skill		• Creation of position responsible for consulting with Indigenous employees
Supporting the Indigenous workforce	• Put in place Indigenous career development programmes • Regularly consult w/Indigenous employees on recruitment and retention policies	• Reserving higher skill positions for Indigenous workers	• Committee supervising hiring, training and career advancement of Indigenous employees
Cultural accommodation	• Recognise Indigenous-specific leave and holidays • Provide working time flexibility		• Worktime flexibility for traditional activities
Collaboration	• Contract services to Indigenous-owned companies • Work with unions to formalise practices in collective	• Indigenous-owned company hired for geotechnical and environmental studies	• Purchase of goods and services in Indigenous communities • Contribution to local non-profits

• bargaining agreements • Organise firm-level dialogue between employees and management to agree, formalise and implement Indigenous work conditions		

Note: The examples are adapted from findings of a study on human resource practices from across the world established for the Government of Canada. See source.

Source: Categories adapted and modified from (Morris, 2017[100]). Examples from First Nations Power Authority (FNPA) website (FNPA, 2020[101]) and (Sharman and Fisher, 2012[102])

Governments and worker representatives have an important role to play in supporting changes in company practices. In Canada, the government's Strategic Partnerships Initiative (SPI) supports Indigenous initiatives in the resource and energy sector (Government of Canada, 2017[103]). As an example, the SPI has supported the First Nations Power Authority (FNPA), an Indigenous organisation that acts as an intermediary between energy companies and Indigenous communities, providing sector-specific knowledge, advising Indigenous entrepreneurs and helping Indigenous communities build equitable partnerships with energy companies (FNPA, 2018[104]). Similarly, collective bargaining can be a way to help companies adjust their practices to specific Indigenous needs, particularly in resource extraction, where social dialogue can help reduce significant occupational health and safety risks (ILO, 2019[105]). In Canada, unions are modifying collective bargaining agreements to better accommodate issues of concern for Indigenous People, for instance by inserting clauses related to leave time and special accommodations for Indigenous cultural events (CUPE, 2014[106]) (CUPE, 2015[107]) (Fernandez and Silver, 2017[108]).

Key lessons

- ***Governments should aim to build the capacity of Indigenous service providers to deliver employment services around resource extraction areas***. Professional development programmes and knowledge exchange among employment services providers can enable the identification of service design principles. Facilitating the growth and development of Indigenous-led providers will be more likely to ensure culturally appropriate services embedded with Indigenous values. In the absence of indigenous-led providers, efforts should be made to ensure non-indigenous services providers are provided with training on how to deliver services in a culturally appropriate manner.

- **Policy should focus on ensuring "wrap around" services that aim to address the full range of barriers faced by Indigenous job seekers around resource extraction areas.** A job-first approach may rush Indigenous job seekers into low quality jobs and unsustainable employment. Particularly in rural and remote areas near resource sites, services may need to address complex barriers related to basic skills, transportation, as well as child-care and other family responsibilities. By making a bundle of services available in parallel to regular job placement services, Indigenous people are more likely to participate and maintain employment.

- **Digital job matching platforms can reduce spatial barriers to employment.** A digital job platform could be developed specifically for the resource sector. Online platforms provide employer-employee matching systems for Indigenous jobseekers, while also providing a potential source of information for employers on the skills levels of available Indigenous workers. For such digital tools to benefit Indigenous peoples, governments could also focus on broadband expansion programmes within indigenous communities.

- **Encourage resource and energy firms to adopt human resource policies that support Indigenous workers**. Human resource practices that support Indigenous workers include funding for training, regular consultation with Indigenous staff about company practices, as well as worktime flexibility arrangements. To encourage such good practices, governments can establish, publish and promote industry best practices to highlight and recognise firms taking a leadership

role. Social dialogue in the sector is also critical to strike collective bargaining agreements that include Indigenous-sensitive clauses, including recognition of Indigenous holidays.

- **Employers and training systems should consider short and long-term automation trends when they promote and train Indigenous jobseekers**. With the rapid introduction of labour saving technologies in the sector, low and middle skill jobs will be supressed or require new skills, jeopardising employment-based benefit sharing. Human resource units should be act in co-ordination with automation plans and seek to provide transferable skills to Indigenous workers.

- **Indigenous power authorities can support Indigenous ownership and governance of resource projects**. Equitable project governance can support job creation and good employment practices. To ensure good practice is enshrined in company operations, public policies can fund Indigenous power authorities who act as intermediaries between Indigenous communities and resource companies. Power authorities advise Indigenous communities when benefit sharing agreements are negotiated and ensure equitable participation in project governance.

Table 5.3. Summary Indigenous Employment

Key Challenges	Solutions/Examples	General Lessons	Considerations specific to Australian context
Standard Labour Market Policies are not equipped to deal with employment barriers specific to Indigenous communities (poverty, health difficulties, child care, lack of foundational skills)	Prioritising Indigenous-led delivery of services to allow for tailored policy delivery through knowledge of customary traditions, language etc. "One-stop" shops offering wrap around services to address additional challenges.	Indigenous-led delivery of employment programmes can best serve the specific needs of Indigenous communities in resource the extraction and energy sector.	Australia can do more in encouraging Indigenous–led service deliver and promote, individualised and long-term help to find and sustain a job in the sector.
Exclusion or marginal involvement of Indigenous people in resource projects weakens trust towards companies, reduces companies' understanding of Indigenous needs and prevents job creation to be shaped by Indigenous priorities.	Governments can facilitate links and foster co-operation between Indigenous communities, private sector and local governments to ensure partnerships equitable i.e. through ensuring majority Indigenous shareholding and balanced participation on governance boards.	Policies need to empower Indigenous communities to run their own resource projects or become involved as equal partners.	Australia could think about setting up a government agency that works with as firms and relevant Indigenous communities to co-design and support projects, through co-ownership, as well as supporting Indigenous workforce and business participation strategies.
Recruitment and retention challenges such as low-levels of job related skills, difficulties to identify candidates, balancing family and customary obligations, discrimination and stereotyping.	Adaptation of recruitment plans for the Indigenous context (managerial training, job-readiness training, adoption of job offers, worktime flexibility, assistance programmes for mental health and stress).	Firms should be encouraged to systemise and mainstream Indigenous hiring, professional development and welcoming workplaces building for Indigenous peoples.	Australia could develop guidelines for companies on how to best create welcoming and inclusive work environments Indigenous employees.
Mismatches between suitable job openings by job seekers and knowledge about available skills on company side.	Digital platforms match Indigenous job seekers with jobs, providing a skills mapping for employers, examples include Nativehire or Working Warriors.	Digital technologies can help Indigenous peoples to benefit from employment opportunities.Proper data protection precautions, digital training and digital infrastructure development are necessary.	An Indigenous job portal could be developed specifically for the resource sector in Australia. Introduction should be accompanied by digital skills training and internet infrastructure expansion.

Source: own elaboration

6 Indigenous community programmes and service delivery

Programmes and services across the spectrum of ownership and control and the importance of funding stability

There are many different community programme models across OECD countries and their scope, and functions differ according to the role of Indigenous governments in their respective countries. These programmes and services range from education and health services to mental health counselling, environmental monitoring programmes, children and youth programmes and community safety programmes.

Indigenous community programme and service delivery takes a wide range of forms with differing levels of Indigenous ownership, control and funding independence. Figure 6.1 provides an overview of the range of models that exist across diverse contexts. This is by no means exhaustive. Many have grown in part from a recognition that non-Indigenous programmes and services have often failed Indigenous peoples and that community-embedded and/or community-led models can better meet their needs by delivering culturally relevant programmes and services. Service delivery models that enable the highest degree of Indigenous ownership and control are those for which Indigenous communities/governments lead service design and delivery, including decisions about funding, staffing and overall provision.

The manner in which these activities are funded influences the degree of Indigenous autonomy. One of the greatest challenges that Indigenous communities can face with regards to the design and delivery of community programmes and services is access to *stable and adequate* funding. This seems to be a particular challenge in Australia's Northern Territory where federal funds meant to be spend on Indigenous citizens have not reached them because the sub-national government underspent on Indigenous housing, roads, welfare and services to community (Davidson, 2018[109]). A reliance on short term (year to year) or project-based funding leads to high administrative costs and makes it challenging to build sustainable programmes and services and to invest in human resources. In the case of benefit sharing agreements, variable royalty payments can also undermine stability in community programmes and service delivery. Government policies can help to address this funding gaps. In recognition of this, the Government of Canada has created a mechanism for longer term grants (10 years) to help communities work consistently on their strategic priorities.

Benefit sharing agreements and benefit funds (public and private) may include specific provisions for community programmes and services. Benefit funds can be a source of consistent and stable funding; within this, communities need to make a choice between investments today, versus long term investment funds such as trusts that operate on a similar logic to Sovereign Wealth Funds. The literature stresses that funds should be delivered on the basis of community priorities and should be community led—in other words, that they not be overly instructive in terms of how funds should be used to benefit communities (O'Faircheallaigh, 2018[36]) (Loutit, Mandelbaum and Szoke-Burke, 2016[39]) (Wilson, 2019[110]) (Parlee,

2015[14]). As was noted in the section on Indigenous governance, strategic community planning can be used to prioritise programme and service delivery needs.

There are also temporal considerations. From the perspective of an industry, investments in community programmes and services may be most important at an early stage of energy and resource development activities. And yet, companies may not be willing to invest at this early stage due to project uncertainty. Similarly, investments may be critical as development activities come to a close in order to manage the decline of economic activities and environmental and remediation efforts. Here too the resources of firms may be ill-matched to community needs. Once a company is no longer operating in an area what are its responsibilities for community development? Comprehensive monitoring and evaluation post project completion is rare (Amalric et al., 2004[111]).

Finally, it is important to note that in countries where Indigenous governments self-administer programmes and services, funding can be far below that of non-Indigenous counterparts for the delivery of comparable services. For example, in Canada, it has been estimated that First Nations primary and secondary schools receive between 20-50% lower funding than that of provincial schools (Carr-Stewart, Marshall and Steeves, 2012[112]) (Drummond Ellen Kachuck Rosenbluth, 2013[113]). In the United States, tribally-controlled schools are funded by the federal government at just 67% of their administrative costs and around 60% of schools lack the bandwidth or computers to support online learning and assessments (Brenna, 2014[114]). These inherent inequities should be addressed by increasing transfers.

Figure 6.1. Spectrum of service delivery models
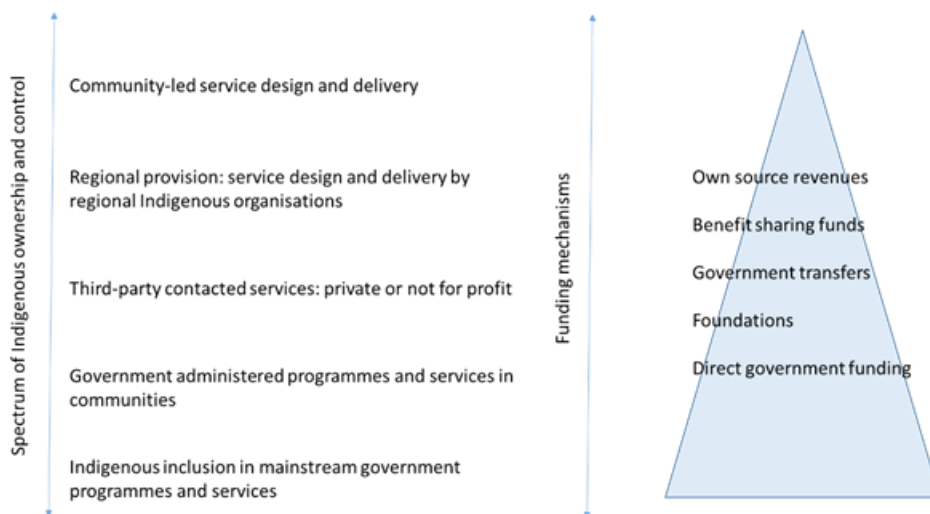
Source: Own elaboration.

Changes in service delivery approaches in Australia

Across the spectrum of Indigenous ownership and control, governments are highly instrumental in shaping the pathway to Indigenous service provision. In Australia, the Northern Territory Governments' Local Decision-Making Initiative (launched in 2017) facilitates such a shift by transferring government service delivery to Aboriginal people and organisations based on their community development goals. The Northern Territory Government and Indigenous communities jointly work to develop bespoke pathways focused on each community across a range of services such as housing, local government, education, training and jobs, healthcare, children and families, law and justice. These services build on existing structures and devolution only proceeds if there is strong community support for it. Communities decide

on the level of control they want to exercise over certain services. This is a flexible approach grounded in community interests.

Anticipating a ramp-up in resource development a need for new investments, the Australian Government, the Northern Territory Government and Barkly Regional Council signed the Barkly Regional Deal in 2019—a 10 year $78.4 million commitment to the region's social, economic and cultural development. The agreement encompasses a range of initiatives, among them investments in services, some of which could be delivered by local Indigenous organisations. This presents an enormous opportunity for the future.

In order to ensure that local Indigenous organisations benefit, it will be important that public investments anticipate and find solutions to common barriers facing such organisations. For example, a lack of access to the right kind of infrastructure such as staff housing, fit-for-purpose facilities, office space or community halls or a lack of access to serviced lots and finance to support infrastructure development. These barriers have been identified in the transition of Community Development Program contracts to local Indigenous organisations and the transition of Stronger Communities for Children to local providers. The experiences of Yugul Mangi Development Aboriginal Corporation (Ngukurr, Northern Territory) are a case in point. They are being charged AUS $46,000 a year to rent a tin shed building by the Roper Gulf Regional Council (Bardon, 2019[115]). These exorbitant costs to access basic facilities limits their ability to deliver programmes. This speaks to the importance of coordinated investments across levels of government, including fixed capital assets for service organisations. Without these investments, Indigenous service delivery organisations may be set up to fail.

Flexible, responsive and coordinated service provision

In a resource development context, new needs may arise for which a community may be ill-prepared. This raises both the importance of coordinated actions across service providers (whomever these may be) alongside flexible funding mechanisms to address new needs.

Indigenous Services Canada's Strategic Partnerships Initiative (SPI) has adopted such an approach. The SPI supports community well-being project with a group of First Nation communities in northern Ontario. The process focuses on community-identified priorities and requires government partners to step up their roles as developmental partners, committing to joint development and implementation of community-specific action plans and services. This is particularly important for Northern Ontario where large chromite mining and smelting investments on traditional territories impact First Nation communities. The programme promotes partnerships between federal and non-federal groups in key economic areas and is used to support initiatives that are not eligible for other federal funding. A recent evaluation indicates that significant progress has been made in the participating First Nations in the areas of housing, skills and training, financial management and governance, and mental health and addictions. The community well-being project has successfully addressed some of the core social challenges that have harmed economic development opportunities in the communities. The success of the SPI—and multi departmental coordination more generally—depends on a number of factors: from dedicated individuals who work to build strong relationships towards a common goal alongside political leadership and commitments from senior civil servants and Indigenous communities alike. National policies frameworks can also play a central coordinating role.

Services can be targeted at the community scale or they may be directed to individuals. It is important that interventions targeted to individuals also address how people can be successful *in their community contexts*. For example, an individual who accesses skills training will not be successful in their community unless they also have access to appropriate housing, workspaces, health supports etc. Services are often provided in isolation (education, labour market, health, recreation) and yet they interact in communities to support an individual's overall well-being. This type of holistic approach challenges service providers to work in new ways.

The costs of rural and remote service delivery

Settlement patterns are one of the most important determinants when it comes to service provision. Dispersed populations and longer distances to services reduce access and increase inequalities, leading to such phenomena as 'medical deserts' (Pierron and Roca, 2017[116]) (Sanz-Barbero, Otero García and Blasco Hernández, 2012[117]). Further, it is generally held that the cost of service provision increases with the degree of remoteness and sparsity due to transportation costs, loss of economies of scope and economies of scale, and greater difficulty in attracting and retaining professionals (e.g., health care professionals). Rural areas have thinner labour markets and fewer specialists; labour costs can be higher to attract the right skills. They also have lower property tax values and, where public services have been reoriented around full or partial cost recovery, they have a smaller population pool to draw on.

This matters for Indigenous populations because they are disproportionality rural. Across Australia, Canada, Mexico, New Zealand and the United States, a larger proportion of Indigenous people live in predominantly rural regions (compared to the non-Indigenous population). On average 44% of the Indigenous peoples in these five countries lives in predominantly rural areas. Moreover, Indigenous peoples in rural areas represent about 8% of the total rural population (OECD, 2019[4]). Around 44% of the Indigenous population live in predominantly rural regions across the selected countries—this is 19 percentage points more than the average of 25% for the non-Indigenous population (OECD, 2019[4]). Canada holds the largest share of Indigenous peoples in rural areas: in 2016 almost 60% Indigenous Canadians lived in rural areas, representing a difference of 33 percentage points compared to the share of non-Indigenous peoples living in rural areas (OECD, 2019[4]). A large difference also occurs in Australia: 48% of the total Indigenous population and only 34% of non-Indigenous peoples are living in rural areas (a difference of 14 percentage points) (OECD, 2019[4]). Funding may not adequately reflect the higher costs of providing programmes and services for Indigenous populations in rural contexts. These challenges are found across diverse country contexts: Sweden, Canada, Australia, United States (OECD, 2019[4]) ((OECD, 2019[18]) (OECD, 2020[5]) (OECD, 2020[26]) (Warren, 2019[118]).

Geography and scale are central to Indigenous service delivery. There is a growing trend towards the regionalisation of services—concentrating services in larger hubs. In such instances, ensuring access through transportation systems is critical—particularly for Indigenous populations. These regional service bodies take many forms. For example, in Canada they can be Tribal Councils (a group of First Nations), or in the United States they may be regional tribal organisations. Services may also be delivered by third parties through contracted services—either private or not for profit—and finally, services may be provided directly by national or regional governments. Government service provision may take place through community-embedded services or be part of the broader system of service provisions. For example, in New Zealand, kaupapa Māori services were adopted in the late 1990s to reduce disparities in Māori and non-Māori health status. Kaupapa Māori services are provided in the mental health, primary health care, health promotion and education, and public health sectors are based on Māori cultural values, processes and beliefs. Some of these services are art of the broader health care system while others are provided by non- governmental organisation (NGO) community providers. These community providers tend to have a high share of Māori staff (Boulton, Tamehana and Brannelly, 2013[119]). In an energy and resources context it is important to note that private firms may take on the role of government in setting up or financing services, where government is not available.

In very remote rural contexts, regional services may be the only option. The experiences of Neskantaga First Nation illustrate this point. Neskantaga First Nation is an Oji-Cree First Nation band government located in northern Ontario, Canada, 430 kilometres from the city of Thunder Bay. It is a very remote fly-in community with seasonal winter (ice roads). Neskantaga is served by one school for children up to the age of grade nine. Children above grade nine go to Thunder Bay to continue their education, living away from their families. These arrangements have been inadequate and several children have committed suicide, which led to an inquest and recommendations to reform (Hallmark, 2016[120]). One option has been

to increase access to online educational programmes (though broadband in some remote communities may not accommodate this). Another is to develop an Indigenous education and care centre in Thunder Bay which is run by the Matawa Education Authority (also a registered charity) that is part of Matawa First Nations Management Inc. (Matawa Tribal Council, 2020[121]). It is one of over 70 Tribal Councils funded by Indigenous Services Canada (ISC) to support the administration and management costs associated with operating a regional service delivery organization. These services include: band management, capital and housing management, community infrastructure, economic development, education, lands, registration and membership and, social development. It is important to note that the decisions of the Tribal Council are not necessarily recognized by the communities and the community band councils and there can be friction between the Matawa Tribal Council's service delivery functions and its advocacy efforts (OECD, 2020[26]).

Regionally-scaled service delivery can help to overcome some of the challenges associated with service provision in small and remote communities, but, it is not without its challenges. Industry proponents may favour engaging with regional Indigenous organisations. However engagement at this scale generally should not substitute community level engagement.

Focus on environmental monitoring and payment for ecosystem services

While industry proponents may engage Indigenous communities and support community programmes and services though benefit sharing agreements and benefit funds, they may play more of a direct role in hiring Indigenous communities/organisations to deliver independent environmental monitoring programmes and/or provide direct compensation for ecosystem services.

Payments for Environmental Services (PES) are seeing growing use globally as a response to the challenge that the positive benefits from environmental protection and management are under compensated despite their colossal value. The basic principle is that the user or beneficiary of the environment pays for the services provided by it (fresh water supply, storm and flood protection, pollination). These ecosystem services can be grouped into four categories: provisioning services (products such as food and fresh water); regulating services (benefits from the regulation of the ecosystem such as air quality sand pollination); cultural services (non-material benefits such as recreation and aesthetic experiences); and, supporting services (e.g. photosynthesis and nutrient recycling). Indigenous communities can be paid for the provision of these services, which puts a monetary value on their expertise in land and water management practices that have accumulated over thousands of years.

Australia has adopted PES through its Indigenous Protected Areas (IPA) and Ranger programmes. These programmes provide direct funding to Indigenous groups for land and water management, and these groups have also diversified to access private and philanthropic funding. This can include earning revenues from carbon credits. In Australia, Indigenous fire management practices that have shown to reduce the intensity of bushfires and therefore reduce the amount of carbon released into the atmosphere. These land management practices have also been driven technological innovation. For example, the Yawuru Indigenous community in Western Australia is developing capability in GIS mapping to support their land and water management practices. This work supports sustainable development objectives by identifying the best places for water extraction and use, clarifying sites of social and cultural significance, and places where commercial development is not appropriate.

These outcomes are also shared, and in many cases strengthened, by the Government's funding for Indigenous rangers. Through their projects, ranger groups protect, conserve and manage environmental and cultural values. Projects can include, but are not limited to, activities such as the management of threatened species, invasive weeds and feral animal control, biosecurity activities, fire management, management of coastal and marine systems, visitor and information management, community engagement and education. These projects often contribute to economic development opportunities more broadly such as fee-for-service work on behalf of government agencies, research and philanthropic

organisations and the private sector; tourism enterprises; and carbon initiatives. The Indigenous ranger funding supports 118 ranger groups across the country and together with IPAs, the two programmes employ over 2,900 Indigenous Australians to work on land and sea country.

In a similar vein, Canada has Indigenous environmental monitoring practices. The federal government supports environmental monitoring through a CAN$2 million annually fund for capacity for community-based environmental monitoring in the oil sands region that is designed and led by Indigenous communities (Government of Canada, 2017[122]). Environmental monitoring involves the systematic collection of samples and specimens from the air, water and land to determine the extent of impacts on the natural ecosystems and habitats. Project requirements are established by the community and based on their priorities; communities are not limited to environmental monitoring of impacts of oil sands development, but can consider environmental monitoring more generally in the oil sands region, or as it relates to on-going or proposed resource development in the oil sands region (Government of Canada, 2017[122]).

Where Indigenous communities are engaged to partake in environmental monitoring projects is it critical that their independence is maintained, particularly where energy and resource industries act as funders or partners. The environmental monitoring agency established for the Ekati diamond mine, Northwest Territories, Canada, serves as an example. The Independent Environmental Monitoring Agency was established in 1997 as a non-profit organization to serve as a public watchdog for environmental management at the Ekati diamond mine. It was established as part of the implementation protocol of the environmental assessment process. While Aboriginal members dominate the society's board composition, board seats are also allocated to federal and territorial government representatives and the mining firm (Crown-Indigenous Relations and Northern Affairs Canada, Government of the Northwest Territories, Dominion Diamond Mines ULC.). Some might view as limiting its independence. In contrast, environmental monitoring conducted the Coastal First Nations' Guardian Watchmen in British Columbia Canada is entirely led by First Nations.

The impacts of energy and resource developments are often one of the chief concerns of Indigenous communities when dealing with industry proponents. Public programmes to engage Indigenous governments and community members are growing, however industry funding for this practice is not as common. Engagement in environmental monitoring services can be an important way to ensure Indigenous oversight of environmental effects; but it is important that the governance structures guiding this process remain Indigenous independence.

Key lessons

- **New energy and resource developments in a territory can create pressures on existing services and may generate demand for new services in the process**. The impacts on Indigenous service access and service needs should be considered. Service delivery is more challenging and costly in remote rural contexts and funding programmes should reflect these costs and challenges. Predictable and long-term funding is needed. Beyond this, communities in a resource development context may require access to additional funding supports as new needs arise which the existing suite of funds do not address (or permit).

- **Benefit sharing agreements and benefit funds can include provisions for social investment; it is important that these are not overly prescribed**. Funding for Indigenous programmes and services by governments or private sector should reflect Indigenous priorities. Funding provisions in benefit sharing agreements and benefit funds on social investment and service delivery should make sure adjust reporting to local capacities and make sure they support self-determination. Indigenous ownership eliminates potential power imbalances and puts the decision making in the hands of Indigenous Peoples.

- **The private sector could do more to fund and support Indigenous-led environmental monitoring and compensation for environmental amenities; funding should not undermine**

self-determination. Energy and resource developments can generate demand for new services such as services for environmental monitoring. These important functions address key concerns that Indigenous communities often have regarding such developments. While there are a range of public sector programmes in Australia and Canada to support these services, private sector involvement is uneven. Companies should be more involved in supporting Indigenous environmental monitoring where they operate on Indigenous territories, but Indigenous independence and autonomy must be guaranteed.

- **Indigenous organisations should be supported and encouraged to deliver services**. Indigenous service delivery organisations are often best-placed to understand the clients that they serve and meet their needs in a culturally relevant manner. Indigenous organisations should be supported to fulfil these roles.

Table 6.1. Summary Community Programmes and Services

Key Challenges	Solutions/Examples	General Lessons	Considerations specific to Australian context
Communities may be ill-prepared for impacts of resource developments and often lack stable funding to provide services as well as access to essential infrastructure such as staff housing, facilities, office space and community halls.	Regional Service Delivery Hubs can help support arising needs tangible and intangible resources.	Service delivery is more challenging and costly in remote rural contexts and funding programmes should reflect these costs and challenges. Stable and adequate funding is needed.	Adjusting service delivery models (e.g. greater flexibilities and specific funding for coordination) to support collective impact approaches.
Variety of services that do not co-ordinate and that do not sufficiently take into account local needs.	Initiatives that work to transfer government service delivery to Aboriginal people and organisations based on their community development goals. Government and Indigenous communities work together to develop bespoke pathways.	Indigenous organisations should be supported and encouraged to deliver services.	Expand the success of regional pilot infinitives. Government can step up their roles as developmental partners, committing to joint development and implementation of community-specific action plans and services.
Benefit sharing agreements and benefit funds can include provisions for social investment that are overly prescribed		Funding for Indigenous programmes and services should reflect Indigenous priorities and self-determination	
Energy and resource developments can generate demand for new services such as environmental monitoring, yet opportunities for Indigenous-led services are often not harnessed	Land management and ranger services in Australia	Companies should be more involved in supporting Indigenous environmental monitoring where they operate on Indigenous territories	

Source: own elaboration

Conclusions

This paper identifies important initiatives and leading practices for how Indigenous communities can better derive benefit from developments in the energy and resource sectors; many of these practices are context specific and speak to the importance of framework conditions. The Beetaloo Basin in the Northern Territory of Australia has its own unique institutional and governance dynamics. As a remote and sparely populated area with long distances to regional service centres inhabited by various traditional owner groups, there is a need to pay special attention to managing relationships between groups, ensuring equitable support provision across the territory and link benefit sharing agreements to a wider regional development initiative.

The following lessons can be drawn across the following six policy areas:

1. Benefit Sharing Agreements and Funds

- Benefit Sharing Agreements and Funds are a critical tool to set out a successful working relationship with Indigenous peoples in the energy and resource development context. Their establishment at the onset of a resource or energy development process can have significant influence on outcomes like profit sharing, skills development, local hiring and business support etc. that span across the entire lifetime of a project and beyond. Agreements and funds are also closely linked to national and local land rights regimes and instruments of international law that set the basis for working with Indigenous peoples.

- Benefit Sharing Agreements and Funds can only deliver for Indigenous peoples if power asymmetries between communities and proponents are addressed: Indigenous communities need self-determination. Governments play a key role in setting the rules and regulations by which industries operate, including enshrining in industry-related legislation the principles of free, prior and informed consent (FPIC) to set fair and transparent processes. Further, governments need to plan beyond the duration of individual development activities and provide long-term strategic engagement with Indigenous communities on all issues related to resources, land and environmental management. Furthermore, Indigenous benefit agreements and funds should be accompanied by a coherent policy framework that also considers relationships between different communities.

2. Indigenous Governance

- **Policies and practices should support Indigenous self-determination.** Across diverse country contexts, historic injustices have dismantled Indigenous governance structures and Indigenous communities are now working to overcome this legacy by developing quality leadership. Regardless of governance type, it is important that policies and practices support and strengthen their capacity and agency and that they do not disrupt or undermine them no matter where they stand in the path to self-determination.

- **Indigenous governance and capacity strengthening can be supported by:**
  - Facilitating strategic community planning that enable Indigenous communities to identify their assets and opportunities and determine their development priorities through centres of expertise, mentorship, toolkits, guidelines and funding.

- o Providing access and training in professional/ technical skills including commercial, legal, financial, anthropological, land use, geological and data gathering (e.g., specialist centres in universities, not profit organisations).
- o Facilitating alliances with other communities in order to scale activities and gain greater access to diversified expertise, opportunities for joint procurement advocacy and service delivery.
- o Being highly aware of group dynamics and navigating these with sensitivity so as to not disrupt relations within and among Indigenous communities and peoples through policies and agreements.

3. Indigenous entrepreneurship and business

- **The degree by which local Indigenous entrepreneurs benefit from economic activities in the energy and resource sector differs considerably.** In some cases Indigenous communities have taken an equity stake in energy and resources businesses, which provides them with decision-making power in the conduct of these operations and permits them to take responsibility and make use of opportunities to grow the business if they wish. Despite this, a range of barriers need to be overcome for Indigenous businesses to make use of business opportunities arising along the value chain of resource and energy projects. These include:
    - o Missing infrastructure to support business development,
    - o Existing enterprises may be too small to meet the scale of new demand and not have the right skills to meet new business needs and,
    - o Indigenous business may face a lack of access to finance
- **Accounting for geography and local endowments in assessing local needs is important to help structure the right supports for Indigenous entrepreneurship.** Shared commitment and co-ordinated actions between Indigenous communities, the public and private sectors are needed to increase access to finance, build business capabilities and address barriers to accessing markets. This includes:
    - o Early engagement and a mapping of the local entrepreneurial ecosystem can help Indigenous entrepreneurs and industry contractors prepare for new business opportunities. Building business capabilities to advance competitiveness. This can happen though provision of targeted business development through IFAs or regional public services or incubator platforms.
    - o Targeted access to finance, for instance though business support that include flexible repayment schedules and lower requirements for capital contributions. Indigenous Financial Institutions can function as lenders that offer additional support such as mentoring and business plan development, located close to communities.
    - o Governmental procurement that helps to stimulate Indigenous business growth. Preferential procurement policies are more effective by increasing programme access i.e. making the process more supplier-oriented.

4. Indigenous Education and Skills:

- **Economic, cultural and social barriers often preclude Indigenous peoples from attaining the qualification necessary for taking on quality jobs in the resource and energy sector.** In addition, many Indigenous peoples work in low or middle skill jobs that are at high risk of being supressed, or requiring re-training with increased automation. Companies will have to find new ways to make sure they can still deliver on their value proposition to local communities in these contexts. This includes considering current and future skill needs as well as assuring transferability of skills to different contexts.

- **To ensure that training and education constitute a vital opportunity for Indigenous peoples to access quality jobs in the resource and energy sector, governments and companies need to:**

  o Engage in Indigenous pre-apprenticeship programmes to provide foundational skills training while exposing individuals to workplace experience through on the job training provide employability skills to Indigenous peoples.

  o Encourage vocational education and training providers to do regular outreach with employers to make sure they are tested and informed by local industry.

  o Skills development programmes should embed mentorship and extra support into their delivery to achieve success. For instance, mentors who have completed training or dedicated staff can provide dedicated and intensive support to Indigenous learners.

  o An Indigenous-run employment service for rural Indigenous youth can act as an intermediary between young people and training providers. Such a service could liaise between companies and training centres to support youth with information on the types of training available and providing advice.

5. Indigenous employment

- **Employment services are essential to connect Indigenous job seekers to local labour markets and resource and energy companies play a vital role in increasing the recruitment of Indigenous peoples and supporting their professional development.** Yet, not all policies/programmes to support Indigenous employment take the complex and multi-faceted barriers such as basic skills, health as well as child-care and other family responsibilities into account. These realities are often more acute in remote Indigenous communities near resource extraction sites, where service delivery organisations face challenges such as lengthy travel, high costs and difficulties recruiting staff. Remoteness also reduces Indigenous people's capacity to engage in or seek employment. Simultaneously, resource companies are often unaware of the skills of nearby Indigenous communities. This creates missed opportunities for benefit sharing.

- **The following efforts can support getting Indigenous Peoples into more jobs while also improving their quality in the energy and resources sectors:**

  o Governments should aim to build the capacity of Indigenous service providers while also ensuring non-Indigenous providers are culturally competent to deliver employment services around resource extraction areas.

  o Policy should focus on ensuring "wrap around" services that aim to address the full range of barriers related to basic skills, transportation, as well as child-care and other family responsibilities faced by Indigenous job seekers around resource extraction areas.

  o Digital job matching platforms can reduce spatial barriers to employment. For such digital tools to benefit Indigenous peoples, governments could also focus on broadband expansion programmes within Indigenous communities.

  o Encourage resource and energy firms to adopt human resource policies that support Indigenous workers and consider the effects of automation i.e . funding for training, regular consultation with Indigenous staff, as well as worktime flexibility

  o Indigenous power authorities can support Indigenous ownership and governance of resource projects. Equitable project governance can support job creation and good employment practices.

6. Indigenous Community Programmes

- **New energy and resource developments in a territory can create pressures on existing community services and may generate demand for new services in the process**. This can include service delivery for social and health care as well as needs for environmental amelioration. Addressing social problems is essential for economic self-sufficiency and self-determination. Resource revenues can be invested in these important programmes.

- **Indigenous ownership and control is important so that services are provided in a community-relevant manner.** As service delivery is more challenging and costly in remote rural contexts, funding programmes should reflect these costs and challenges. Stable and adequate funding is needed. In the context of where benefit sharing agreements or funds include social investments, it is important that these do not limit possibilities to reflect Indigenous priorities. Finally, as environmental needs might arise in regions with energy and resource developments, for instance linked to environmental monitoring, companies, aside from governments, should be more involved in supporting such services as funders or partners, yet, mindful to maintain Indigenous independence.

Across all sections, the paper points to the importance for Indigenous peoples to enter engagement with industry from a place of strength, early in the process, and as equal partners. It is essential for the effectiveness of programmes to be Indigenous-led and informed, and long-term oriented. For this to be realised, governments and the private sector should strive for greater levels of Indigenous control over the nature of the development and the benefits they can receive. Benefit sharing should consider the entire project lifecycle and be designed to sustain well-being after the completion of a resource project.

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Notes

[1] On average for Australia, Canada, Mexico, the USA and New Zealand.

[2] This corresponds to 9% of the total national Aboriginal population (OECD, 2020).

[3] Under the Aboriginal Land Rights Act (NT) 1976 (Cwth).

[4] The Northern Territory has the lowest levels of self-employment for Indigenous peoples (at 3%); the lowest Indigenous educational rate (only 17% of the Indigenous peoples aged 25-64 had at least upper secondary education in 2016); and the largest gaps in education between Indigenous and non-Indigenous population (the share of non-Indigenous peoples with at least upper secondary education is about 60 percentage points higher than the share of Indigenous peoples with this level of education) (OECD, 2020).

[5] As noted by Morgera (2019), benefit sharing agreements are related to community agency and capabilities and as such, should not be conflated with compensation agreements which may entail a violation of a right.

[6] For example, Canada has established Aboriginal Financial Institutions to address a lack of commercial credit alongside the challenges of remoteness and a lack of financial literacy faced by Indigenous businesses and entrepreneurs when working with mainstream banks. Today there are 59 Aboriginal Financial Institutions; they are Indigenous-owned and controlled financial institutions which provide non-repayable contributions, developmental lending and business support to Indigenous businesses. The pan-Canadian network of Aboriginal Financial Institutions fill an incredibly important role in providing access to finance for Indigenous businesses and other business support services. They serve a market that the private sector would likely not fill and mostly lend to small businesses. Another example is the Alberta Indigenous Opportunities Corporation is a first of its kind provincial Crown Corporation that supports Indigenous investment and ownership in commercially viable mid to large scale natural resource and infrastructure projects by way of providing up to CAN$ 1bn in provincial government loan guarantees that bolster Indigenous access to capital so that Indigenous groups can access the financing for their investment/ownership stake. The AIOC's minimum guarantee is CAN$ 20million and the maximum guarantee is CAN$ 250million. With ownership, a proportionate percentage of operational revenues flows to the Indigenous owners, and like other forms of partnerships there are Indigenous employment, skills development and procurement opportunities. In addition to this, there is an opportunity for an Indigenous seat at the governance table which allows for greater control and strategic influence over the life of the project and related environmental matters.

[7] See Chapter 3 Traditional land rights and frameworks in OECD (2019) Linking Indigenous Communities with Regional Development for an overview of land rights regimes across OECD countries.

[8] For example, in the case of Sweden, *Samebyar* (reindeer herding communities) receive intrusion compensations according to the Mineral Act for mining activities carried out within their areas (covering the losses and damages suffered due to these activities). In discussions with reindeer communities and husbandry companies, surveying agencies put a value on land and land used for reindeer herding a pasture is not as high as the value of land that can be taken out when starting a mine or business. Correspondingly, compensations are lower for pastureland. For *Samebyar*, this framing is focused on development in economic terms only and does not place intrinsic value on reindeer herding as central to cultural reproduction for the Sami (OECD, 2019[18]).

[9] The Northern Territory and South Australia have approximately 98% of the total amount of collective fee simple land in Australia. Collective fee simple title is inalienable and cannot be mortgaged. It can be leased to third parties, but if the lease exceeds a certain amount of years government's prior approval is required.

[10] The ratification is an internal process by which the treaty is approved by the national parliament or congress. For that to happen, countries usually enact a national law or statute, which may also be followed by similar enactments at the state or regional level. In some countries, however, that is not necessary, as the internal approval expressed in the ratification process automatically turns the international treaty into a source of national law. This stronger degree

of responsibility partially explains why less than 30 countries ratified the ILO conventions, in comparison to 144 adhesions to the UNDRIP (OECD, 2019[4]).

[11] For example, in many countries, national laws are inconsistent with the principles of UNDRIP. In Canada, the government of British Columbia is the first in the world to enact a law that committing the government to align all provincial laws with UNDRIP, including the right to free prior and informed consent (FPIC).

[12] The right of participation corresponds to governments' duty to consult in good faith with the aim of obtaining free, prior and informed consent (FPIC) (articles 19 and 32 of UNDRIP). Nation-states have the obligation to consult and cooperate in good faith with Indigenous groups in order to obtain their free and informed consent, prior to the approval of any project affecting Indigenous lands and resources. FPIC does not however entail a collective right to veto. While involving Indigenous peoples at an early stage, the process of dialogue and negotiation should extend over the course of the proposal, from planning to implementation and follow-up. More than being informed about a proposal, Indigenous peoples have to be given the possibility to influence the outcome of decision-making and to suggest alternatives to it.

[13] Note that there is a distinction between mitigation and compensation to Indigenous communities for interference with their rights and benefits which refer to the sharing of resources that have been extracted from traditional territories; compensation may be required for both types of activities.

[14] Not all Native Title agreements are ILUAs. The benefit sharing agreement mechanism is different under the NT Aboriginal Land Rights Act. Not all Native Title agreements are ILUAs.

[15] In New Zealand there are three general types of agreements: resource agreements, confidentiality agreements and relationships agreements (Te Runanga o Ngāti Ruanui Trust, 2014). These are not benefit agreements per se, some relate to how *iwi* will be included and engaged in decisions on resources development more generally; this may or may not include direct benefits.

[16] In the United States, benefit sharing agreements are described by the terminology of the act under which they fall. The 1992 Indian Mineral Development Act (IMDA) strengthened tribal control of minerals development, allowing them to enter into agreements for extraction, including leases, joint ventures, production sharing. IMDA agreements can be directly negotiated with corporations or other partners and/or involve the federal government and may include tribal employment preferences, tribal business subcontracting, environmental controls and other conditions (Grogan, Morse, & Youpee-Roll, 2011). Under the 2005 Indian Tribal Energy Development and Self-Determination Act (TERA) a tribe can enter into leases and business agreements for energy resource development on tribal land for the purposes of extraction and development of energy mineral resources and the construction and operation of electric generation, transmission or distribution facilities. As noted in a 2011 report by Grogan et al., TERA agreements are subject of complex regulation and federal approvals and do not have widespread use.

[17] Beyond country-specific terminology, there are a diversity of terms that are used for benefit sharing agreements including: "community development agreements", "community benefit agreements", "impact benefit agreements," "social agreements, or in the case of genetic materials and Indigenous knowledge, "access and benefit agreements".

[18] The benefit agreement established between the Argyle Diamond Mine and Kimberley Land Council (KLC) in Australia has been noted as exceptional in this regard, both in terms of the structure of pre-negotiation support for agreement alongside research to determine beneficiaries (ethnographic study) (Loutit et al., 2016). For a government led example, see Ontario's Aboriginal Participation Fund which includes support for values mapping/Traditional Knowledge (Government of Ontario, 2020). Alberta Indigenous Opportunities Corporation, in Canada, also has an annual budget of ~$3Million to provide "Capacity Grant" funds (non-repayable) to Indigenous groups so they can retain independent professionals/experts to advise on the technical, regulatory, legal and financial aspects of a potential project.

[19] For example, see The Aboriginal Engagement Tool-kit of the Association of Mineral Exploration of British Columbia (AME BC, 2014[161]); the Handbook of the Canadian Association of Petroleum Producers) (CAPP, n.d.[162]); IPIECA's guide on community development agreements (ipieca, 2019[165])

[20] The project partners for the Centre of Excellence for Indigenous Mineral Development are Laurentian University, Waubetek Business Development Corporation and the Government of Canada. The global mining group Rio Tinto has

announced in March 2020 that it will invest $1 million over five years in support of the Centre's activities (Rio Tinto, 2020).

[21] For example, while Australia's Native Title Tribunal provides a complete list of registered ILUAs, with date of signature, name of the parties, state and date of commencement, the content of agreements is not disclosed. In Canada, IBAs are also confidential.

[22] Direct payments include: tribal lease direct payments and Indian Mineral Act Agreements (United States Department of the Interior, 2020[163])

[23] For example, in the Australian context, researcher Ciaran O'Faircheallaigh notes the success of the Gagudju Association where royalties from the Ranger uranium mine (1980-90s) and Rio Tinto's bauxite mine (2000s) were used to tourism ventures, build trust funds for children, assist their members to live on country, and supplement personal incomes and health and education services to Gagudju outstations and to establish a long-term capital fund of close to $50 million to generate an income after mining ceases. Also of note is the Port Curtis Coral Coast native title claim group where educational investments and the establishment of a long-term investment strategy including a capital fund designed to generate ongoing income post-industrial activity (O'Faircheallaigh, 2018[36]).

[24] For example, In a review of fund governance, O'Faircheallaigh notes the use of incorporated associations or charitable trusts to manage funds—"intended to prevent cash payments to individuals and to ensure that royalties are used for what might broadly be described as 'community development purposes'" (O'Faircheallaigh, 2017). They are required to submit annual reports that document in detail their governance arrangements and the way in which their income has been expended. This has not prevented misappropriation (O'Faircheallaigh, 2017).

[25] See the First Nations Oil and Gas and Moneys Management Act which provides for First Nations to become trustees of oil and gas revenues, displacing the federal government (federal financial administration) to allow for more diversified investment of revenues.

[26] For an example of a trilateral process see Newfoundland and Labrador's model of trilateral engagement for the Voisey's Bay mine (Cooney, 2013[23])

[27] RNTBCs and PBCs are special types of Aboriginal and Torres Strait Islander Corporations created for common law native title holders to hold or manage native title.

[28] These two government Departments are: Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC). In Canada, the CPP approach was first used by First Nations in British Columbia in the mid-2000s and there is now an established mentoring programme for communities that have gone through this process to share their experiences and leading practices (BC Capacity Initiative, 2020[155]) (Indigenous Services Canada, 2020[156]).

[29] (Comprehensive Community Planning, n.d.[164])

[30] In Yukon, Canada, First Nations, Yukon College and the province's government partnered to forge the initiative First Nations Governance and Public Administration (FNGPA) programme, providing public administration education tailored to the specificities of First Nation government in Canada (Yukon University, n.d.[130]) (OECD, 2016[135]). The certificate programme offers courses in subjects such as public administration, governance and land claims, community and economic development as well as public policy. First Nation leaders also regularly come into classes to share their experiences in governance.

Another example is the Saskatchewan Indian Institute of Technology (SIIT), an Indigenous-led training institution (OECD, 2016[135]). SIIT dispenses certificate and diploma programmes in a wide variety of areas, including trades and industrial areas, business and technology, health and community studies and adult basic education. SIIT has also build a wide network of relationships with industry, professional associations and other academic institutions.

[31] St'át'imc Nation formed a unified governance structure under leadership of the St'át'imc Chiefs Council (SCC). The structure represents the original inhabitants of a territory that is located in the southern Cost Mountains and the Fraser Canyon region of British Columbia. While respecting the integrity and autonomy of each community, the council body works to build collective strength, protecting St'át'imc jurisdiction and fosters self-sufficiently and self-determination. In

2011 the St'at'imc signed a landmark agreement with a local electric distributor and the province to address grievances relation to construction and operation of hydro facilities. In the process the SCC set up the St'at'mic Government Services (SGS), which delivers programmes for fisheries, stewardship advocacy, heritage and culture, and education and training (St'at'imc First Nation, 2020[157]).

32 Prior to colonisation, the Mi'kmaq territory (Mi'kma'ki) covered Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland. Mi'kma'ki was divided into seven districts that was led by a District Chief. These Chiefs came together to form the Mi'kmaw Grand Council that governed the whole territory. Colonisation and settlement disrupted these traditional forms of governance. The primary form of governance for contemporary Mi'kmaw are reserve lands formed under the Indian Act. Within Nova Scotia, Mi'kmaq First Nations are coming together to collaborate at larger scale.

33 Established in 1988, Matawa First Nations unites First Nations and helps them to support each other to pursue social and economic opportunities by focussing collective efforts and setting strategic priorities. The Corporation offers a range of programmes and services including Financial Advisory Services (capacity development in terms of governance, management and financial advisory, working with Band, Finance and Program Managers), support for Economic Development (encouraging a diverse private sector and entrepreneurial culture, comprehensive community economic development planning); and coordinates information sharing on mining exploration and assists in negotiations. They also operate a not-for-profit arm—the Kiikenomaga Kikenjigewen Employment & Training Services (KKETS) and the Minawshyn Development Corporation—that is engaged in regional development for infrastructure, resource development and construction. Utilising "Co-development" institutions and networks to strengthen governance capacities

34 In New Zealand and the United States, there are specific legal instruments for this purpose. In New Zealand, a Māori incorporation is a legal instrument to create a for-profit enterprise on Māori land. This entity also has tax advantages (along with other Māori authorities) by reducing their provisional tax rate from 33% to 17.5%. In the United States, Tribes can petition the US Secretary of Interior to create a federally chartered corporation.

35 For example, in Canada, reserve land cannot be used as collateral to raise financial capital because it is federally owned, is inalienable and cannot be seized by banks upon loan default (section 89/1, Indian Act). Long term leases or on-site structures are sometimes accepted as loan collateral but challenges in accessing capital remain a significant obstacle to business development.

36 For example, Canada has successful private banking-Indigenous partnerships such as the First Nations Bank of Canada.

37 The 2016 New Zealand Budget provided $4 million to deliver microfinance to support enterprise development through these commission agencies.

38 Individual loans are capped at US$ 500,000 and can be increased for tribal enterprises. Since its inception, this program has guaranteed over US$ 1 billion worth of loans.

39 Loans can be used to acquire fixed assets, finance franchise fees, cover start-up costs, start exporting, and replenish working capital. This loan facility is provided through the Business Development Bank of Canada, which is a government backed institution that provides capital, advisory services and finance to small and medium sized enterprises (SMEs).

40 IBA offers business loans of A$10,000 to A$5,000,000 for working capital requirements, purchase of existing businesses, plant and equipment, and other commercial assets

41 A procurement loan (up to 2 years) is another facility that is provided to cover initial capital costs related to the awarding of a contract through the Indigenous Procurement Policy (IPP) or another government program. Support for start-ups includes a 30% contribution through a grant and includes a funding package of up to A$100,000 for up to 7 years. IBA also provides short-term loans to cover cash flow issues associated with invoices (of 60 – 90 days).

42 These institutions are now supported by two main mechanisms at a Federal level. The first is the Aboriginal Entrepreneurship Program that includes equity funding for a range of different business activities. The second is the

Community Futures through RDAs that provides funding support for community planning and projects, business services, and capital for SMEs. AFIs now have revolving funds that do not require ongoing supplementary financing from governments; however, financial support is still provided for operational funding. One key challenge that has been identified in Canada is that they have stretched their initial capital base, which is now reducing their capacity to take on new and more risky developmental loans (NACCA, 2020[60]).

[43] There are two Incubators in remote South Australia (in Ceduna; and Flinders Far North Region), four in Northern Territory (Ramingining; Galiwin'ku; South West Alice Springs; and Katherine), two in remote north Western Australia (Kullari Region; and Derby/Gibb River) and four in Queensland (Charleville; West Mount Isa; Palm Island; Torres Strait Islands). Three of these Incubators are based on remote islands off the coast of north Australia (Elcho Island, Palm Island and the Torres Strait Islands).

[44] In Voisey's Bay, in Canada, local mining operations faced challenges from remoteness and extreme weather conditions, as operations require year-round, constant shipping access to move resources. The constant ship traffic also disrupted traditional Inuit transportation corridors on the sea ice. Consequently, local Inuit people were able to develop a business building on local knowledge - Sikumiut Environmental Management Ltd.—guides ships out of the sea ice to open water minimising negative impacts to the clients and their communities. An important aspect of their work is a portable, deployable system that allows local people to continue to move around the sea ice without fear of harm from ships. Through this partnership, the Indigenous business was able to grow and now employs around 20 people (CCAB, 2016[136]).

[45] This includes through a formal framework for action in a national partnership on land transport infrastructure and in city deals around the country. Targets are determined on a project by project basis and reported publically. Current intergovernmental initiatives with participation targets include Northern Australia Roads Program, City and Regional Deals, the 2019 Land Infrastructure NPA, and the NT Remote Housing NPA.

Annex A. Additional Information

Table A A.1. Common benefit agreement provisions for resource development

Provision	Objective	Exemplary causes
Employment	Increase employment opportunities	Preferential hiring for Indigenous people, Indigenous staffing quotas, and seniority in the event of layoffs Recruit and retain employees for long-term work Flexible schedule to accommodate traditional activities such as hunting Cultural recognition programmes, including work-site language protection and local dietary provisions for Indigenous workers
Education and training	Increase opportunities through education and training	Capacity building, apprenticeship and training Cross cultural training for both Indigenous and non-Indigenous employees Apprenticeship and scholarship programmes Partnership with local schools and community colleges
Economic development	Preferential contracting to Indigenous businesses; increase Indigenous business development opportunities	Direct tendering to Indigenous communities Unbundling contracts into simpler, smaller components Priority bidding for local entrepreneurs to meet the supply needs of industry and additional efforts to support them in complying with the bidding criteria
Socio-cultural support and communications structures	Support social development; recognize and/or reaffirm Indigenous rights, culture and traditions	Monitor social impacts with developed indicators Fund community projects and physical infrastructure Committee meeting to liaise and facilitate on-going communication Heritage protection: a general prohibition on the accessing of Aboriginal lands, hunting grounds, and burial and sacred sites by non-Aboriginals Social issues: mental health counselling, financial and infrastructural support for community projects, recreational programmes, and special provisions to protect social groups at risk, such as women and children
Environmental monitoring and protection	Ensure corporations comply with existing laws, regulations and incorporate additional environmental protection provisions into the IBA	Emphasis to give certain EA clauses particular attention Obligations regarding abandonment and reclamation Minimize activity in spiritually and culturally sacred areas
Finance/Funds	Monetary settlements to compensate for surface or subsurface development	Fixed cash payouts, variable cash payments and suspension payments Joint venture and development funds Payout structuring to meet community needs, i.e. not a lump sum
Commercial terms	Ensure contract has terms to reflect long-term planning and enforcement	Dispute resolution Force majeure Confidentiality

Source: Adapted from Hitch, M., & Riley Fidler, C. (2007). Impact and Benefit Agreements: A Contentious Issue for Environmental and Aboriginal Justice. Retrieved June 7, 2020, from Environments Journal website: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1340057, p. 61.

Table A A.2. Benefit funds by province/territory, Canada

Jurisdiction/type	Benefit terms
Ontario, Policy-based	Thirty-one First Nations with resource revenue sharing agreements (2019) will receive a portion of: 45% of annual revenue from contributing forest management units; 40% of the annual mining tax and royalties from operational mines (at the time the agreements were signed); 45% from future mines in the areas covered by the agreements.
British Columbia, Policy-based	British Columbia shares net Mineral Tax revenue derived from new mines and major mine expansions with First Nations proximate to mining projects (project-specific economic community development agreements). Revenue-sharing percentages are negotiated on a case-by-case basis and range from 12.5% to 37.5%. British Columbia also shares approximately $40 million annually in forestry sector revenues with 125 First Nations through forest consultation and revenue sharing agreements. Each agreement includes a floor amount of CAN $35 000 plus an amount determined by a standardized formula incorporating the percentage of traditional territory within the harvesting area and the district's forestry revenues. The total annual sharing percentage is between 6% and 10% of net forestry revenues.
New Brunswick, Policy-based	Mine-specific agreement (2017) with six First Nations that will share 9.8% of the provincial revenue generated from the metallic mineral tax associated with the Sisson mine project. New Brunswick also shares approximately 5% of the annual allowable harvest of Crown timber with 15 First Nations through separate agreements. First Nations receive royalties generated from their allocated harvest as well as proceeds from the sale of timber.
Manitoba, Policy-based	Manitoba committed to sharing up to 25% of mine tax revenue on new mines with First Nations (in 2016).
Quebec, Land claim agreement	The annual payment from Quebec to the Cree Nation under the La Paix des Braves agreement is indexed to reflect the evolution of the value of mining, forestry and hydroelectric production in the James Bay and Northern Quebec Region. The base annual payment of $70 million, to be paid for the duration of the 50 year agreement, was determined as part of settlement of disputes regarding implementation of the James Bay and Northern Quebec Agreement. Quebec shares the greater of $70 million or $70 million indexed to changes in the value of resource production in the region when compared to a base period of 1999-2003. In 2014-15, the Cree received $86.6 million, with increases in hydroelectric production accounting for the majority of the indexing
Newfoundland and Labrador, Land claim agreement	Province shares 5% of any revenue received from the Voisey's Bay mining project with the Innu government through a Memorandum of Agreement, pending final settlement of an Innu land claims agreement. Newfoundland and Labrador also shares resource revenues with Labrador Inuit under the Labrador Inuit Land Claims Agreement as follows: 25% of provincial revenues from subsurface developments within Labrador Inuit Lands in the settlement area; 50% of the first $2 million and 5% of any additional provincial revenues in the remaining land and ocean in the settlement area; 5% of provincial revenues from subsurface resources in the Voisey's Bay area.
Northwest Territories, Land claim agreement	The Lands and Resources Devolution Agreement transfers control of public lands and resources from the federal government to the Northwest Territories (NWT). The Agreement allows the NWT to keep 50% of resource revenue, up to 25% of which the NWT shares with Indigenous governments that are signatories to the Agreement. The NWT also shares resource revenues resource revenues collected on public land in the Mackenzie Valley with four Indigenous groups through three individual comprehensive land claim agreements and an Interim Resource Development Agreement. These agreements share between 7.5% and 12.25% of the first $2 million in resource revenues and between 1.5% and 2.45% of any additional resource revenues.
Nunavut, Land claim agreement	Nunavut shares 50% of the first $2 million of resource royalties and 5% of any additional resource royalties from Crown lands with the Inuit as part of the Nunavut Land Claims Agreement (NLCA) and through the Nunavut Tunngavik Incorporated (NTI), a body established in 1993 to ensure implementation of the NLCA.

Source: Compiled from (Government of Ontario, 2020) (Province of British Columbia, 2020)(Yellowhead Institute, 2019a)

Table A A.3. Recognition of subsurface rights, select countries

Country	Subsurface rights framework
Australia	States' land rights legislation grants collective fee simple title to land does not confer rights to sub-surface resources. The Federal government's Native Title provisions recognise traditional owners' occupation of land as it has been held historically, which generates cultural rights, but not the right to access and control sub-surface resources. Under the national and the state frameworks, Aboriginal people have fishing and hunting rights.
New Zealand	Indigenous peoples do not generally hold sub-surface rights to Māori freehold lands. According to the Crown Minerals Act, sub-surface resources of national relevance are owned by the Crown, even if situated on privately held land. Yet the transfer of land title ought to include title to sub-surface resources if these resources were known and used by the Māori at the time of the conclusion of the Treaty of Waitangi of 1840. Separate acts have regulated Māori's hunting and fishing rights. Māori people have customary and commercial rights. Customary rights refer to hunting, fishing and harvesting for cultural and

	subsistence purposes, which are granted under New Zealand law. For commercial purposes, under the Sealord Deal of 1992, Māori people were granted 50% of Sealord Fisheries and 20% of all new species brought under the quota system, shares in fishing companies and $18 million in cash.
Canada	In Canada, the rights to reserve land generally do not include sub-surface resources, which may be owned and administered by the federal government or by the regional level of government, the Province. In comprehensive agreements (modern treaties) that result in the transfer of fee simple land to Indigenous people, sub-surface rights have to be explicitly conferred in the agreement or it is assumed that they were not so. Hunting and fishing rights are granted in reserve and fee simple lands. In the territories traditionally occupied by Indigenous peoples which are not part of reserves or owned as fee simple land, there may still be fishing and hunting rights, exclusive or not. In the James Bay Agreement, for instance, exclusive fishing and hunting rights are attributed in Category II lands, where non-exclusive rights are given in Category III lands. It may also be the case that Indigenous peoples are given permission by private owners to hunt and fish in their lands.
United States	Quasi-property rights to reservation lands include the right to sub-surface resources, which are also retained by the government on behalf of the tribe. Indigenous peoples have the right to hunt and fish on reserve lands.
Sweden	Co-existence and joint management models apply, as Sami people have rights to use land for reindeer husbandry purposes only, they do not have right to the sub-surface natural resources of the land. The provision of hunting and fishing rights is assured to those who are members of the cultural and economic associations of reindeer herders, the *Sameby*. The *Sameby* cannot generate revenues from the commercial exploitation of these rights.

Source: OECD (2019a) Linking Indigenous Communities with Regional Development. https://doi.org/10.1787/3203c082-en.

Annex B. OECD Leading Practices

Table A B.1. OECD Practices: Indigenous employment and training policies

Initiative, Country	Organisation/Strategy	Description
Indigenous Skills and Employment Training Strategy (ISETS) Winnipeg, Manitoba, Canada	The Centre for Aboriginal Human Resource Development (CAHRD)	Indigenous employment strategy focused on Indigenous-led delivery of employment services. ISETS has funded CAHRD, a centralised point of entry for employment as well as education, training, health and other support services to Indigenous community.
Strategic Parternships Initiative (SPI) Saskatchewan, Canada	First Nations Power Authority (FNPA)	Cross-governmental coordination mechanism aimed at increasing the involvement of Indigenous Peoples in economic development projects. SPI has helped found FPA, a non-profit First Nations-governed company for development of environmentally preferred power generation projects.
FNPA-supported Saskatchewan, Canada	Awasis Solar Project	Indigenous co-owned solar project with 51% Indigenous ownership and 50% board membership. Awasis is committed to recruiting Indigenous locals for its project, particularly through contracting. Awasis contracted an Indigenous-owned company for geotechnical and environmental studies, while planning to recruit Indigenous construction firms for build the facility.
British Columbia, Canada	*W Dusk*	Indigenous-owned wind, solar and hydroelectric company that has mainstreamed the direct hire of Indigenous People from the community to build projects. Also offering mentoring and training in solar energy projects to local youth.
The Southern California Tribal Chairmen's Association, USA	*Nativehire*	Nationwide on-line employment search engine for Native Americans to connect with employers and access to easy-to-use tools such as job fairs, on-line workshops and other job search tutorials
Canada	*Working Warriors*	Cloud-based platform for Indigenous communities to analyse workforce skills capacity and build skills database. Also used as a job search tool.
Canadian Union of Public Employees (CUPE), Canada	National Indigenous Council, collective bargaining	The union has taken steps to better integrate Indigenous members, such as a nation-wide committee for Indigenous members to voice issues and Indigenous-sensitive collective bargaining agreements.
Community Future Treaty Seven (CFT7), Alberta, Canada	*Trade Winds to Success*	Recruitment and pre-apprenticeship programme with the aim of accompanying Indigenous people into companies.
Formation Cadres Avenir, New Caledonia, France	*Cadres Avenir, 400 Cadres*	Funding and mentorship programmes to accompany *Kanak* into higher education and back into the local job market as managers.
Yukon, Canada	*First Nations Governance and Public Administration (FNGPA)*	Partnership between FNGPA Yukon First Nations, Yukon College and the province's government. Aims to strengthen the public administration skills of Indigenous People.
Indigenous higher education, Saskatchewan, Canada	*Saskatchewan Indian Institute of Technology (SIIT)*	Indigenous-administered higher education institutions focused in trades and industrial areas. Runs multiple campuses and centres across Saskatchewan. Forged relations with wide network of private sector and educational actors.
Provincial Growth Fund (PGF), Te Tai Tokerau, Eastern Bay of Plenty, Gisborne/Tairāwhiti and Hawke's Bay, New Zealand	*He Poutama Rangatahi*	PGF-funded pilot initiative to support local organisations which provide individualised support, local employment networkers and training that continues into employment for *Rangatahi* youth.
	Tupu Aotearoa	PGF- funded initiative to connect young Indigenous People with employment service providers. Local providers help Indigenous youth with upskilling and training, obtaining a drivers licence, support with CV and cover letter, interview preparation, career advice and accompanying them towards a job.

Table A B.2. OECD Leading practices in Indigenous governance capacity building

Initiative, Country	Organisation/strategy	Description
Comprehensive community planning, Canada	Part of the governments of Canada's Community Development National Strategy, Indigenous Relations and Northern Affairs Canada, CIRNAC and Indigenous Services Canada. British Columbia	Comprehensive Community Planning Program (CCP) is a tool that enables a community to plan its development in a way that meets its needs and aspirations. It establishes a future vision and guide the implementation of project to achieve the vision, assures community project are thought through and linked to other plans of the community. To date, approximately one quarter of First Nations, or 162 have Comprehensive Community Plans. The plans typical cover areas such as: Governance, Land and Resources, Health, Infrastructure Development, Culture, Social, Education and Economy
Regional Comprehensive Economic Development Strategies, United States	The Economic Development Administration (EDA) in the United States	Regional Comprehensive Economic Development Strategies of the Economic Development Administration (EDA) in the United States works with Native American Tribes to improve their planning frameworks. Funding and technical support are provided by the EDA to tribal organisations to complete these strategies that must include a process of community and stakeholder engagement and produce a regional economic development strategy that assesses local economic strengths and challenges, identifies priorities and develops a framework to evaluate success. These strategies can then be used to unlock funding from the EDA for local infrastructure, small business and technical support. There is also government support for sectoral planning –e.g., climate change mitigation, adaptation and environmental planning
Research institutes for Indigenous economic development, multiple countries	Examples include: • Te Mata Hautū Taketake (Māori and Indigenous Governance Centre), New Zealand • Centre for Aboriginal Economic Policy Research, Australia • Harvard Project, the United States	Specialist centres in universities around the globe that provide research and development to Indigenous governance. They examine best practice in governance, the community development processes and tools outlined earlier, and models for economic development. They also review and collate learning from global experience, giving communities access to the combined body of knowledge on governance from Indigenous groups globally. Governments fund these institutions and could expand their funding to include the support for capacity building being requested by regional Indigenous groups in their jurisdictions.
Community-controlled advocacy organisations, United States	National Congress of American Indians	The National Congress of American Indians is the oldest, largest, and most representative American Indian and Alaska Native organization serving tribal governments and communities. Its membership is diverse, consisting of American Indian and Alaska Native tribal governments, tribal citizens, individuals, and Native and non-Native organizations. It serves as a forum – through an Executive Council, mid-year conference, and annual convention – to create unified policy positions among tribal governments in order to: 1) protect and advance tribal governance and Treaty rights; 2) promote the economic development and health and welfare in Indian and Alaska Native communities; and 3) educate the public toward a better understanding of Indian and Alaska Native tribes.
Reconciliation Action Plans, multiple countries, Australia	Reconciliation Australia	Reconciliation Action Plans (RAPs) in Australia provide a framework for all organisations, including government and corporates, to create social change and economic opportunities for Aboriginal and Torres Strait Islander Australians in their organisations. They include commitments to acknowledgment, employment, training, procurement and capacity building. They also conduct advocacy activities, including research, national indicators and media to influence policy makers on aspects of reconciliation. has undertaken campaigns on the delivery of banking and financial services to Indigenous communities.
Reconciliation protocol, Canada	Kunst'aa guu-Kunst'aayah Reconciliation Protocol with British Columbia	The Haida Nation has negotiated a unique agreement with British Columbia, the Kunst'aa guu-Kunst'aayah Reconciliation Protocol that provides that decision-making is truly shared. The protocol is supported by provincial legislation, the Haida Gwaii Reconciliation Act. Both provide that there is shared decision-making on Haida Gwaii (a number of small islands off British Columbia's west coast) through the Haida Gwaii Management Council.
Consultation/Reconciliation Agreements, Canada	Consultation/Reconciliation Agreements Mississaugas of the New Credit – Federal Government	In 2018, the Mississaugas of the New Credit, a southern Ontario First Nation, have strengthened their relationship with the Federal Government through the signature of a consultation protocol agreement. The protocol sets out a clear process for fulfilling Canada's duty to consult with the Mississaugas of the New Credit First Nation and establishes the parties' respective obligations.
Leadership and mentorship training,	Aboriginal Financial Officers	The Aboriginal Financial Officers Association (AFOA)—an Indigenous-led not for profit that focuses on capacity building for Indigenous professionals working

Canada	Association	finance, management, band administration and program management—offers a Certified Aboriginal Financial Manager designation. This is a preferred credential for Indigenous financial management positions.
Indigenous Business Awards of Excellence, Canada	National Aboriginal Capital Corporations Association	As part of the National Aboriginal Capital Corporations Association (NACCA) Indigenous Economic Prosperity Forum, Indigenous Business Awards of Excellence showcase the strength and resilience of First Nations, Inuit and Métis entrepreneurs across Canada. Entrepreneurs are nominated by Aboriginal Financial Institutions.
Strategic community planning, Canada	Comprehensive Community Planning Programme	In 2017 Canada developed its Community Development National Strategy aiming to supports community development through a holistic, strength based, and community-led process, which respects the principles of cultural competence and Indigenous knowledge. The strategy includes Comprehensive Community Planning Program (CCP). CCP is a tool that enables a community to plan its development in a way that meets its needs and aspirations. It establishes a future vision and guide the implementation of project to achieve the vision, assures community project are thought through and linked to other plans of the community.

Table A B.3. OECD Leading practices in benefit sharing and funds

Initiative, Country	Organisation/strategy	Description
Centres of expertise for data sharing, regulatory guidance and best practices, Canada	The Centre of Excellence for Indigenous Mineral Development which is part of a larger Aboriginal Mining Strategy for North-Eastern Ontario	North-Eastern Ontario. The Centre is being established in order to support the participation of the Indigenous peoples in the mining industry, and to assist industry and government through information sharing and best practice protocols with Indigenous engagement, including understanding environmental data. It is a partnership between a University, an Indigenous business development corporation and the federal government and has received significant funding from one of the world's largest mining corporations in order to extend its repository of expertise beyond Ontario. The Centre will be situated within the University and as such, will be able to draw on the expertise of various academic departments.
Legal advice, United States	Indian Law Resource Center	The Indian Law Resource Center is a non-profit law and advocacy organization established and directed by American Indians. They provide legal assistance to Indian and Alaska Native nations who are working to protect their lands, resources, human rights, environment and cultural heritage. Their principal goal is the preservation and well-being of Indian and other Native nations and tribes.
Databases of benefit sharing agreements, US, Canada	Columbia Centre for Sustainable Investment's (CCSI) Community Development Agreement database, USA Simon Fraser University's Impact Benefit Agreement database (BC, Canada)	Access to comparable benefit agreements assists informed negotiation. One of the few repositories of information on benefit sharing agreements is the Columbia Centre for Sustainable Investment's (CCSI) Community Development Agreement database and also the Simon Fraser University's Impact Benefit Agreement database
Enabling legislation, Canada	First Nations Oil and Gas and Moneys Management Act, Canada	Canadian legislation has increased the role of First Nations in large scale industrial developments and provides for First Nations to become trustees of oil and gas revenues, displacing the federal government. Canada's First Nations Oil and Gas and Moneys Management Act provides for First Nations to become trustees of oil and gas revenues, displacing the federal government (federal financial administration) to allow for more diversified investment of revenues. Upon a successful community vote and adoption of management provisions (i.e., provisions for investment, spending and accountability), the First Nation's capital and revenue moneys will be transferred to the First Nation for its control and management.

Table A B.4. OECD Leading practices supporting Indigenous entrepreneurship

Initiative, Country	Organisation/strategy	Description
Community based business advisory, Sweden	Ávki development agency	Ávki is a development agency with Sami cultural competency that was created to be "a partner for anyone who wants to develop and have a well-managed economy" and enable Sameby to diversify economic activities (co-owned by them). It services the Sami business community groups in Gällivare, Norrland and Sápmi offering business skills, book-keeping and accounting, and acting as an intermediary organisation, fostering collaboration, and helping Sami work through

		the funding and programme landscape.
Economic Action Plan, New Zealand	The Manawatū-Whanganui Economic Action Plan: New Zealand	In New Zealand, most regions have an economic action plan which may outline the role of Māori and the local Māori economy in achieving the region's development objectives. In Aotearoa/New Zealand, collaboration has enhanced outcomes in the Māori economy in the Manawatū-Whanganui region through regional alliances between iwi, industry, councils, marae, and government. They are also creating the broader institutional arrangements to formalize these networks and work better with government.
Indigenous Community Development Finance Institutions, United States	Indigenous Community Development Finance Institutions (CDFI)	Indigenous Community Development Finance Institutions can be banks, credit unions, loan funds, microloan funds, or venture capital providers. The initial capital for the institution may be raised from the local community, other financial institutions, and government. CDFIs are normally accountable to their local community and operate on a not-for-profit basis with legislative and funding support from governments. CDFI emerged in the United States in the 1970s and enabled by the Community Reinvestment Act (1977) that provides encouragement for financial institutions to address the needs of minority and economically disadvantaged communities. CDFI were initially established as intermediaries to provide capital, finance and advice to these communities.
Aboriginal Financial Institutions, Canada	Aboriginal Financial Institutions (AFI)	Aboriginal Financial Institutions (AFIs) emerged in the mid-1980s in Canada with the Federal Government providing the initial capital injection of C$ 240 million. Since this time, AFIs have provided over 42,000 loans to Indigenous business owners with a total loan value of over $2.3 billion. There are three types AFIs operating in Canada. The first is Aboriginal Capital Corporations that are capitalized by the Federal Government, typically have a revolving loan fund, and also provide technical and advisory services. The second are Aboriginal Community Futures Institutions that are capitalized through Federal Regional Development Agencies (RDAs) that also provide loans and technical advice, along with strategic planning and community initiatives. The third is Aboriginal Developmental Lenders that are capitalized by provincial governments and/or the private sector and provide debt and equity capital, and business support services.
Building financial literacy, Australia	"My Moola," First Nations Foundation, Australia	"My Moola" was established in 2006 by the First Nations Foundations as a financial literacy program for Indigenous peoples in the State of Victoria. The program covers cultural obligations and money, how to set goals and achieve them and teaches about financial products and services (First Nations Foundation, 2019[80]). This includes budgeting, insurance, superannuation, loans, and mortgages.
Business development programmes, New Zealand	Te Puni Kōkiri	Te Puni Kōkiri provides targeted capacity building support for Māori entrepreneurs in three ways: (i) information provision and networking; (ii) business growth assessment and planning; and, (iii) business support services. This requires Māori owned businesses to register with the Department, and includes support and referral to other government agencies dealing in business related matters (e.g. export assistance, innovation, and tourism).
Support for community-owned enterprises, Canada	Community Opportunity Readiness Program, Government of Canada	The Community Opportunity Readiness Program supports capacity building and technical expertise, along with funding for equity and community economic infrastructure. Equity funding provides for some of the costs associated with establishing, acquiring or expanding a community owned business whilst economic infrastructure includes contribution to improving local roads, energy, and water and waste systems. This program also provides support through direct contributions for feasibility studies, impact assessments, promotional strategies, and commercial advisory services
Preferential procurement policies, Australia	Indigenous Procurement Policy	Australia's Indigenous Procurement Policy employs a mix of targets and mandated set-asides to incentivise Indigenous participation. Support is provided in terms of concessional loans and performance bonds as inadequate capital and assets was identified as a binding constraint to participation in public works. Supply Nation undertakes registration and matching, and receives support from the Government
Strategic Partnership Initiative, Canada	Strategic Partnership Initiative	In Canada, the Strategic Partnership Initiative enables the coordination of public and private resources in large-scale projects, and matching of procurement and employment and training opportunities to the specific needs of local Indigenous communities

Table A B.5. Leading practices for Indigenous programmes and services

Initiative, Country	Organisation/strategy	Description
Land management and ranger services, Australia	The Australian Government's Indigenous Protected Areas (IPA) programme	The Australian Government's Indigenous Protected Areas (IPA) programme enables land and sea country to be managed according to the wishes of the traditional owners. IPAs are voluntary arrangements through which Indigenous communities dedicate their lands or sea country to be set aside formally for conservation purposes. These areas are then recognised by the Australian Government as part of the National Reserve System and deliver important Indigenous land management, cultural, social, and economic and employment outcomes. These outcomes are also shared, and in many cases strengthened by the Government's funding for Indigenous rangers. Through their projects, ranger groups protect, conserve and manage environmental and cultural values. Projects can include, but are not limited to, activities such as the management of threatened species, invasive weeds and feral animal control, biosecurity activities, fire management, management of coastal and marine systems, visitor and information management, community engagement and education. The Indigenous ranger funding supports 118 ranger groups across the country and together with IPAs, the two programmes employ over 2,900 Indigenous Australians to work on land and sea country.
Devolution of services, Australia	Northern Territory Governments' Local Decision-Making Initiative	The Northern Territory Governments' Local Decision-Making Initiative (launched in 2017) works to transfer government service delivery to Aboriginal people and organisations based on their community development goals. The Northern Territory government and Indigenous communities work together to develop bespoke pathways focused on each community for instance including housing, local government, education, training and jobs, healthcare, children and families as well as law and justice.
Coordinated service delivery and flexible funding, Canada	Indigenous Services Canada's Strategic Partnerships Initiative	Indigenous Services Canada's Strategic Partnerships Initiative (SPI) supports community well-being in a group of First Nation communities in northern Ontario. The process focuses on community-identified priorities and requires government partners to step up their roles as developmental partners, committing to joint development and implementation of community-specific action plans and services. The programme promotes partnerships between federal and non-federal groups in key economic areas and is used to support initiatives that are not eligible for other federal funding.
Regional service delivery, Canada	Matawa Tribal Council, Ontario, Canada	Matawa First Nations Management Inc.—a Tribal Council representing nine Ojibway and Cree First Nations—is a regional service delivery organization. These services include: band management, capital and housing management, community infrastructure, economic development, education, lands, registration and membership and, social development.