Academic Paper Submitted

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To

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Community Relations and Engagement in Aboriginal Communities: Corporate Social Responsibility (CSR), Policy Perspective in Western Canada.

Abstract

This research topic focuses on the role Corporate Social Responsibility (CSR) plays in corporate community relations, community engagement strategies, community investment and policy impact on Aboriginal peoples in western Canada. This paper argues that community investment in terms of social infrastructures provided or supported by multinational corporations (MNC) in mining and oil &gas for the Aboriginal population in western Canada are not just enough in terms of what they benefit from the communities. It raises questions around ‘responsibility’ and ‘accountability’, for corporations.

The paper argues further that Aboriginal people have been impacted a lot by the government as a result of government policy in the area of property rights and lack of ownership on land on the reserves. Corporations have capitalized on it and use it as a tool not to deliver meaningful social and economic programs as may have been originally designed.

Keywords: corporate social responsibility; community engagement; community investment; Aboriginal peoples; community relations; policy development
Corporate Social Responsibility (CSR). What is CSR?

1.0. Defining the Concept:

Corporate Social Responsibility is... ...a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. European Commission (2000)

...the commitment of business to contribute to sustainable economic development, working with employees, their families, the local community and society at large to improve their quality of life.' (World Business Council on Sustainable Development, 2000)

The Sustainability website describes CSR as the principle that companies can and should make a positive contribution to society. CSR is the practice of managing the social, environmental and economic impacts of the company, being responsive to 'stakeholders' (those who are affected by a business operation) and behaving according to a set of values which are not codified in law. In practice the term can refer to a wide range of actions that companies may take, from donating to charity to reducing carbon emissions. One of the debates and key issues in CSR is that companies should go over and beyond donating to charity. Charity donations are things ordinary citizens can do without having any business interest to do in the community, how much more for corporations that make money at the expense of the community.

Within the literature there exists three discernible ‘schools’ of thought and practice about corporate social responsibility. These schools may be characterized as the neoliberal, neo-Keynesian, and radical political economy approaches.

In defining CSR, neoliberal writers tend to see it fundamentally as the adoption of a set of voluntary policies, codes or guidelines, initiated and driven by the corporation. For example, the Australian
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Treasury, in a submission to the Joint Parliamentary Inquiry on CSR, defined CSR as ‘a company’s management of the economic, social and environmental impacts of its activities’ (Australian Government, Parliamentary Joint Committee on Corporations and Financial Services, 2005).

The neoliberal discourse around CSR generally shares the view articulated by Milton Friedman in the New York Times on September 13, 1970: ‘… there is one and only one social responsibility of business-to-use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.

Neo-Keynesian approaches tend to utilize a wider definition that more clearly recognizes the active role of the corporation’s ‘stakeholders’, and perhaps also the state, in the definition of what is corporate social responsibility. Again, however, CSR is generally defined as an approach adopted voluntarily by corporations and without external regulation by either stakeholders or the state. For example, the European Union’s (EU) Green Paper Promoting a European framework for Corporate Social Responsibility (2001) described corporate social responsibility as ‘a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis’.

The Certified General Accountants’ (CGA) Association of Canada paper, Measuring up: a Study on Corporate Sustainability Reporting in Canada (2005) describes CSR as ‘a company’s commitment to operating in an economically, socially, and environmentally sustainable manner, while recognizing the interests of its stakeholders, including investors, customers, employees, business partners, local communities, the environment, and society at large’. This definition from CGA looks more expansive to me in the sense that it seeks to address community issues and the environment to certain extent.
Neo-Keynesian discourse around CSR differs from the neoliberal perspective in several important ways. Firstly, there is recognition that corporate behavior can at times have negative impacts whether through market failure, corporate lack of awareness or deliberate strategy. These concerns are reflected in neo-Keynesian CSR discourse around the impact of corporations’ environmental policies, workplace practices and the social and economic consequences of corporate activities. Consequently, neo-Keynesian analyses focus on quite different reasons for the development of CSR strategies including avoiding problems caused by unfettered corporate behaviors, ensuring environmental and social sustainability and achieving other desirable social and economic goals. Furthermore, neo-Keynesian analyses and discussions of CSR are frequently more inclined to entertain the idea of a positive role for the state in the development and regulation of CSR practice (Corporate watch report, 2006).

Radical political economy approaches take a far more critical stance around CSR on several issues. All ‘schools’ of thought in these debates of course possess normative views about the role of business in general and corporations in particular in society. However, radical political economy analyses more openly articulate a very different set of assumptions about the existence and abuse of corporate power in global, national and local economies. Global corporations are seen as possessing enormous power which is often wielded ruthlessly in their own self interest and frequently at the expense of society and the environment. Advocates of voluntary CSR are perceived as lacking a critical political economy analysis and therefore fail to fully understand and incorporate a realistic view of the power structures that exist in society and its economic environment. Hence many of the policies and practices that have been developed to promote CSR are viewed as naïve, ineffectual and inadequate. Furthermore, radical political analysts not only are skeptical about the effectiveness of CSR programs but are also concerned that self-regulatory and voluntary CSR policies are frequently deliberately designed by corporations to deflect attention away from external regulation and control of corporate behavior and power and to disguise and legitimate other activities that are socially and environmentally destructive (Broomhill, 2007).
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Many activist groups, and others who adopt a radical critique of CSR approaches, openly reject voluntary CSR and advocate an alternative strategy that is generally described as ‘corporate accountability’. For example, in its submission to the Australian Joint Parliamentary Inquiry on CSR, The Public Interest Advocacy Centre (PIAC) uses the term ‘corporate accountability’ to mean ‘holding corporations accountable and responsible for the social and environment impacts of their decisions and practices. This includes the impacts, both direct and indirect, on human rights, labour rights, the broader community and the environment’, (Australian Government, Parliamentary Joint Committee on Corporations and Financial Services, 2006). This is one definition of CSR that I think should be adopted globally for CSR operatives.

In reality, this is not what we see as the state seems to benefit more from corporation activities by way of taxes and as such less concerned about what they do and what they give back to the community in terms of investment.

The type of activities companies undertake in an attempt to be seen as socially responsible include:

- Corporate Philanthropy;
- Social and environmental reporting;
- Community Investment;
- Stakeholder Engagement;
- Eco-Efficiency, among others.

This research topic focuses on corporate community relations, community engagement strategies, community investment and policy impact on Aboriginal peoples in western Canada.

1.1. The business case for CSR.

Companies engage in CSR because, for a number of reasons, they think it will be good for their profit margins. The business case for CSR emphasizes the benefits to reputation, staff and consumer loyalty plus maintaining public goodwill.

The idea that corporate responsibility benefits business is not new. While CSR has been widely discussed leading up to and since the turn of the century, paternalistic capitalism with its roots in enlightened self-interest has been evident since the days of the Industrial Revolution in Britain Smith(2003). Reframing issues that have a legal face, such as human rights, labor practices, pay and employment equity, workplace health and safety and, increasingly, environmentally sustainable operations, into a broad, integrated “package” of socially responsible behavior called “CSR” is, however,
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relatively new. At the firm level, bundling all the facets of social responsibility together could arguably make it easier for business to demonstrate its reputation as a good corporate citizen if public attention is highlighted in one or two areas, with others fading into the background. Interestingly, this also facilitates an argument that a business case is effective for the selected issue. First, media coverage and public debates are part of a prioritizing process, whereby, for example, the environmental impact of industry in general and sectors such as oil and gas, mining, and forestry, in particular, leads to a predominant focus on environmental sustainability.

Vogel (2005) pointed out that the business case for environmental responsibility is easier to make than for action on social or labor issues, which rarely add to the profits of a firm. Recent public and political debate fuelled by international research, for example, the Intergovernmental Panel on Climate Change report in 2001 (Watson and the Core Writing Team), will likely reinforce this pattern of favoring corporate environmentalism. Second, bundling makes it more difficult to identify inconsistencies in a company’s record, particularly when one issue is prioritized, and the corporate structure is fragmented. For example, Shell Canada was included in the Canadian Corporate Knights’ 2007 ranking of “The Best Fifty Corporate Citizens” albeit at number 50 (p. 24). Their success was based primarily on a pollution performance score, although the editors imply that it was linked to their overall CSR record since “… [these companies] are doing the best job at fulfilling their end of the social contract and managing their specific environmental, social and governance performance when going head-to-head with their sector peers” (p. 19). This is just one good example of a corporation in Canada compared to many of them out their doing business in Aboriginal communities in western Canada.

2.0. The evolution of CSR in Canada

The evolution of CSR can be traced back to the 1800s. During the initial periods, CSR was basically a series of philanthropic activities that were undertaken by big industrialists like John H Patterson of National Cash Register, John D Rockefeller and others. Even today big business figures like Bill Gates, Warren Buffet, Richard Branson, William Baron Hilton, etc. have donated large parts of their personal
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wealth in charity. While corporate philanthropy may not yield direct tangible results to companies, scholars argue that it nonetheless needs to be viewed as a strategic investment which can yield significant returns to the company Vaidyanathan (2008).

2.1. CSR ’60s & ’70s, Canada

In 1960, the Organization for Economic Co-operation and Development (OECD) convention was created to promote policies aimed at achieving "highly sustainable economic growth and employment, and a high standard of living in Member countries, all while maintaining financial stability." Canada is a member of OECD.

The convention also sought to "contribute to sound economic expansion in Member as well as non-member countries in the process of economic development; and to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations."

With the ’70s came the common use of the term CSR, along with many attempts to officially define the phrase.

The UN conference of 1972 in Stockholm considered the ever-growing need to find a common ground between both communities and businesses across the globe to preserve the human environment. This conference led to the establishment of the United Nations Environment Programme (UNEP), amongst many other national environmental protection agencies. How much of the environment is CSR protecting when Aboriginals in the west and some parts of Canada don’t have claims to land titles that MNC explore in the communities?

The mid 1970s gave birth to "Impact and Benefit Agreements" (IBAs) between Canadian Aboriginal groups and extractive sector companies. These agreements outlined commitments by the company for
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re-location, employment, and training on projects constructed near Aboriginal communities. I will be discussing more on IBAs in the later part of this paper.

In 1976, Canada played a major role in the development of the OECD's guidelines, which were set in place to promote "national treatment and complement the Foreign Investment Review Act." To this day the Guidelines continue to remain a pillar in upholding Canadian CSR policy.

2.2. CSR, ’80s & ’90s in Canada.

In 1980, the International Union for Conservation of Nature (IUCN) released The World Conservation Strategy. It identified the main culprits of habitat destruction as "poverty, population pressure, social inequity, and the terms of trade." The new International Development Strategy focused on achieving a more stable world economy, stimulating economic growth, evening out social inequities and countering the worst impacts of poverty. It is interesting to note that a number of Aboriginals are leaving the reserves and moving to major cities in search of better condition of living. Poverty is one factor that has been attributed to this. In her article, Circles of disadvantage: Aboriginal Poverty and Under Development in Canada, Kendall (2001, p.14) identified joblessness as the most immediate cause of Aboriginal poverty. If corporations provide the right economic and enabling environment on the reserves, mass exodus of Aboriginal youth to major cities will be reduced or minimized.

In ’93, the launch of the Whitehorse Mining Initiative (WMI) led to the signing of the WMI Leadership Council Accord in ’94. The Accord sought, in a nutshell, to “achieve a sustainable mining industry within the framework of an evolving and sustainable Canadian society.” These are very good initiatives the Canadian government took to ensure that the mining industry play a significant role in sustainable development.

2.3. The New Millennium
The year 2000 saw more mergers and acquisitions than any other year in history. In November, the international "Partners for Progress" conference was held in Paris. It stressed the importance for businesses to adopt socially responsible behavior, in an effort to move forward towards sustainable local development. The results of the conference were published in *Corporate Social Responsibility: Partners for Progress*, OECD, in 2001.

In March 2009, the Government of Canada announced its action plan on CSR, Building the Canadian Advantage, which featured 4 points, including supporting the creation of the Centre for Excellence in CSR, and setting up the Office of the Extractive Sector CSR Counselor.

In October 2009, the Government of Canada appointed its first ever corporate social responsibility counselor, Marketa Evans. Some saw this decision as a giant step forward towards social and environmental improvement, while others were disappointed, feeling the counsellor’s role would not extend far enough to enact notable change.

Canada promotes CSR in a number of multilateral fora including the OECD, the Group of Eight, the Asia Pacific Economic Co-operation, the Organization of American States, la Francophonie, and the Commonwealth.

Canada’s efforts are further advanced by including voluntary provisions for CSR in its most recent free trade agreements (FTAs) and foreign investment promotion and protection agreements (FIPAs).

All these associations and initiatives undertaken by the Canadian government were in the interest to promote sustainable environment both at home and abroad.

3:0. Who are the Aboriginals in Western Canada?

"Aboriginal peoples" is a collective name for the original peoples of North America and their descendants. The Canadian constitution recognizes three groups of Aboriginal people: Indians (commonly referred to
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as First Nations), Métis and Inuit. These are three distinct peoples with unique histories, languages, cultural practices and spiritual beliefs. More than one million people in Canada identify themselves as an Aboriginal person, according to the 2006 Census (Aboriginal Affairs and Northern Development Canada, 2006).

This research seeks to look at how CSR activities have impacted on the socio and economic lives of Aboriginals living in western Canada. Alberta, Saskatchewan, Manitoba and British Columbia make up what is known today as western Canada. One of the reasons why this research is looking at these provinces is the fact that they have one of the largest deposits of oil sand and natural resources in Canada. Some of the major corporations in oil and gas are concentrated most in these provinces especially in Alberta.

4.0. Community Relations and Engagement in the context of CSR

4.1. Defining Corporate Community Relations

The issue of corporate–community relations (CCR) is now often part of strategic business thinking and action, because community expectations and perceptions now define how a company should operate, and a company that ignores community expectations does so at its own peril Burke (1999). Waddock and Boyle (1995) have argued that corporate–community relations is simply no longer a buffer between the organization and its community (i.e., a collateral system), but has become a function that integrates community interest with that of the corporation (i.e., an interpenetrating system). Humphreys (2000) has suggested that the key to community relations’ success is genuine involvement, as opposed to traditional approaches such as making charitable contributions or being a good employer.

In the context of CSR, it’s not enough for corporations to relate with the communities without having a meaningful and strategic model of involvement. If corporate community fails, there is every tendency that communities will not get what they deserve from CSR.

In their article, Building Relationship with Indigenous People, Ubillus &Wong (2008, p.2) argued that collaboration through economic participation can be one of the biggest factors in building good relations
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between indigenous people and the mining sector. This can be through working directly for the mine, or indirect employment. As with many other members of the workforce, indigenous people may need skills training, but needs may go further, to "job-readiness" training. In addition, employment terms may have to be flexible to cultural values, possibly including allowance for traditional ceremonies and seasonal hunting, fishing or harvesting.

In her paper, Circles of disadvantage: Aboriginal Poverty and underdevelopment in Canada, Kendall (2001) notes that the causal factors associated with Native underdevelopment are numerous and complex, this includes loss of land and sovereignty, cultural genocide, lack of education, and job market discrimination. The complexity arises not just because of the plethora of factors involved, but because a large number of different peoples and cultures are included; and within all of these groups, urban/rural and reserve/non-reserve differences also exist. Lack of education could be a great deterrent to Aboriginal peoples getting the right type of development. If the community is not well educated enough, corporations may take advantage of communities in this age of self regulation and voluntary roles of CSR.

Another major issue in the area of community relations is around the license to operate that corporations should be made to obtain a license to operate from the host communities they do business. In his paper Assessing corporate–community involvement strategies in the Nigerian oil industry: An empirical analysis; Idemudia (2009) argues that the thesis of the license to operate framework is that a company’s license to operate defines what it can and cannot do, and that while in the past companies obtained a license to operate from government, today companies now need to also obtain a ‘social license to operate’ from communities and their neighborhood Burke (1999). If this is a practice in some of the Aboriginal communities we have in western Canada, some of the communities would have been liberated from poverty. I also know that there could be issues among community leaders as a result of this. The question here now is, has this model been given a trial in Canada, where communities are empowered to this extent?
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The license to operate model relies on the capacity of stakeholders to enforce it. It is based on the assumption that corporations that do not use their power responsibly will have their power and freedom curtailed by society with consequences for corporate legitimacy and viability. Consequently, corporations are likely to adopt strategies to enable them secure their social license to operate, Idemudia (2001, p.135). Fidler (2009) notes in her paper, Increasing the sustainability of a resource development:

 Aboriginal engagement and negotiated agreements referred to as Negotiated Agreements (NAs) or commonly referred to as impact and benefit agreements (IBAs) within the aboriginal population. NAs are bond-based partnerships between industry and an Aboriginal group that provide a suite of provisions and tools for long-term planning and co-existence on the land. NAs vary immensely based on project parameters, signatories’ objectives, and the wider legal context of judicial and regulatory systems. Increased frequency of NAs signals recognition that historical resource development practices that marginalized and dispossessed Aboriginal peoples are no longer tolerable (Warden-Fernandez 2001; Weitzner 2002), the concept of sustainability also represents an ideological shift that begins to integrate ecological and social concerns in policy recommendations and evaluations (Howarth, 2007). If NAs are properly implemented and Aboriginal communities are allowed to relate directly with corporations, it’s very likely that some of their interests and concerns will be met by corporations with little or no government regulations on resource development and policy.

4.2. Community Engagement

Community engagement is more than just holding a public meeting. The term refers to a consultation process whereby stakeholders are able to shape a project initiative and take ownership over its evolution. It is an ongoing interactive process characterized by commitment by ever-changing community needs and interest. The outcomes of community engagement are sometimes surprising. When people and organizations that are not in the habit of working together with one another are brought together for a common purpose, new relationships are formed as community members learn to collaborate. From a social capital perspective, community engagement constitute a mechanism to explore shared
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needs (reciprocity), build trust, agree on implementation mechanism (shared norms, networks) to enhance social agency (Pigg and Crank, 2004)

Engagement is an umbrella term that covers the full range of an organization’s efforts to understand and involve stakeholders in its activities and decisions. Engagement can help organizations meet tactical and strategic needs ranging from gathering information and spotting trends that may impact their activities, to improving transparency and building the trust of the individuals or groups whose support is critical to an organization’s long-term success, to sparking the innovation and organizational change needed to meet new challenges and opportunities.

One good example where community consultation or engagement has failed is the recent case of SWN Resources, Canada with the native people in New Brunswick. In her newspaper story, Native leaders see no immediate resolution to NB shale-gas protests in The Globe and Mail, October 20th, 2013, Jane Taber wrote that over 75 RCMP officers clad in paramilitary regalia and armed with sniper rifles and canine units moved in to Rexon to enforce a court injunction against the blockade erected by anti-shale gas protesters. The protesters were mainly indigenous peoples, primarily the Mi’kmaq of Elsipogtog, but also include the Wolastoqiyik (Maliseet), Acadian francophones, and anglophones, all united against SWN Resources Canada, which was conducting tests in the area. The protesters oppose the imposition of fracking because they understand the very real risks involved in this process and because the company has refused to enter into serious consultations with the local communities. SWN Resources were accused to be operating illegally on tribal land.

Fracking is a method of gas extraction where water is mixed with sand and chemicals and injected at high pressure into a wellbore to create small fractures, yielding natural gas and petroleum. In the process, it pollutes ground water, which now bears toxic chemicals and dangerously high levels of radiation, as well as emitting foul odors. These odors have serious implications for health which may include cancer.

This confrontation follows a pattern of ignoring aboriginal land claims and sovereignty. SWN Resources, with the assistance of the NB government, wishes to exploit the traditional lands of the Mi’kmaq without
consultation and without economic benefit to the indigenous population; meanwhile the Native population has to deal with the environmental damage. This is just one case example where corporations use the court injunctions to boycott meaningful community engagement and consultation process in native lands in Canada.

Much has been said about the need of the Natives to “follow the law”. However, the Mi’kmaq have never ceded their land rights in this area and there has been no negotiated treaty to resolve ownership and compensation. Therefore, even under Canadian law, there is the legal obligation for the state and SWN to negotiate in good faith with the indigenous population, resolving issues of local economic benefit and environmental remediation, before any development can proceed. It is the New Brunswick government, SWN, and the RCMP who are breaking a much older and more important law — and the Mi’kmaq have more than a just right to resist such law breaking.

4.3. Community Investment in Aboriginal Communities

Many companies develop community projects in the vicinity of their sites, to offset negative impacts or ‘give back’ to the community and local workforce. Community investment covers a whole range of initiatives including: running health programmes, sponsoring schools, playgrounds or community centres, employee volunteering schemes, or signing a memorandum of understanding with communities affected by a company’s impacts. However, this creates concerns around companies taking on public functions, and public spaces becoming private.

Sensitivity to local cultures and dialog with local representatives are necessary first steps in enabling business firms to act in socially responsible ways. But these factors alone do not ensure positive outcomes. Indeed, they can be employed for the firm’s own gain and the detriment of the local community. Social responsibility, and indeed the establishment of trust itself, requires that firms demonstrate that they take seriously the welfare of the community. My understanding is that business firms should conduct their operations so that they add to rather than deplete the economic and social assets of the areas in which they are operating. This includes not only contributing fairly to taxes but also taking an active part, where necessary, in the development and upkeep of infrastructure and social
services and the advancement of general welfare, especially in the absence of government or other institutional supports. I still argue here that government cannot transfer all its responsibilities to corporations.

5:0. Social Movements and CSR.

After World War II, large numbers of Aboriginal service men returning from the war questioned their unruly treatment by the dominant Canadian society (Fleras and Elliot, 1992, p. 42). They began to demand better educational opportunities, sought resources to develop communities, demanded that the federal government respect and honor past treaties, and pressured it to amend the Indian Act, which governed the lives of Aboriginal peoples.

This type of protests and movements are what we now see with corporations and communities as I had earlier mentioned in the case of SWN Energy operating illegally on Aboriginal lands in New Brunswick. One of such movement that is making waves in the indigenous circle is the ‘Idle no more’ movement in Canada. In his article, The Rise of Native Rights-Based Strategic Framework on the idle no more web page, Thomas-Muller (2013) notes that environmental degradation and pollution have left so many Aboriginal population in a very deplorable condition where community members can no longer fish and enjoy their natural environment due to water and land pollution from the oil sands. He cited the case of Fort Chipewyan, a community in the north of Alberta as a typical example where community infrastructures have been over stretched as a result of population growth; the river had changed, become poisoned, and was no longer safe and how every year the water levels became lower due to industry use.

During the 1990s, Canada experienced a rise of Aboriginal contentious action. Opposition against the Meech Lake Accord, its defeat, the violent standoff at Oka, the Dudley George shooting at Ipperwash Park, or the Mi’qmak lobster crisis in the Maritimes are just some examples (Ramos 2006, p. 211). In his article, What Causes Canadian Aboriginal Protests? Examining Resources, Opportunities and Identity, 1951-2000 (Ramos, 2006, p. 3) notes that resource mobilization, political opportunities, and collective identity were the most identified causes in recent years.
Modern-day organizations are making a profound impact on the society around them. They have become the centers for not only economic activity but also the meeting ground for various stakeholders. By their activities these organizations influence the society and the surrounding environment. It has been observed that business organizations develop a mutual give-and-take relationship with the nearby environment and influence the lives of not only their employees but also the people living around their setup. Instances of business organizations destroying local environment as a result of their activities are common and result in friction with society. Despite being an integral part of a social setup, the relationship between business organizations and the society has not been problem free. Organizations have tried to embrace Corporate Social Responsibility (CSR) activities in an attempt to reach out to the society, but in some cases it has not helped. In fact some people argue that the emergence of CSR has been a reaction of business to growing social resentment against them (Srivastava 2012, p.60).

In the light of what Ramos and Srivasta have both mentioned in their articles, it’s very clear that when corporations don’t give back social infrastructures and deliver socio-economic programs in vulnerable communities like the case of the Aboriginals, social movements are bound to happen and create some kind of discomfort between communities and corporations.

6.0. Canadian Right Wing Political Spectrum Policy on CSR:

By any standard, Canada’s First Nations (status Indians), especially those who live on reserves, are less well-off than most other Canadians. First Nations people lag behind other groups, even other Aboriginal groups such as Métis and non-status Indians, in income, rate of employment, quality of housing, years of education, life expectancy, and any other aspect of standard of living that can be objectively measured (Flanagan, 2008: 222-230). Canadians from all parts of the political spectrum agree on the need for First Nations to attain a higher standard of living, but there is no unanimity on how to attain that goal.

In their policy article paper, The Wealth of First Nations, an Exploratory Study, Flanagan &Beauregard(2013) argued that lack of property rights in First Nations Community is one of the reasons why a number of youths on the reserve move to urban cities in search of better condition of living. If the First Nations Property Rights which is vested in Her Majesty is reviewed from the Indian Act, there are
possibilities that communities would be able to negotiate a better deal with corporations for resource control and sustainable development activities better for their communities.

In his forward message in the above mentioned article, Chief Whispering Pine/Clinton Indian Band note that his father could not get a credit card with all the properties he owned on the reserve because of lack of property rights on the reserve. Chief Whispering is one of the advocates of the proposed First Nation Property ownership Legislation in Canada. The Chief said:

“The proposed property ownership legislation will give us hope that we can restore our values and property rights that the Indian Act took away. It is for these reasons that this research is important to our community, First Nations, and anyone else interested in making First Nations partners in the market economy and the Canadian federation.”

Another barrier or what I may call obstacles why most of the Aboriginal communities in western Canada do not get or attract the full sustainable development from corporations is that government regulations in the upstream and downstream oil and gas sectors impact a lot on development.

The Fraser Institute conducted a survey between February and April of 2012 which was its sixth annual global survey of petroleum industry executives and managers regarding barriers to investment in upstream oil and gas exploration and production (Angevine et al., 2012). The survey responses were tallied to rank provinces, states, and countries according to the extent of the investment obstacles (such as high tax rates, costly regulatory schemes, and security threats) that the survey respondents identified.

A total of 623 respondents participated in the survey that year, providing sufficient data to evaluate 147 jurisdictions. By way of comparison, 135 jurisdictions were evaluated in the 2011 survey and 133 in 2010. The jurisdictions were assigned scores for each of the 18 questions based on the proportion of negative responses that each jurisdiction received. The greater the proportion of negative responses for a jurisdiction, the greater it’s perceived investment barriers and, therefore, the lower its ranking.
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The questions address factors that have an impact on petroleum exploration and development investment decisions, including fiscal terms (i.e., government requirements pertaining to royalty payments, production shares, and licensing fees); general taxation; uncertainty concerning environmental regulations; uncertainty regarding the administration and enforcement of existing regulations; the cost of regulatory compliance; uncertainty concerning protected areas; socioeconomic agreements (e.g., commitments to fund community infrastructure, such as schools and hospitals or agreements to give priority to local workers); trade barriers; labour regulations; quality of infrastructure; quality of geological data; labor availability and skills; disputed land claims; political stability; security; regulatory duplication and inconsistencies; legal system fairness and efficiency; and corruption of government officials. This is what Graham(2012) argued as being “dysfunctional governance” affecting most Canadian First Nations in improving community well being. This article outlines the provinces of focus that research is focusing on.

Find below in this table the analysis:

**Table 1: Survey Results for selected Canadian Jurisdictions overall scores and Canadian rankings (of 7). Source: Angevine et al.; (2012)**

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Manitoba
Saskatchewan
Alberta
Nova Scotia
British Columbia
Newfoundland Labrador
Northwest Territories
Table 2: How the western provinces ranked worldwide. Source: Angivine et al.;(2012)

<table>
<thead>
<tr>
<th>Province</th>
<th>2012(of 147)</th>
<th>2011(of 135)</th>
<th>2010(of 133)</th>
<th>2009(of 140)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manitoba</td>
<td>5</td>
<td>12</td>
<td>8</td>
<td>21</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>13</td>
<td>11</td>
<td>17</td>
<td>38</td>
</tr>
<tr>
<td>Alberta</td>
<td>21</td>
<td>51</td>
<td>60</td>
<td>92</td>
</tr>
<tr>
<td>British Columbia</td>
<td>39</td>
<td>69</td>
<td>52</td>
<td>71</td>
</tr>
</tbody>
</table>

These two tables point to the fact that if the government regulations in the oil and gas sectors are modified or reviewed, it's possible that corporations will be attracted to the five provinces of western Canada with a view to doing business and contribute to sustainable development and community investment.

6.1 Canadian Environmental Assessment Act (CEAA 2012).

This section of the paper explores the way the CEAA, 2012 came into being and how its implications on the Aboriginal peoples and their community in terms of resource control and development. This is one area where the corporations are taking advantage of this marginalized community due to bad policy formulation and implementation.

In their article, The Canadian Environmental Assessment Act (CEAA), 2012 and Associated Policy: Implications for Aboriginal Peoples, Kirchhoff, Gardner, & Tsuji (2013) concluded that the impact of CEAA 2012 on Aboriginal people goes beyond beyond the Act itself and take into account other pieces of policy to see the true effects because there are a number of other governmental initiatives that further weaken Aboriginal peoples’ capacity to participate in the resource development review process for undertakings that affect their traditional lands. The result is the silencing of the people who are most affected by resource development.
The article of Kirchhoff et.al., (2013) begins with a brief overview of Canadian environmental assessment legislation since its introduction in the early 1970s and then describes and contrasts some of the main changes to the federal environmental assessment system implemented by the current government in 2012. It went further to discuss implications of the CEAA 2012 (and related government policy changes) with respect to the impact on Aboriginal peoples’ capacity to participate meaningfully in resource development and environmental assessment in Canada.

From an Aboriginal perspective, the streamlining changes to the CEAA 1995 have substantial implications; especially in terms of how effectively Aboriginal people can participate in the environmental assessment and review process of new undertakings that may affect their traditional lands. In Canada, the continued pressure on CEAA resulted in substantial changes made to the CEAA in 2012 in order to streamline the federal environmental assessment regime already in place. Presented as a means of ensuring more timely decisions and efficient environmental assessments, the new Act in effect drastically reduces the number of projects that undergo environmental assessments. More than 95% of projects that required an environmental assessment under the old Act will now be exempt from it (which represents more than 6,000 assessments. In addition, almost 3,000 ongoing environmental assessments were cancelled – including more than 600 involving fossil fuel energy and more than 200 involving a pipeline – immediately after the Act came into force in July 2012 (CEAA, 2012b).

The drastic reduction in the number of projects that undergo an environmental assessment in turn greatly reduces opportunities for Aboriginal involvement. It was suggested that the implemented changes are so drastic that the Canadian federal environmental assessment regime can no longer be considered environmental assessment per se; the new federal environmental assessment process will be, for the most part, a process of gathering information rather than “a true planning process that engages governments and the public [including Aboriginal peoples] in the early stages of project planning and design” (Doelle, 2012, p.8)
6.3: Resource Development

Resource development and related environmental assessments are affecting Aboriginal homelands in Canada, especially in northern parts of the country (McEachren, Whitelaw, McCarthy & Tsuji, 2011; Tsuji, McCarthy, Whitelaw & McEachren, 2011; Whitelaw, McCarthy & Tsuji, 2009). According to the Canada Economic Action Plan (2012), the current federal government wants to “unleash Canada’s natural resource potential” through Responsible Resource Development and by supporting more than 600 major energy and mining projects over the next decade (Canada Economic Action Plan, 2012). The manner in which resource development is now being proposed has led many critics to call it “irresponsible” resource development, which prioritizes rapid resource extraction while reducing environmental safeguards (see for example Gailus, 2012). The plan aims to attract around $650 billion in investment to “quickly open up Canada’s oil sands, gas reserves and mining sectors to the world, making it easier for corporations to extract natural resources as long as they do it responsibly”(Scoffield, 2012, p.2). How the term "responsibly" is interpreted and applied is key, especially in the way that Aboriginal peoples will participate in the decision-making process.


The concept of free, prior, and informed consent promoted by the United Nations is of paramount importance in terms of decision-making. For example, article 18 mentions that,

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.

(p. 6)
Community Relations and Engagement in Aboriginal Communities: Corporate Social Responsibility (CSR), Policy Perspective in Western Canada.

Moreover, article 32 (2) of the UN Declaration states:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water and other resources. (p. 9).

This policy perspective poses a lot of questions if the government is mindful of the kind of community the Aboriginals live in Canada. Are they well represented in matters that concern them especially on land, resource control and sustainability? The answer to me is “NO”. This is one reason why the corporations will continue to take advantage of this population and leave them and their community worse than they ever met them.

Conclusion:

I was encouraged from what I saw on the web page of Suncor Energy, Calgary about what Suncor Foundation is doing in their host communities. Their investment in citizen engagement, inspiring innovation and cultivating community leaders among others are investments that will enable the host communities get more in terms of social and economic development. Syncrude, another oil and gas company in the oil sands business is one of the 13 companies in Canada, and the only oil sands operator to be accredited at the Gold Level in Progressive Aboriginal Relations (PAR) Program of the Canadian Council for Aboriginal Business (CCAB). If other Multinational companies are doing the same, then the case of self regulation for CSR should not be a debate. The question here is how long will the presence of CSR continue to remain in the community? If there are no corporations, will the government not deliver social programs and social responsibilities in our communities? I am a strong advocate of community partnership in social program investment, but at the same time I wish corporations become more “accountable” and not only “responsible” in the communities they do business.
Community Relations and Engagement in Aboriginal Communities: Corporate Social Responsibility (CSR), Policy Perspective in Western Canada.

From the perspective of this paper, it is very clear that corporations do not have the ability to take over the role of governments in contributing to social welfare simply because their basic function (the rhetoric of triple bottom line aside) is inherently driven by economic needs. Corporations cannot replace governments. What will happen to a local community that is completely dependent for its economic, social and environmental welfare on a multinational company once the latter decides to move its location? On economic grounds of course, not for social or environmental reasons.

In the political economy we live in today, corporate strategies will always be made in the interests of enhancing shareholder value and return on capital, not social justice or morality. And emerging attempts to conceptualize social responsibility as ‘social capital’ will still fall short unless there is a radical restructuring of the political economy and fundamental rethinking about the role of a corporation in society. Social capital is not a universal good, often times it is generated for one group of people at the expense of some other segment of society.

How can we make corporate social responsibility work for society and not just for corporations? Regulation is a key step in achieving this power shift. But it will happen only when the pressure is greater for governments to regulate than it is for them to listen to the corporate lobby. Former Clinton administration official Robert Reich argues that CSR is actually harmful because it removes or minimizes pressure on governments to enact laws and undertake actions that maximize social welfare.

The UN Declaration on the Rights of indigenous Peoples calls for consultation on numerous issues, including conservation and protection of the community and resource development. The property Rights of Aboriginal peoples should be enforced and land ownership on the reserves should be reviewed from the Indian Act.

In the context of social movements, resources alone do not account for protest or silencing of people. Instead, movements need Aboriginal peoples to respond to and exploit emerging opportunities. For
example, increased media reporting offered greater attention to Aboriginal issues and increased protests; conversely, resolution of grievances, through the settlement of land claims, decreased contention.

On community engagement and relations, when developing partnerships with indigenous people it is important to remember that even with the best technical guidance and technical studies, adequate consultation and accommodation is about relationships, reconciliation and the balancing of interests.

Negotiation and agreement making are increasingly being utilized to structure relationships between indigenous peoples, nation states and commercial interests. Negotiated agreements do have the potential to protect indigenous interests, as indicated by the fact that some agreements require high levels of protection and may result in community projects being substantially reconfigured or even abandoned in order to ensure heritage protection. Certain agreements also mandate processes and provide resources required to ensure that protection is achieved in practice. As a cautionary note, however, contracts with corporate interests have wider and important implications for relationships between Aboriginal groups, the state, and civil society; and these implications need to be carefully considered in negotiation strategies. Indeed NAs can complement the Environmental Impact Assessment (EIA) process, but it is important to acknowledge that the original spirit and intent of these voluntary bilateral agreements are not to lessen the Crown’s duty to consult with Aboriginal people. Moreover, NAs are not intended to act as a substitute or stand-in for EIA matters. While IBAs make good business sense, they cannot be taken in isolation to the broader judicial system.

Consequently, I will continue to advocate and support that if CSR is to remain with us, corporations will have to demonstrate “accountability” to their host community rather than just being “responsible” and leave the issue of “Self Regulation” as a licence to operate.
Community Relations and Engagement in Aboriginal Communities: Corporate Social Responsibility (CSR), Policy Perspective in Western Canada.

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