The Road to Economic Stability for Aboriginal People

We need a national conversation on standards for infrastructure for First Nations, Métis, and Inuit people, and how newfound Aboriginal prosperity can build community assets.

This article is based on testimony by Dr. Coates before the Standing Senate Committee on Aboriginal Peoples, bearing evidence relating to First Nations infrastructure on reserves, April 21, 2015. Also testifying was Manny Jules, Chief Commissioner of the First Nations Tax Commission. Dr. Coates’ introductory remarks and questions from senators have been edited and condensed.

Ken S. Coates
Dr. Coates’ Introductory Remarks

The new rules that have emerged around resource development and Aboriginal rights generally have provided this country with the first chance, really since Confederation, to create an opportunity to share prosperity with First Nations, Inuit, and Métis people. We had opportunities in the past. They were not taken advantage of.

But we now have rules. We have the new rules about the “duty to consult and accommodate”, and revenue sharing, which is a reality in many parts of the country. We have Aboriginal economic development corporations, more than 250 of them, which collectively have several billions of dollars in assets. In fact, First Nations, Métis, and Inuit communities have investable own-source revenue and investable assets of substantial sums for the very first time, really, in Canadian history.

The challenge of on-reserve infrastructure development is perhaps one of the most fundamental that we face as a country and with Indigenous peoples generally.

First off, we must identify one reality, and that is geographic luck. Individual Indigenous communities may be close to a major city, close to a resource, close to an attractive tourist destination, and geographic luck can create opportunities, but geographic bad luck could have exactly the opposite effect. Being too far away, through no fault of the Indigenous communities, being isolated way off the road system, can create substantial challenges for the supply and support of those particular populations.

In those locations on those reserves, those settlements, there are very few investment opportunities and economic development opportunities, and we see some very innovative approaches by very isolated communities. I’m from the Yukon, and looking at what they’ve done in places like Old Crow is truly impressive. They’ve looked at the off-reserve opportunities to build capital, have done extremely well in creating wealth for themselves, for the community as a whole, and have used the off-reserve wealth as a way of developing on-reserve activity.

There’s another phenomenon that we should also take into account, and that is the off-reserve migration of large numbers of Aboriginal folks. We end up with a bit of a false dichotomy here where we assume that people are either on reserve or off reserve, and in fact many First Nations, Inuit, and Métis people are sort of both. They have part of their feet in their reserve community and traditional settlement, but also are in the larger centres and perhaps in the South.

But the populations are moving, and in fact there are some communities in Saskatchewan, for example, where they’ve decided not to invest their own money much on reserve. They don’t see economic opportunity there, and actually images are emerging of the reserve as a ceremonial hearth, a summer retreat, a place to go back to for important ceremonial activities.

We also know that in order to sustain infrastructure in these communities, we need substantial economic stability. The communities that have a solid economic foundation in terms of work and in terms of other opportunities can sustain the infrastructure; in other places you get a development of new facilities, new houses, or what have you, but general poverty in the community and a lack of economic opportunity make it difficult to maintain that infrastructure as we move forward.

We end up having a large deficit on reserves in many instances. The housing deficit across Canada in Aboriginal communities is a serious one. We have significant problems with water supply. The Internet, everybody knows, is a foundation for the new economy and the new society, yet the services to some of the isolated communities are subpar, to put it gently and politely. We have significant problems with road access.

What I actually see happening is that we have not, in this country, made a clear declaration of what our standards and expectations are. We do not have uniform national standards for the basic infrastructure in
our communities. We do not seem to have trouble with the idea that an isolated community struggles with access to water and proper Internet access.

I draw your attention to conditions in places like Norway. The government of Norway made a decision many years ago, and not in just in the years of resource wealth, that all communities should have the same access to infrastructure so that their roads would be paved and not potholed, and they would have decent housing and support facilities in terms of hospitals and other community assets.

More generally in Canada, we have not yet really settled on the idea that Aboriginal people should have the same equality of opportunity that other Canadians have. I think infrastructure becomes a symbol of exactly those kinds of problems.

On the positive side, we are seeing new models emerging, new attitudes towards Indigenous property development and ownership and a re-emergence of co-ops, which are important in the Arctic. Our colleagues in the Far North will know this very well. The co-op model has great potential, as does community ownership generally.

The hidden gem in all of this is that a lot of Aboriginal communities are developing own-source revenue, beyond the official sort of transfers that occur even through resource revenue sharing. Economic development corporations and major business operations are producing substantial amounts of own-source revenue that they can use for the long-term stability of their community. They have the capacity to invest back in local facilities – houses, for example – particularly building community assets in the form of new business operations, community centres, and what have you.

I think we have not yet had a real national debate about who pays for the infrastructure, and what part is appropriately left to government, the federal government, territorial, and provincial governments; to what degree the infrastructure is connected with regional assets, for example, regional government responsibilities in terms of road facilities, water supplies, fire protection, etc.; and what sort of formal expectations are in place with regard to Aboriginal communities, both as individuals, the people within the communities in terms of providing their own housing, and the responsibility of the community as a whole, particularly as they now have these investable assets and own-source revenues.

The location of many of the Aboriginal communities in this country is a severe challenge, with the high cost of getting supplies into remote communities, difficulty providing services in areas without ready road access, serious challenges related to weather and extreme conditions, particularly in the Far North, and a level of cost that no community, Aboriginal or non-Aboriginal, could ever address in terms of their own economic resources and possibilities.

Finally, we have a challenge as Canadians to take responsibility for ensuring that we have equality of opportunity and uniform national standards for infrastructure and that Aboriginal people in this country have the same level of support and facilities that non-Aboriginal people generally take for granted.

Senator Sibbeston: Mr. Coates, in a January 2015 report for the Macdonald-Laurier Institute, you are reported to have stated that resource revenue sharing between Aboriginal peoples and provincial, territorial, and federal governments is a key policy issue that is currently emerging as an uncoordinated system in Canada. How long have we got to go before it becomes a part of policy, a part of the way we do business in Canada?

Dr. Coates: First off, it is part of the way we do business in Canada in many parts of the country already. The impact benefit agreements (with companies) are not generally seen as royalty revenue sharing in a
direct way. It’s basically sharing the benefits and making sure the local populations get some return (from a specific development).

Basically we have a revenue sharing system that reflects Canadian federalism. So the resources belong in the hands of the provincial governments, and now the territorial governments, so you end up with a hodgepodge arrangement. For example, British Columbia has revenue sharing on a project-by-project basis. The advantage is that it deals with the First Nation that is closest to the resource. So if a resource is 100 kilometres away from your community, then you’re the one that gets the benefit. If you’re 300 kilometres away from the resource, then you’re probably not going to get a benefit at all.

The Northwest Territories now has a system that shares the revenue across all the First Nations. The ones who are directly affected get a major share, but part of the royalty from the Northwest Territories government actually is distributed uniformly across other First Nations.

In Alberta and Saskatchewan, we do not have those kinds of arrangements in place. Modern treaties have created those arrangements across from Labrador, northern Quebec, into the Yukon and other jurisdictions.

What we have is a situation that the industry actually finds quite puzzling because depending on where you are, you have different arrangements and different ways to proceed.

The major question with the way we deal with our royalty arrangements right now is that they tend to be localized. So the community that is most affected by resource activity will be the one that gets the primary benefit. It goes back to my point about geographic luck or bad luck. If a mine is close to your community, then you have a chance to gain hundreds of millions of dollars. For example, in an arrangement that Cameco and Areva have reached with the English River First Nation in Saskatchewan, the benefit package is worth $600 million. We’re not talking about small sums. We’re talking about a large, substantial program of support between companies and individual First Nations, Métis, or Inuit communities.

We are doing that on a piecemeal basis. The problem is that the Indigenous populations have no certainty. They don’t know what is going to happen. The individual mining companies, if they are working in four jurisdictions, have those four different regimes. We should have a federal response to this particular issue.

I would add to this discussion the new legal requirement to consult and accommodate Aboriginal communities affected by development. It is absolutely clear that the support of Aboriginal populations is going to be essential if we are going to see our resource economy develop as we wish. The only way you’re going to get there on a stable basis is if the Aboriginal populations can see that there are direct returns to their communities and to their own livelihoods as a consequence of these projects.

Senator Enverga: It was mentioned in one of our committee meetings that the private sector isn’t overwhelmingly investing in First Nations communities due to a lack of certainty in various investments created by the Indian Act. Would you agree with this statement? Are there other factors that might explain the limited involvement of the private sector in First Nations?

Dr. Coates: That is a very interesting question. Nobody would create the Indian Act now. If you were sitting, as you are, on Parliament Hill and deciding how to manage relationships with Aboriginal communities, there is not a single person among you who would say, “Here’s a really good idea: Let’s take the Indian Act and implement it today.”

It’s a historic piece of legislation that has all sorts of flaws and challenges in it. We have 100 First Nation communities in Canada that do not live under the Indian Act. We have more than 100 First Nation
communities applying to get out from under the Indian Act. Modern treaties eliminate the Indian Act’s power over Indigenous communities.

The Métis communities don’t live under the Indian Act, and some are impoverished and some are doing better.

Boy, wouldn’t it be lovely to start over again, because nobody would ever come close to the Indian Act the way it’s described. It’s a paternalistic, colonial, outdated, and irrelevant piece of legislation – except that it still applies.

No First Nations are going to give it up, nor should they, unless they have the kind of assurances that Manny Jules is talking about, where they know they have the resources, power, and authority to make decisions for themselves going forward.

We can and should think about a radical restructuring of our relationships that recognizes Aboriginal communities as separate governments and make sure that they have exactly the kind of authority that we’ve talked about.

Let’s be clear about something else. You’re right about the private sector. It’s hard to get an individual real estate developer to go into an Aboriginal community and build houses. It’s not going to happen under the current structures. You see limited private sector development going in and opening up a store or something like that.

We have more than 250 collaboration agreements across Canada between resource companies and Aboriginal communities. I would suggest to you that on the private sector part, on the resource industry part, it’s one of the best examples of extensive and mutually beneficial collaboration in Canadian history. Those mining companies, the oil companies, the pipeline companies, the forestry and hydro companies are working with First Nations communities, and often in mutually beneficial ways. It doesn’t always work, but, I’ll tell you, it’s working in a lot of places.

The private sector will work with whatever structures are in place. As Chief Jules was saying, they need certainty. If you put in a new tax regime the way he’s suggesting, the private sector will adjust. It will be a part of the cost of doing business. They’ll figure out how these things apply.

We need more consistent and favourable structural arrangements to make sure that Aboriginal communities have independence so that they can make judgments for themselves and work with First Nations or work with the private sector in a constructive and consistent way.

I would make sure we remember one thing: the growth of Aboriginal entrepreneurship is one of the most remarkable developments of the last 25 to 30 years. You are much more likely to be a new entrepreneur in Saskatchewan if you’re Aboriginal than if you’re non-Aboriginal.

We at the Macdonald-Laurier Institute are working on a project right now to try to figure out how much money is involved. I would hazard a guess that currently Aboriginal economic development corporations have $5 billion of investable assets. If you project that forward a decade, my guess is that the number by that time will be closer to $20 billion. That is private sector money in an Aboriginal development corporation context that is available for investment in communities, investment in prosperity, and investment in infrastructure.

The problem is the structures – that is, the absence of tax regimes, of real, meaningful self-government, and the interference of Indian Affairs. It’s the kind of problem you see around the First Nations Financial Transparency Act, which has good parts to it, but the way it bleeds between the public and government side into the investment or the corporate side has caused uncertainty among First Nations communities.

We’re partway there. It’s important for us to realize that good things have been happening that show
potential. We’re actually within a decade of seeing some remarkable things happen where we will be dealing with a reality that many Aboriginal communities will be quite wealthy. We are so used to seeing Aboriginal communities being poor by definition that we’re going to have to adjust to that different mindset.

My final point, to reinforce something I have already said, is that the private sector is an Aboriginal phenomenon, and the growth of Aboriginal entrepreneurship has been one of the most under-celebrated elements of the last 20 years.

Senator Enverga: If there’s one thing that you would like changed in the Indian Act, what is it?

Dr. Coates: I will take two, if you don’t mind. Number one is to completely change the oversight arrangements, because Aboriginal communities are being reported to death. They have to produce many reports in so many different ways in which they have to justify what they’re doing. Most of our Aboriginal communities are very small and have small governments. When they have to produce dozens of reports a year back to Aboriginal Affairs, which is legally required under the existing structures, it really is an oppressive burden on a small bureaucracy and a small political leadership.

I’m a huge fan of Manny Jules and his ideas around taxation and local autonomy. That is, we have to create a situation where Aboriginal folks do not have to be supplicants and don’t have to wait every year to find out how much money the federal government is providing for them. There are many ways we can quite easily come up with a structure that assures Aboriginal people a share in the tax revenue of this country. This is the part people forget, namely, that if you have a shared tax revenue, you have a major share of the responsibilities. You don’t just get to take the money and not do anything with it. This process basically has the capacity not just to give Aboriginal people a share of the tax points, but also to allow them to take on a larger and more formal share of the responsibility for infrastructure.

Those two things go hand in hand. Let’s be clear about who does what and who pays for what, but you can’t ask Aboriginal folks to pay for things if they don’t have a safe source of revenue.

The Chair: You’ve argued in your very thoughtful report of the Macdonald-Laurier Institute that Aboriginal governments should work together to develop large revenue and investment pools using revenue from natural resource development. . . . Who would manage the investment pool? How would you ensure that remote communities that have limited own-source revenues benefit from resource revenue sharing, as well as those that have what you called the geographical advantage? . . . Of course, we have made efforts with pooled financing models such as the one provided by the First Nations Finance Authority. How would what you envision be different from that?

Dr. Coates: The arrangements have to change. There is no question. When you look at the whole question of pooling, right now, almost all First Nations communities in Canada are poor. We have very few wealthy First Nations.

I want to go back to something Manny Jules said before, and that is that our goal should be to have Aboriginal people who are just as wealthy and just as many millionaires as anybody else. That’s when we know we’ve succeeded, but right now, a lot of them are very poor.

The arrangements right now very much allow the money to go back to the community that is closest to the resource. We have those places that are geographically fortunate. Squamish First Nation happens to be right in North and West Vancouver and up to Squamish. The ones in northern Saskatchewan or northern Alberta are near resource developments, so Fort McKay First Nation has opportunities that are hundreds of times greater than those for the Kashechewan First Nation in northern Ontario.
Because they’re so poor as a starting point, and they have been for a hundred years, they need that extra money just to get up to the level. So they are investing in their own communities, building roads, building houses, starting new businesses, and creating economic opportunity, but we are almost there in some instances where the money is now available to spread more generally. You are starting to see individual First Nations who are investing in other communities. They are taking their prosperity and sharing it with other First Nations. There are some communities in British Columbia where they’re saying, “We still have an unemployment problem, but you have an even bigger one, so we’re going to hire some of your First Nations people to work on our project because we need to make sure we all rise together.” They don’t want one community to have something and the other one to have nothing.

As a country, we haven’t yet thought through this question about the pooling of resources. I like Manny Jules’ suggestion of an overall tax, because that spreads it around much more effectively. The Government of the Northwest Territories has a good solution where they are taking the royalties that come into the Government of the Northwest Territories and giving a portion of them to First Nations. They’re sharing a portion of that. Part of that goes to the community that is affected, and part goes to all the communities in the territory.

A group of five First Nations in northern British Columbia and the Yukon has an arrangement where people share with all five communities a portion of the benefits from resource development. If one community has oil and gas development near to it and it produces $1 billion of revenue, that local community will get about 40 percent of it, but the other 60 percent will be divided among the other four communities.

So the First Nations are thinking this through themselves. They haven’t really thought about it too much across cultural lines, although we are starting to see examples of that in the Inuvialuit Regional Corporation, which started off with a land claims settlement of $100 million and now has $550 million of investable assets, and they are, in fact, looking at other investments they can make with other Indigenous peoples both in the North and more generally.

We also have an interesting situation that we don’t pay enough attention to, and that is that the reserve-based communities are often the ones that get the money, but more than half of their population no longer live close at hand. For example English River has half of the people living in English River and half living in Saskatoon and elsewhere. Their investment strategy covers both areas, so they’re trying to invest in Saskatoon so that they can create jobs in Saskatoon for English River people who live there.

We have a real challenge in terms of figuring out how to pool the resources and share them generally. The best example, if you want to get excited about this, is northern Quebec. Look at the Inuit and James Bay Cree where they have created regional economic development corporations. They are investing in multiple communities and sharing the revenues and resources in those directions.

Importantly, when we look at this in terms of what’s good for Canada, one of the most interesting phenomena you can find is that when you have a resource development, the more money that goes into the hands of Aboriginal people, the greater the regional impact. If you have a project that does not have a lot of Aboriginal participation, almost all the money flows out of the region. You have fly-in and fly-out workers or you have a southern-based corporation or a multinational that takes the profits out the area. You can have a mine developed, and the actual net impact on the local area, whether it’s the Yukon or northern Saskatchewan or northern Manitoba, is relatively small. As soon as you have First Nation involvement – my preference is equity ownership, but there’s also the kind of taxation thing that Manny is talking about, impact and benefit agreements, those kinds of arrangements – the multiplier effect on the regional economy is simply staggering. So we have a huge problem in Canada, not just an Aboriginal one, with the sort of general poverty of our northern and rural areas, and if you want to address that for all Canadians, we find that empowering Aboriginal people is the best way of keeping money close at hand.
The Chair: I think the real challenge for this committee – and it has been addressed this morning several times – is the have-not communities.

Mr. Coates, in your report (“Sharing the Wealth”) you said there should be a hybrid approach between the local and the general approach that would allow communities that are geographically advantaged to benefit as they should, but also have a fixed percentage of the resource revenue to be shared amongst jurisdictions where there are needs and there are disadvantages.

What is the next step to making this happen?

Do you believe that the unfortunate confrontation that is emerging over resource development projects in various parts of the country, with threatened litigation and all that, gives us an opportunity to look for a different way forward?

Is your proposal supported by leaders like Chief Manny Jules? Is that an opportunity to find a new way other than confrontation and litigation on resource developments?

Dr. Coates: I would agree very much it is a new way and we need a new way. We do have confrontation. We need to realize that we also have confrontation with non-Aboriginal peoples. It’s not just Aboriginal folks who have concerns. In fact, very often, if you look at New Brunswick and the shale gas controversy, there are a lot of First Nations people in New Brunswick who realize the necessity to move forward, and some in the same communities who realize they shouldn’t go forward. But that’s also a debate among the non-Aboriginal folks.

Let me put it this way: I think we need to realize that there are very major costs in not doing something. When you look at royalty revenue sharing or Aboriginal taxation, we have to realize that yes, there is cost, and there’s time and there’s political process involved with that, but let’s just add up what happens if we don’t do that at all.

If you rely on a very slow process and nothing changes, we will see more court battles cross the country. Those court battles cost millions of dollars. The Tsilhqot’in spent $10 million on their court case, and they’re a very poor set of communities. They had to really invest a lot of their own money and heart into that process, and the negotiations on individual projects take forever.

Manny Jules talked about how much time it takes to get these things in place. A tax regime would be very straightforward. Opportunities for equity investment would be very straightforward. The political struggles are huge.

Let’s also realize, when you talk about the cost, that the Aboriginal communities bear an extraordinary cost, and that’s the cost of continuing poverty. Take those communities you’re talking about such as the ones that are isolated, away from resource opportunities, the Attawapiskats and the Kashechewans of Canada. Either those communities are representative of about a third of all the Aboriginal communities in Canada that are isolated from resource development, or they have domestic challenges.

If we don’t do something in those communities, you’re not just causing a problem for three or four years; you’re going to cause problems for their families and for individuals that will actually saddle this country and individual First Nations with a staggering social cost that will go on for generations.

We talk about education all the time in the K-to-12 debate. The research shows overwhelmingly that the number one challenge is actually between the ages of zero and five. We don’t have an institutional structure to relate to that. K to 12 you talk to the school system; post-secondary you talk to the institutions. However, if children are living in overcrowded homes, if there’s mould on the walls, if there is not an adequate supply of food, if they don’t have local facilities and support, they are going to be severely affected for the rest of their lives. The costs and consequences are huge.
Looking at this arrangement, we need a brand-new level of courage in this country. We need to look for dramatic changes. I want to highlight something that Manny Jules has talked about several times. We should get away from the idea that we will have one solution that will solve the problem for all Canadians at all times, sort of the old panacea. That is, we will use residential schools, or reserves, or self-government is going to solve everything.

What Chief Jules is talking about is creating a tool. If you created the taxation tool the way he has described it, you are going to find that individual First Nations will take it up. Some regional First Nations, be it a tribal council or maybe a group in the Yukon or Northwest Territories, will take it up, and then we will see the benefits of what I think is the most important part, namely, success. When you see successful communities – First Nation, Aboriginal, Métis, Inuit communities – they share their stories and experiences. It actually becomes part of the national conversation.

That’s one of our challenges. Let’s not look for one thing that will solve everything for everybody all at once. It is not going to happen.

The 636 First Nations across the country range from Membertou in Nova Scotia and Fort McKay in Alberta to disadvantaged, marginalized, and impoverished communities. Let’s not solve all the problems all at once. Let’s give tools that First Nations can grab onto and use. Let’s use their successes as models for the rest of the country.

**The Chair: What is the next step?**

**Dr. Coates:** The next step is direct action. You are it. We need some powerful statements in the think-tank community where Macdonald-Laurier exists and in the First Nations community, Chief Jules, and the Assembly of First Nations. These ideas are out there.

My view is that support for Aboriginal rights in Canada has been declining. Support for Aboriginal rights declines almost as much as Aboriginal rights increase. As Indigenous people get more power, people’s support for that power diminishes. We have a problem in that the actual level of political interest in Aboriginal rights and empowerment is going down, even though the social costs are still there. We need, as a country, a strong and powerful declaration that we need to do things differently.

The joint report of Assembly of First Nations and Aboriginal Affairs on economic development was such a report.² It basically said, hey, folks, everybody has to do something. Parliament has to do something, as do provincial governments, but so do First Nations and corporations.

The next step would be getting a statement out of a group like the Senate Standing Committee on Aboriginal Peoples that says, “Let’s stop tinkering around the edges in small increments and money and small changes. We need some fairly dramatic action that changes the game.”

We need to talk about the fact that things are getting a lot better. We have success stories. We can show that where there is royalty revenue sharing, where modern land claim deals have empowered Aboriginal folks, where revenue sharing is going on in British Columbia, communities are changing. The Haisla community in British Columbia is talking about an electrified natural gas plant, supporting a pipeline, and revitalizing the economy of northern British Columbia. That is not something you heard of 30 years ago.

We are seeing changes because of what is already there, but what are the next dramatic steps? Quite frankly, the people that are talking about royalty revenue sharing, taxation regimes, and Aboriginal equity need to know there is parliamentary support.
Endnotes


About the Author

Kenneth S. Coates is MLI’s Senior Fellow in Aboriginal and Northern Canadian Issues. He is the Canada Research Chair in Regional Innovation in the Johnson-Shoyama Graduate School of Public Policy at the University of Saskatchewan. He has served at universities across Canada and at the University of Waikato (New Zealand), an institution known internationally for its work on Indigenous affairs. He has also worked as a consultant for Indigenous groups and governments in Canada, New Zealand, and Australia as well as for the United Nations, companies, and think tanks.


Ken contributes regularly, through newspaper pieces and radio and television interviews, to contemporary discussions on northern, Indigenous, and technology-related issues.
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