

# RISE OF THE FOURTH WORLD: THE INTERNATIONALIZATION OF INDIGENOUS RIGHTS

CONFERENCE PROCEEDINGS

JUNE 11-13, 2014

Waterloo, Ontario (Canada)



## RISE OF THE FOURTH WORLD:

### THE INTERNATIONALIZATION OF INDIGENOUS RIGHTS CONFERENCE

In 2012, Dr. Terry Mitchell (Associate Professor, Laurier University) and Dr. Kenneth Coates (Professor and Research Chair in Regional Innovation, University of Saskatchewan) proposed the “Internationalization of Indigenous Rights and Governance Project (IIRGP)” to the Centre for International Governance Innovation (CIGI). The primary purpose of IIRGP was to bring together Indigenous and non-Indigenous scholars and leaders to study the impact of international institutions and global governance policy documents, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in promoting effective governance, legislative protection, and Indigenous rights. Please see <http://www.cigionline.org/activity/internationalization-of-indigenous-rights-and-governance-project> for additional information about this collaborative research project.



As originally envisioned, one of the main activities culminating from the work of IIRGP and its network was a public forum, “*Resource Governance: Indigenous Rights in a Global Economy*” with panel speakers: Rodolfo Stavenhagen (former United Nations Special Rapporteur on Indigenous Rights) from Mexico, Ovide Mercredi and Commissioner Wilton Littlechild from Canada, Sven Roald Nystø from Norway, Roger Maaka from New Zealand, and Luis Vittor from Peru. To advance the dialogue on Indigenous rights and governance, Dr. Terry Mitchell and the Laurier Indigenous Health and Social Justice Research Group ([http://www.wlu.ca/page.php?grp\\_id=2615&p=13432](http://www.wlu.ca/page.php?grp_id=2615&p=13432)) organized a three-day conference in conjunction with the public forum. The conference, “*Rise of the Fourth World: The Internationalization of Indigenous Rights*” was an opportunity for scholars, community members, and students to engage in discussion about the uptake and impact of UNDRIP and to reflect on critical issues of rights and responsibilities.

The conference included keynotes, plenary sessions, and panel presentations, with time for networking and thematic dialogue. Significantly, June 13<sup>th</sup> was set aside for participants to work together on policy and to discuss international research collaboration.

The following report is a summary of the conference proceedings and outcomes. Please see appendix for complete conference minutes and our website (<http://riseofthefourthworld.wordpress.com/>) to view video footage of the conference presentations. All attendees were asked to provide consent to the audio and video recording of this conference.



#### ACKNOWLEDGEMENTS

The organizers of the *Rise of the Fourth World Conference*, Dr. Terry Mitchell and the Laurier Indigenous Health and Social Justice Research Group, would like to thank the *Centre for International Governance Innovation (CIGI)* for funding this event as well as for their organizational and technological support throughout the conference. Thank you also to the *Balsillie School of International Affairs* for providing us with a meeting space on their beautiful campus and the *Working Centre Multicultural Cinema Club* for filming the event. We would like to thank the *Laurier Research Office* for their ongoing encouragement and support. Finally, we would also like to thank our international guests, keynote speakers, and conference participants for their exceptional contributions and engagement.

# RISE OF THE FOURTH WORLD: THE INTERNATIONALIZATION OF INDIGENOUS RIGHTS

## PURPOSE & OBJECTIVES

- To promote discussion about the importance of crossing boundaries when discussing the internationalization of Indigenous peoples rights.
  - o These boundaries include: national borders, market forces, cultural boundaries, language barriers, and scholar-practitioner boundaries.
  - o The network believes that the full realization of Indigenous people's rights internationally requires crossing such boundaries, learning from one another and listening to each other through discussion.
- To bring people together to support intercultural dialogue about the internationalization of Indigenous rights.
- To encourage discussion about the potential of Indigenous rights to bridge the ontological divide that exists between Indigenous and non-Indigenous peoples in order to foster more cohesive and sustainable societies.

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# CONFERENCE KEYNOTE SPEAKERS

## OVIDE MERCREDI



Ovide Mercredi is a Cree born in the northern community of Grand Rapids. He served his community as Chief of Mispawistik Cree Nation from 2005 to 2011. He is now a councillor. A graduate of the University of Manitoba with a Law degree he practiced criminal law and later specialized in constitutional law as an advisor to Manitoba Chiefs. Mercredi has worked tirelessly for the rights of First Nations people throughout Canada. He is known as a First Nations leader that speaks eloquently with great passion and clarity.

In 1989, he was elected Regional Chief of the Assembly of First Nations for Manitoba. He became a key strategist for the Assembly during the time of the Meech Lake Accord constitutional reform discussions. He also had a strong leadership role in helping to resolve the Oka Crisis in 1990. Ovide Mercredi was elected as National Chief for the Assembly of First Nations in 1991. During his first

term he led the negotiations for the First Nations in the Charlottetown Accord. He was re-elected in 1994 and served as National Chief until 1997. He addressed the United Nations in Geneva and New York. He led a human rights delegation of Canadians to the troubled area of the Mexican state of Chiapas. In addition to serving as a lawyer and politician he co-authored "In the Rapids: Navigating the Future of First Nations" with Mary Ellen Turpel-Lafond in 1993. He has contributed articles to other publications. In his spare time, he enjoys painting and writing poetry.

Ovide is an advocate of non-violent methods for change and travelled to India when he was nominated for the Gandhi Peace Prize. He has received honorary degrees from Bishops University, St Mary's University, The University of Lethbridge and Athabaska University. He received the Order of Manitoba in 2005. In 2010 the Peace and Justice Studies Association awarded him their Social Courage award. In 2013 he was selected as the Distinguished Alumni of the University of Manitoba. He is the National Spokesperson for Treaties 1 to 11, having been chosen in a traditional and customary manner in the summer of 2006. As National Chief he worked closely with Elders from all regions of Canada. As a Treaty Spokesperson, he has continued his practice of seeking the advice and support of traditional Elders. Ovide serves on the board of the Heart and Stroke Foundation of Canada and the Winnipeg Art Gallery.

Ovide Mercredi is a strong believer in a positive future for all First Nations communities and recognizes the inherent strength and talents of First Nations people. He has always maintained that his people possess the answers to their needs and aspirations. To him healing can be accomplished by the simple application of traditional values such as respect and kindness.



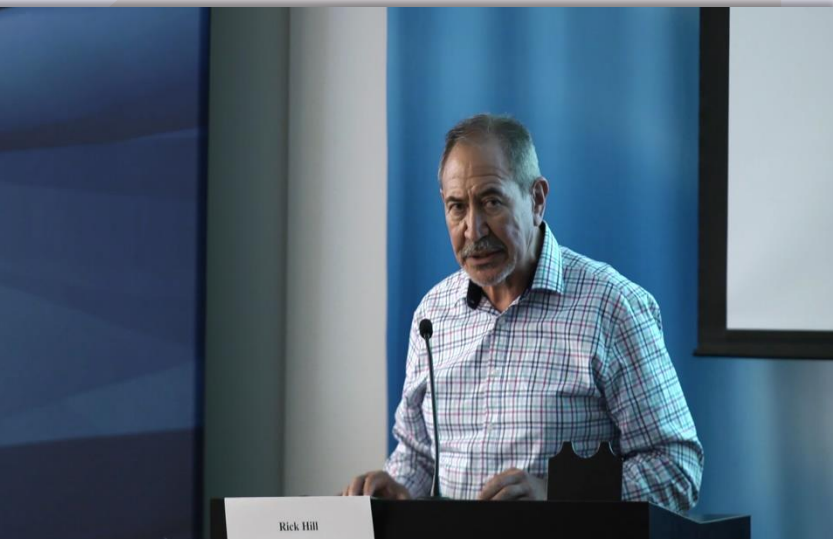
**M**rs. Sven Roald Nystø (Norway) was born in the municipality of Tysfjord, Nordland County. He was the president of the Sami Parliament in Norway 1997-2005, and worked with Indigenous peoples' issues in that capacity at the Nordic and Arctic level. He represented the Sami in the Standing Committee of the Parliamentarians of the Arctic Region for four years. Currently he works as R&D Leader at the Árran Lule Sami Centre, Tysfjord and is the Chair of the Board at the Centre for Sami Studies, University Tromsø, The Arctic University of Norway.

#### SVEN ROALD NYSTØ

He was a member of the Norwegian Governments Expert Commission on High North Affairs 2007-2009, has 14 years of experience from the Norwegian Royal Commission on Sami Rights and 30 years from various Non-Governmental Sami organisations. He holds a Master of Philosophy in Polar Studies at Scott Polar Research Institute, University of Cambridge, United Kingdom (2011).



#### ROGER MAAKA



Roger Maaka, Ph.D., Ngati Kahungunu, is a Professor of research and Maori and Indigenous Studies at the Eastern Institute of Technology, Taradale, New Zealand. His research interests include: Indigeneity as a global social movement, contemporary Indigenous identities and social development with a focus on post-treaty settlement co-governance including the management and protection of the environment and natural resources.

## RODOLFO STAVENHAGEN



First UN Special Rapporteur on Indigenous Peoples, Rodolfo Stavenhagen is a distinguished Mexican sociologist and former Deputy Director General of UNESCO. Stavenhagen has been identified as a pioneer on Indigenous rights. In 2001 he was appointed by the United Nations Commission on Human Rights the first United Nations Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people which he served until 2008. He has many publications on Indigenous rights including: *Indigenous Peoples and the State in Latin America: An Ongoing Debate* (2000); *Building Intercultural Citizenship through Education: A Human Rights Approach* (2006); and *Making the Declaration Work* (2006).

## LUIS VITTOR

Luis Vittor is a Peruvian economist and adviser to the Andean Coordinator of Indigenous Organizations and the Confederation of Peruvian Communities Affected by Mining. He is of Quechua origin and was born in Cerro de Pasco, Peru. From 2008-2009, he was a Fellow in the Indigenous Peoples, Human Rights, Governance & International Cooperation program at the University Carlos III of Madrid (Spain). He is the author of *Resistencias comunitarias a la minería: la experiencia de CONACAMI* (Community Resistance to Mining: the CONACAMI experience, 2008), among numerous other publications.



## COMMISSIONER WILTON LITTLECHILD



## ADDITIONAL KEYNOTE SPEAKERS:

**José Aylwin**

(Observatorio Ciudadano, Chile)

**Rick Hill**

(Six Nations Polytechnic, Ontario,  
Canada)

**Kenneth Coates**

(Johnson-Shoyama Graduate School of  
Public Policy, Saskatchewan, Canada)

**Rebecca Adamson**

(First Peoples Worldwide, United States)

In 1976, Commissioner Wilton Littlechild had the distinction of being the first Treaty First Nation person to acquire his law degree from the University of Alberta. In June of 2007, the University of Alberta bestowed the Doctor of Laws Degree on Chief Littlechild for his outstanding achievements. He is a strong advocate for the rights of Indigenous Peoples and promoter of implementation of the treaties between the Indigenous Peoples of Canada and the Crown, now represented by the federal government. Chief Littlechild served as a Member of Parliament from 1988 – 1993 for the riding of Wetaskiwin-Rimby. He served on several senior committees in the House of Commons and was a parliamentary delegate to the United Nations. Chief Littlechild organized a coalition of Indigenous Nations that sought and gained consultative status with the Economic and Social Council of the United Nations. He was re-appointed by the E.C.O.S.O.C. President to represent North America and has completed his second and final term as the North American representative to the UN Permanent Forum on Indigenous Issues. Chief Littlechild was appointed the Honourary Chief for the Maskwacis Crees and also honoured by the Chiefs of the Confederacy of Treaty Six First Nations as the International Chief for Treaty No. 6 Confederacy. He was elected by the Chiefs of Treaties 6, 7, 8 (Alberta) as the Regional Chief for the three Treaty territories in October of 2006 to serve a three-year term.



# CONFERENCE PARTICIPANTS

Over 40 individuals from across the country, along with our international guests, participated in the *Rise of the Fourth World Conference*. Below is a list of affiliations represented by the conference attendees.

Andean Coordinator of Indigenous Organizations (Peru)

Balsillie School of International Affairs (Ontario, Canada)

Canadian Civil Liberties Association

Eastern Institute of Technology (Taradale, New Zealand)

First Peoples Worldwide (United States)

Johnson-Shoyama Graduate School of Public Policy (Saskatchewan, Canada)

KAIROS Canada

Laurier Aboriginal Student Centre (Ontario, Canada)

Laurier Indigenous Health and Social Justice Research Group (Ontario, Canada)

Laurier University (Ontario, Canada)

Observatorio Ciudadano (Chile)

Ontario First Nations Technical Services Corporation (Ontario, Canada)

Rainbows Canada

Six Nations Polytechnic (Ontario, Canada)

The Society for Building a Healthier Kugluktuk (Nunavut, Canada)

Université du Québec en Outaouais (Quebec, Canada)

University of Guelph (Ontario, Canada)

University of Tromsø: The Arctic University of Norway (Tromsø, Norway)

University of Waterloo (Ontario, Canada)

Western University (Ontario, Canada)

# CONFERENCE AGENDA

The following is a summary of the conference proceedings. Highlights from each event are provided below—for complete conference minutes, please see Appendix.

## CONFERENCE DAY ONE JUNE 11, 2014

BALSILLIE SCHOOL of INTERNATIONAL AFFAIRS: CIGI CAMPUS  
67 Erb Street West, Waterloo, ON  
*Room 142*



8:00 am – 9:00  
am

Registration  
(Front Lobby)

Continental Breakfast

9:00 am –  
10:00 am

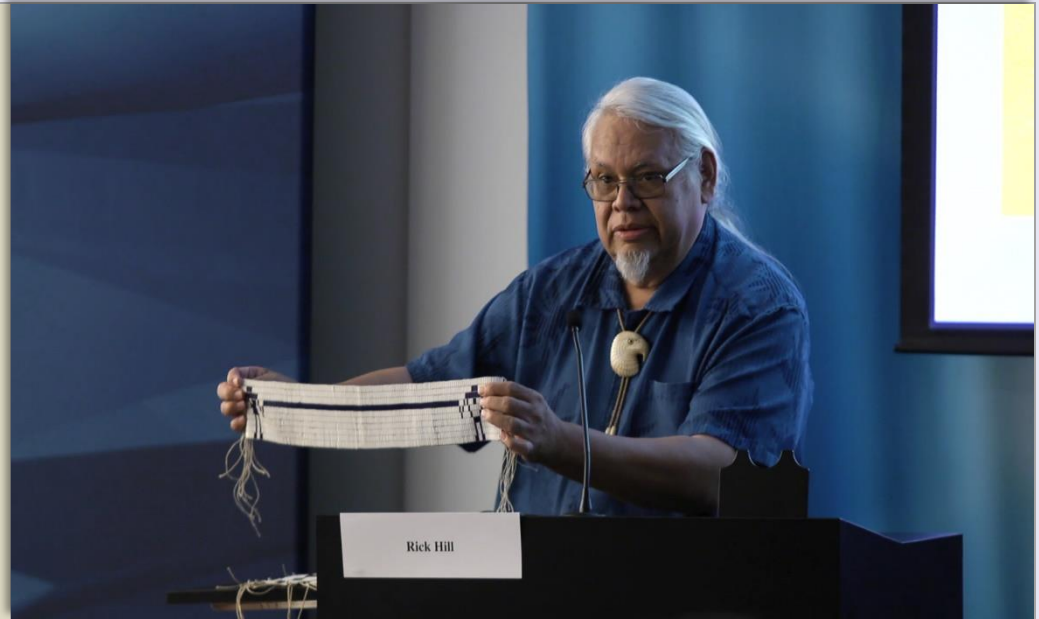
Exhibits Open

### **Traditional Haudenosaunee Welcome** (Court Yard)

Darren Thomas opened the *Rise of the Fourth World* conference by welcoming participants to Haudenosaunee territory with a traditional greeting. An Indigenous women's drumming circle from Kitchener-Waterloo shared traditional songs and welcomed conference participants in a traditional circle dance.

<p>10:15 am – 11:00 am</p>	<div data-bbox="597 239 1380 310" data-label="Section-Header"> <p><b>Opening Panel</b> Rebecca Jamieson, José Aylwin, Terry Mitchell, Ken Coates</p> </div> <div data-bbox="896 336 1057 371" data-label="Section-Header"> <p><b>Highlights</b></p> </div> <div data-bbox="483 422 1484 674" data-label="Text"> <p>After each conference participant introduced themselves to the group, Rebecca Jamieson (President, Six Nations Polytechnic, Ontario), José Aylwin (Observatorio Ciudadano, Chile), Terry Mitchell (Laurier University, Ontario), and Ken Coates (Johnson-Shoyama Graduate School of Public Policy, Saskatchewan) introduced the vision of the internationalization of Indigenous rights, shared the purpose and objectives of the conference, and introduced the conference agenda.</p> </div> <div data-bbox="483 716 1456 858" data-label="Text"> <p>Each conference attendee received a conference package that included the agenda, information and maps for local attractions, as well as a copy of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provided by KAIROS Canada.</p> </div>
<p>11:00 am – 12:00 pm</p>	<div data-bbox="854 921 1114 989" data-label="Section-Header"> <p><b>Opening Key Note</b> Ovide Mercredi</p> </div> <div data-bbox="902 1026 1063 1062" data-label="Section-Header"> <p><b>Highlights</b></p> </div> <div data-bbox="547 1152 1417 1354" data-label="Text"> <p>Globally, Indigenous peoples have limited self-determination as the nation-state system makes it difficult to realize self-determination. The nation-state system also makes it difficult for Indigenous peoples to express their concerns as the international system is also controlled by nation-states.</p> </div> <div data-bbox="547 1398 1396 1640" data-label="Text"> <p>Accordingly, there is a need for greater collaboration, cooperation and organization between Indigenous peoples and organizations globally. There is a need for global commitment to bring a movement of internationalization of Indigenous rights. The implementation of UNDRIP acts as an important part of this movement.</p> </div> <div data-bbox="483 1686 1456 1795" data-label="Text"> <p><i>The Rise of the Fourth World involves the reclamation of lands and territories in order to ensure that Indigenous communities and the rights of Indigenous peoples are recognized as equal to the rest of Canadian society.</i></p> </div>
<p>12:00 pm – 1:00 pm</p>	<p>Catered Lunch Dialogue</p>

1 : 0 0 p m –  
1 : 3 0 p m



Deskahe  
Rick Hill

### **Highlights**

The Haudenosaunee have been leaders in Indigenous peoples' search for international recognition.

- Chief Deskahe
- *"Basic Call to Consciousness"*
- Lacrosse and the Haudenosaunee leadership in the internationalization of Indigenous rights
- Haudenosaunee passports

"Sovereignty is the act thereof. You are as sovereign as you are able to be."  
—Oren Lyons

1 : 3 0 p m -  
2 : 4 5 p m

### **Reflections from New Zealand and Norway** Roger Maaka & Sven Roald Nystø

### **Highlights**

#### **Roger Maaka:**

New Zealand and the 'Treaty Settlement Era' (1988 – present)

- Reclaiming of land, and also the revitalization of language and institutions.
- Engaging with national environmental governance organizations in order to reclaim control over land and environmental management.
- e.g., Ruataniwha Water Storage Scheme

		<p><b>Highlights</b></p> <p><b>Sven Roald Nystø:</b></p> <p>The story of the Saami is often shared as a success story for Indigenous peoples—they have gained recognition of their rights to land and natural resources, rights that are protected in the constitution; Norway’s own laws now closely reflect international human rights standards.</p> <p>However, impacts of the extractive industries in Norway are visible. In order to align fully with international human rights standards regarding extractive industries in the Arctic, FPIC must be implemented in Norway’s national law.</p>
2:45 pm – 3:00 pm		<p>Afternoon Break <i>Refreshments Provided</i></p>
3:00 pm - 4:00 pm		<p><b>Reflections from South America:</b> Luis Vittor and José Aylwin</p> <p><b>Highlights</b></p> <p><b>Conflicts between states and Indigenous peoples regarding territory and natural resources</b></p> <p>Luis Vittor <i>Peru</i></p> <ul style="list-style-type: none"> <li>• The Amazon has the largest concentration of Indigenous peoples. This presentation is about a general vision of Latin America but focused specifically in Andean countries.</li> <li>• Economic globalization policies are focused on international commerce and investment through bilateral and free trade agreements. “Globalization of values” (human rights) is stagnant and obligation has evolved into voluntarism (self-regulation, social responsibility) or pragmatism (guiding principles).</li> <li>• The State regulates in order to attract investment (i.e., mining law), and participates more actively in international commerce and gains sales to fund development, leading them to relax their duties regarding human rights and Indigenous peoples’ rights.</li> </ul> <p><b>Abstract</b></p> <p><b>The challenge of localizing indigenous peoples’ rights in Latin America</b></p> <p>José Aylwin <i>Observatorio Ciudadano, Chile</i></p> <p>This presentation will analyze the implications that the different expressions</p>



of globalization - that of markets manifested in free trade and bilateral investment agreements and in the proliferation of extractive initiatives, largely on Indigenous peoples' lands and territories, and that referred to as the internationalization of Indigenous peoples' rights expressed in the growing relevance of Convention 169 of the International Labour Organization on the Rights of Indigenous and Tribal Peoples and of the United Nations Declaration on the Rights of Indigenous Peoples – are having for Indigenous peoples in Latin America.

This presentation will refer to the adverse impacts generated by the activities undertaken by these industries, without free prior informed consent of the communities affected, without their participation on benefits, and without compensation for damages, have had for Indigenous peoples and for their lands and territories in Latin America. It will describe the process by which Convention 169 of the ILO and UNDRIP are being localized at the domestic level in different contexts of Latin American in recent years. This is expressed in the revision of states constitutional and legal framework and policies referred to Indigenous peoples political, territorial and cultural rights.

Tensions arising from the process of the localizing of Indigenous peoples' rights in the region in a context of economic globalization will be analyzed and reflected upon in this presentation. Implications for Indigenous peoples in other contexts of the world will also be analyzed.

4:00pm-5:00pm

**Panel 1: Reflections on the Working Group on the Rights of Indigenous Peoples, FPIC, and the Implementation of UNDRIP**



Gonzalo Bustamante, Roberta Rice, and Andrew Thompson

## ***Abstract***

### **UNDRIP and the 2009 Bolivian Constitution: Lessons for Canada**

Roberta Rice  
*University of Guelph*

Bolivia was the first country in the world to incorporate the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into domestic law and later its constitution. The new constitution goes further than any previous legislation in Bolivia, if not globally, in securing rights and freedoms for the country's Indigenous peoples. To what extent has the UNDRIP become entrenched in the country's governing structures? Are Indigenous rights activists engaging with the Declaration in their struggles? What lessons can be drawn from the Bolivian experience? In light of these questions, the paper examines the Bolivian constitutional process, with particular attention to the impact of international forces on the outcome, and assesses the merits and limits of the new constitution in advancing Indigenous self-determination in the country. Although the UNDRIP-inspired Bolivian constitution has been an effective tool used in Indigenous rights campaigns, it has only just begun to transform Indigenous-state relations in the country. The conflict over the government's proposed highway project through the Isiboro-Sécure Indigenous Territory and National Park (TIPNIS) is an important test of the state's internalization of Indigenous rights norms. The paper finds that by framing their claims in the Declaration's terms, Indigenous groups in TIPNIS may have succeeded in narrowing the gap between legislation and practice. The Bolivian case highlights the importance of international agreements and activism to encourage dialogue between the state and Indigenous groups on such matters as free, prior and informed consent.

## ***Abstract***

### **The governmentality of the implementation of the right to free, prior and informed consent in Latin America: Continuities and ruptures**

Gonzalo Bustamante  
*University of Quebec Outaouais*

In the last decades Indigenous Peoples in Latin America have adopted the human rights approach claiming at first for the ratification of ILO 169 Convention and including after UNDRIP. Most of the literature on the governance of natural resources extraction have focused on different regimes taking place (Bebbington, 2012) or on the ecological politics (Gudynas,

2012). However, there is a need for analyzing the specific place of the right on consultation and “free, prior and informed consent” (FPIC) within this governance. Thus, preliminary results or a larger thesis research on the implementation of the right on consultation and on free, prior and informed consent (FPIC) will be presented.

Using the theoretical framework of governmentality, this communication aims to analyze the continuities and ruptures, the tensions and advances by focusing on the rationalities, practices, technologies of government and power relationships taking place in the implementation of the right of consultation and consent in several countries of Latin America (mainly Venezuela, Colombia, Ecuador, Peru, Chile and Bolivia).

The main preliminary conclusions are that the implementation of FPIC is at the same time enabling Indigenous Peoples to participate and influence the institutional and legal arrangements taking place, and also being “colonized” by neoliberal and post-neoliberal governments in order to subordinate FPIC to the neoliberal or to the post-neoliberal projects. Also, several different types of technologies of government are being used by governments, including “onto-politics”, discipline and neoliberal technologies. There is also an ongoing dispute of the concepts as “development”, “national sovereignty” and “well living”, but under different rationalities.

Finally, these tensions result in relevant “normative implementation”, but with few “substantive implementation”.

### ***Abstract***

#### **The Slow “Evolution of Standards”: The Working Group on Indigenous Populations and the Declaration on the Rights of Indigenous Peoples**

Andrew Thompson

*Balsillie School of International Affairs*

Established by ECOSOC Resolution 1982/34 of 7 May 1982, the Working Group on the Rights of Indigenous Populations was a subsidiary of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. At the time, its broad mandates were “to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of Indigenous populations and to “give special attention to the evolution of standards concerning the rights of Indigenous populations.” These were no small tasks. Perhaps more than any other set of group rights, Indigenous Peoples’ rights encompassed political and civil rights, economic, social and cultural rights, land and resource rights, as well as anti-colonialism and the right to self-determination. Indigenous groups from around the world responded favourably, treating the Working Group as a forum for airing their grievances to an international audience. Several states, particularly in the Americas, responded by attempting to obstruct the work of the Working Group, and thereby limit its ability to carry out its functions. This paper will provide an account of the events and diplomacy during the

initial years of the Working Group and end by assessing its role in facilitating the drafting of the Declaration on the Rights of Indigenous Peoples specifically, and advancing Indigenous Rights more broadly.

Q/A (4:45-5:00)




5 : 0 0 p m -  
7 : 0 0 p m

Break for Dinner

7 : 0 0 p m -  
1 0 : 0 0 p m

Social Gathering

Conference participants were invited to Terry Mitchell’s home for a social gathering and BBQ. This was an opportunity for conference attendees to engage in intercultural dialogue with each other and the international keynote speakers.

	<p style="text-align: center;">CONFERENCE DAY TWO JUNE 12, 2014</p> <p style="text-align: center;">BALSILLIE SCHOOL of INTERNATIONAL AFFAIRS: CIGI CAMPUS (67 Erb Street West, Waterloo, ON) <i>Room 142</i></p>	
8:30 am – 9:00 am		Registration (Front Lobby)
		Continental Breakfast
9:00 am - 9:15 am		<b>Welcome</b>
9:15 am – 10:15 am	Exhibits Open	<p style="text-align: center;"><b>Global and Local Processes in the Making and Implementation of UNDRIP</b></p> <p style="text-align: center;">Rodolfo Stavenhagen</p> <div style="background-color: #4a69bd; color: white; text-align: center; padding: 5px;"><b>Highlights</b></div> <p>Purpose of this keynote is to question whether there exists a new world order for Indigenous peoples.</p> <ul style="list-style-type: none"> <li>World Economic Forum presented the <i>2014 Outlook on the Global Agenda—the “inequality gap”</i></li> </ul> <p>Indigenous peoples are among the world’s poorest in both rich and poor countries. In many countries, Indigenous peoples lack ‘political capture of the economy’, which prevents them from benefiting from development.</p> <p>However, recent events suggest that this may be changing.</p> <ul style="list-style-type: none"> <li>E.g., Permanent Peoples Council (PPC), UNDRIP</li> </ul>
		



<p>1 0 : 3 0 a m - 1 1 : 0 0 a m</p>	<div data-bbox="662 239 1242 348"> <p>Reflections from the USA Rebecca Adamson, First Peoples Worldwide Via Skype</p> </div> <div data-bbox="873 380 1027 417"> <p><b>Highlights</b></p> </div> <div data-bbox="453 459 846 495"> <p><i>Indigenous Rights Risk Report</i></p> </div> <div data-bbox="453 527 1315 688"> <p>Evaluation of 52 oil, gas and mining companies listed on the Russell 1000 Index and the 370 sites where these companies are operating on or near Indigenous land. It then assesses the site's risk according to six criteria:</p> </div> <div data-bbox="501 779 898 997"> <ol style="list-style-type: none"> <li>1. Location,</li> <li>2. Indigenous Peoples Policy,</li> <li>3. Reputation,</li> <li>4. Country,</li> <li>5. Community, and</li> <li>6. Legal.</li> </ol> </div>
<p>1 1 : 0 0 a m - 1 1 : 1 5 a m</p>	<div data-bbox="803 1096 1104 1167"> <p>Break <i>Refreshments Provided</i></p> </div>
<p>11:15am-12:15pm</p>	<div data-bbox="553 1228 1354 1264"> <p><b>Panel 2: International Influences and Policy Opportunities</b></p> </div> <div data-bbox="881 1281 1016 1316"> <p><b>Abstract</b></p> </div> <div data-bbox="453 1375 1445 1446"> <p><b>From Georgetown to Geneva: The Fourth World and the World Council of Indigenous Peoples</b></p> </div> <div data-bbox="453 1484 750 1556"> <p>Jonathan Crossen <i>University of Waterloo</i></p> </div> <div data-bbox="453 1593 1453 2066"> <p>The term "Fourth World" originates with George Manuel and his vision of solidarity between Indigenous peoples around the globe, an allusion to the way other former colonies in Africa, Asia and South America had collaborated as the Third World. In April 1974, Manuel organized a preparatory meeting in Georgetown, Guyana to plan an international conference of Indigenous peoples. With delegates from four continents, the planning meeting was arguably the very first meeting of the Fourth World. My presentation will describe the attendees of the Georgetown meeting and the discussions from the meeting itself in order to understand what they hoped to achieve by founding an international organization, the World Council of Indigenous Peoples (WCIP). My paper will argue that the spirit of anti-colonialism, commonly associated with African activism during that period, inspired these Indigenous leaders to overcome their isolation and form</p> </div>

a common representative organization. Moreover, the paper will investigate how delegates chose to define Indigeneity in order to form the broadest possible alliance, a strategy which was carried on by future fora at the United Nations like the UN Working Group on Indigenous Populations. Yet the World Council chose to accept members of the basis of nation states, a category scheme largely rejected by the United Nations itself. I will argue that these respective decisions played an important part in the decline of the WCIP as new international bodies at the UN became more prominent.

### ***Abstract***

The Historical Development of the UN Declaration on the Rights of Indigenous Peoples.

George Kennedy  
*Western University*

Since the Haudenosaunee Confederacy's Chief Levi General sought assistance from the League of Nations in 1923, Indigenous rights have evolved significantly. The current United Nations Permanent Forum on Indigenous Issues (UNPFII) acknowledged the work of Levi General as a contributing factor to its existence. Despite the long history of Indigenous peoples' struggle to influence the development of 'hard law' to protect their rights, there are a limited number of historical sources pertaining to some. However, the documents that this writer utilizes correspond to various Human Rights events starting with the first revised draft of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) from 1988. Other publications followed the International Year of the World's Indigenous People in 1993, and the World Intellectual Property Organization (WIPO) seminar in 2001. Each event provided an opportunity for scholars to reflect and comment on the process and challenges ahead. This paper examines the development of the UN Declaration on the Rights of Indigenous Peoples.

### ***Abstract***

**Indigenous Experiences of Health in All Policies: Models for Indigenous Rights or Mistakes?**

Ketan Shankardass  
*Wilfrid Laurier University*

In the wake of the United Nations Declaration on the Rights of Indigenous Peoples, the quest for stronger Indigenous rights may require a shift in policymaking structures and processes to foster greater equity for Indigenous peoples. In the health promotion domain, Health in All Policies is a coordinated approach to policymaking that uses intersectoral action to bring diverse sectors together to solve "wicked problems" of health inequity. In practice, Health in All Policies requires governments to adopt a social determinants of health perspective of how societies produce health and inequity in order to address upstream causes of social inequity and, thus,

		<p>health outcomes. Thus, Health in All Policies may serve as a model for how ideological shifts in policymaking can be facilitated to foster stronger and more just rights for Indigenous peoples.</p> <p>In some cases, Health in All Policies has been applied in settings where Indigenous peoples remain vulnerable. In order to learn how governance can be strengthened for Indigenous peoples (i.e., greater social equity and justice), this presentation will review how Health in All Policies jurisdictions (e.g., New Zealand) and other ad hoc intersectoral action for health equity (e.g., Ecuador) by governments around the globe have approached Indigenous health projects, and to what extent these efforts may address Indigenous <i>rights</i> as a determinant of health and well-being. There will be some discussion of whether these examples of governance approaches to Indigenous rights are appropriate and helpful, or not.</p> <p>Q/A (12:00-12:15)</p>
1:00 pm – 2:45 pm		<p>Catered Lunch Dialogue <i>Break-out Rooms A(rm123), B(rm142), C(rm143)</i></p> <p>Over lunch, conference participants dialogued about emerging themes from the conference presentations. Several break-out rooms were available so that participants could divide into groups to discuss areas of interest. Some of the themes identified included:</p> <p>“Ovide Mercredi’s challenge”: How to build commitment to sustain the internationalization of Indigenous rights</p> <p>Localization/Implementation of Indigenous Rights (Rights in all policies)</p> <p>Extractive Industries, FPIC, and risk assessment</p>
2:45 pm – 3:15 pm		<p>Report back from Groups <i>(Room 142)</i></p>

3:15pm-3:45pm		<p style="text-align: center;"><b>Closing Plenary</b> Ken Coates</p> <hr/> <p style="text-align: center;"><b>Highlights</b></p> <p>We have discussed the potential of UNDRIP and the Declaration’s ability to bring about transformative change</p> <p>Despite the fact that new and exciting global governance mechanisms and protections exist (such as UNDRIP), the discussion over the past two days has highlighted Indigenous peoples in many places are still being denied their internationally recognized rights.</p> <p>We are reminded of the pressing need to continue to work together towards the full realization of Indigenous peoples’ rights and a better future for all.</p>
3:45 p m - 4 : 0 0 p m		<div data-bbox="453 831 1459 1417" data-label="Image"> </div> <p style="text-align: center;"><b>Closing Comments</b> Rick Hill</p> <p style="text-align: center;"><i>“We are intended to be a people of peace: The greatest gift given to us was our mind and the rational desire to have a peaceful way of life”</i></p>
4:00pm-4:30pm		<p style="text-align: center;">Sound check for Public Forum Speakers</p>
5 : 0 0 p m - 7 : 0 0 p m		<p style="text-align: center;">Break for Dinner (Private Public Forum Speaker’s Dinner)</p>

7:00 p m –  
9:00 p m

CIGI AUDITORIUM  
BALSILLIE SCHOOL OF INTERNATIONAL AFFAIRS  
(67 ERB STREET WEST, WATERLOO, ON)

**Public Forum**  
**“Resource Governance: Indigenous Rights in a Global Economy”**

Moderator: Darren Thomas  
Ovide Mercredi (Canada)  
Rodolfo Stavenhagen (Mexico)  
Roger Maaka (New Zealand)  
Luis Vittor (Peru)  
Sven Roald Nystø (Norway)  
Commissioner Wilton Littlechild (Canada)

Over 100 people attended the free public forum on the CIGI campus; in addition, there was an online audience watching the simultaneously broadcast livestream video. To date, the forum has been watched by over 930 online viewers!

<http://new.livestream.com/cigionline/riseofthefourthworld>







9:30 p m -  
11:00 p m

Wine and Cheese Reception- Four Points Sheraton Hotel, Lobby

# Senior Scholar Policy Dialogue Meeting

Friday, June 13

## Policy Delphi Presentation

- Report on the Policy Delphi process by Courtney Arseneau and Charis Enns
  - o The policy Delphi process could serve as a vehicle to advance our understanding of the existing challenges and potential innovations in the uptake and implementation of global governance tools and the conditions required to recognize and promote greater Indigenous self-government and self-determination.
  - o The goal of this particular policy Delphi is to gather interdisciplinary perspectives on the internationalization of Indigenous rights, including the uptake and impact of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Open discussion and questions following presentation

## Closing Presentations - Ovide Mercredi

- Racism versus ignorance
  - o The conference has been a positive place to begin building awareness and a greater knowledge based around UNDRIP
  - o While both ignorance and racism can be dangerous, there is a need to differentiate ignorance and racism. Many of the problems in Canada are a result of ignorance rather than racism. Accordingly, there is need to focus on how to address ignorance by building awareness about rights and tools such as UNDRIP. This will result in social transformation, reform, and institutional change.
- Follow-up meeting in Norway
  - o As a step towards continuing this work and building greater awareness, a second meeting in Norway has been proposed where participants at this conference would travel to meet with the Saami parliament.
  - o This meeting is proposed to take place in November or December 2014.
  - o Prior to the meeting, a draft statement will have to be written and reviewed prior to being presented to the Saami parliament.
  - o It would also be beneficial to use this opportunity to begin to grow leadership in young people. There is a need to pass the torch on to the next generation of leaders.

## Closing Presentations – Ken Coates

- An important goal of this three day event is to development a joint statement on how to make UNDRIP mean more in the lives of both Indigenous and non-Indigenous. This is a goal that has developed out of conversations over the past three days and one that we hope to achieve within the next 6 months.

## **Breakout Discussions (Small Groups): The Strengths and Weaknesses of UNDRIP**

### **- Strengths**

- The global consensus that it represents, the common principles that it presents;
- The role played by Indigenous peoples played in drafting the Declaration;
- The way in which it has encouraged collaboration between Indigenous peoples across countries, as well as between Indigenous peoples and the UN system;
- The fact that it has been endorsed as national law in some countries;
- The way in which it is written, which creates unifying principles yet still allows for and respects differences;
- The other global governance instruments that have developed as a result of UNDRIP;
- It serves as a guide for action, an aspirational document to strive towards.

### **- Weaknesses**

- It remains a UN Declaration rather than a Convention, which limits its power to create change;
- It is more difficult to enforce than other existing global governance instruments, such as ILO 169;
- Article 46 weakens the potential of the Declaration;
- It remains state-centric, confirming that Indigenous peoples are subjects of the state and forcing Indigenous peoples to work within the state system if they wish to have their rights claims heard;
- It is founded upon the western notion of liberal rights which can limit Indigenous values/ways of understanding the world;
- It limits protections to humans rather than providing equal protection/rights to both humans and nature;
- The legal language of the Declaration makes it difficult to convey or explain at the local level and furthermore, there exists limited guidance in how to implement the Declaration;
  - This has caused slow progress towards the implementation of the Declaration.

## **Breakout Discussions: Practical steps for taking the Declaration from aspirational to practical**

- There needs to be more understanding (research, discussion etc.) on the relationship between UNDRIP and the broader constellation of global governance actors
  - What responsibility do organizations such as the IMF and World Bank have to uphold UNDRIP? What steps are such organizations taking to ensure that UNDRIP is upheld?
- There is a need to make UNDRIP more practical and accessible to other stakeholders (beyond academics and lawyers)
  - The Declaration should be contextualized and made functional for distinct industries (such as the mining industry) and governmental bodies (such as national human rights commissions)

## **Closing Discussion – Speaking Points for Upcoming Meeting with CIGI**

- **The importance of the network (scholarly and practical relevance)**
- This network serves to fill a vacuum that exists within the academic world. There is an opportunity for this network to serve as a world leader.
- This network is an important initiative because most Indigenous leaders do not have the resources to conduct such research, or the time to reflect on and discuss these issues in such great depth. Due to necessity, Indigenous leaders often remain focused on everyday problems. For this reason, the network may serve as a vital resource for Indigenous leaders, policymakers, governments and the business community.

- **Partnership with CIGI's International Law Research Program**
- *Through this partnership, CIGI will benefit from access to research/knowledge of Indigenous governance systems*
  - After reviewing CIGI's promotional materials, a starting point for dialogue with CIGI may be to discuss the fact that governance is not a western concept. Their materials mention the *Magna Carta* and the French Revolution as the foundations of governance and international law. Yet there is no reference to other milestones of global governance, such as the Royal Proclamation or the Treaty of Fort Niagara.
  - It may also be important to begin dialogue with CIGI by discussing what is missing in their understanding of governance and international law, including Eastern philosophies and Indigenous philosophies.
    - In this sense, partnership with this network will give CIGI access to knowledge and research on Indigenous governance systems – something that is currently missing within the organization.
- *Through this partnership, CIGI will have access to research that is both relevant to and cross-cuts all three of CIGI's priority research areas (environmental law and treaties; economic, financial and investment law; and intellectual property law)*
  - From the perspective of this network, CIGI's three research priorities inter-relate to our work: As financial investments are made in natural resources, both the environment and intellectual property rights are being threatened. Interestingly, more often than not this happens on Indigenous lands and territories.
    - This network is already engaging in dialogue and research on these issues, work that relates directly to all three of CIGI's research priority areas.
  - Moreover, this conference has revealed that the network is moving towards placing even greater emphasis on the tensions that arise as a result of investments in Indigenous territories and natural resources. The dialogue, presentations (from Rebecca Adamson in particular), and forum that occurred during this conference have all illustrated the relevance of this topic to the future work of this network. Accordingly, the direction of this network moving forward will remain highly relevant to CIGI's research priority areas.
  - In terms of geographic focus, CIGI has suggested the Arctic will be a priority area for research. Our network has the potential to contribute to research on this geographic area as we have partners in the Arctic.
    - However, recognizing that much work is already being done in the Arctic, the network would also like to prioritize research and case studies in the sub-Arctic.
    - In the Canadian context, this is where the majority of resource extraction is being done. This is also a region that has a significant impact on the Canadian economy.
- *This network must discuss with CIGI whether they are willing to view the network as equal partners in the arrangement. There is a need to maintain autonomy over the network's program and research objectives*

### **Identifying Research Fellows for CIGI's International Law Research Program**

- *Members of the network will reflect on internationally prominent Indigenous and non-Indigenous figures in the realm of law (with a focus on Indigenous issues) in order to collectively generate a list of potential research fellows that could be presented to CIGI*
  - Research fellows could be high-level practitioners, legal scholars and/or activists.
  - Research fellows would need to be proficient in English.

- Some names suggested during the initial group brainstorm included:
    - Paul Joffe
    - Thomas R. Berger
    - Mary Ellen Turpel.
  - In generating a list of potential research fellows, the network should remember that representation is limited to certain regions of the world at this point. As the network moves forward with its activities, it should strive to become more inclusive by seeking representation from other geographic regions.
- 
- **ACTION POINT:** An email will be sent out to participants at the conference and members of the network more broadly in order to gather further suggestions.
  - **ACTION POINT:** A list of names/emails/contact information will be created to share within the network
  - **ACTION POINT:** All presentations and papers will be made available on the conference website



# CONCLUSIONS AND NEXT STEPS

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## CONCLUSIONS

- The “*Rise of the Fourth World Conference*” prioritized the significant nature of bringing Indigenous leaders together to discuss the internationalization of Indigenous rights and governance. The conference made important linkages across four continents and established a partnership for moving forward. The conference was organized in plenary format so that Indigenous leaders and scholars would be presenting to one another. The first day included a steady stream of presentations, and although the wealth of information was enriching, we acknowledge that it did not leave sufficient time for dialogue. The second day of the conference prioritized small group dialogue and reflection. The “*Rise of the Fourth World Conference*” was a unique conference experience; it was a meeting of experts who all respectfully shared with one another on the topic of the internationalization of Indigenous rights, from regional perspectives, with considerable attention to the origins of this movement from the Haudenosaunee of Six Nations of the Grand and the early and significant role of Deskahe.

## OUTCOMES

- CIGI Podcast Interview with Rodolfo Stavenhagen and Andrew Thompson: <http://www.cigionline.org/videos/inside-issues-428-indigenous-rights>
- CIGI Public Forum: “Resource Governance: Indigenous Rights in a Global Economy”—video archived online: <http://new.livestream.com/cigionline/riseofthefourthworld>
- Video footage of full conference proceedings and presentations. Available at: <http://riseofthefourthworld.wordpress.com/>
- Developing a publication of conference papers and presentations.

## NEXT STEPS

- Indigenous leaders have discussed and planned the next meeting, to be hosted in Norway. Support for the ongoing work on the internationalization of Indigenous rights, with a focus on resource extraction and transitions in Indigenous governance and particular attention to risk analyses, is being established.

# CONFERENCE MINUTES

## Rise of the Fourth World Conference The Internationalization of Indigenous Rights

Wednesday, June 11

### **Traditional Haudenosaunee Welcome**

### **Opening Panel – Terry Mitchell, Rebecca Jamieson, José Aylwin & Ken Coates**

- This event grew out of recent historical events, including the apologies that have been made by many settler governments to Indigenous peoples, as well as the signing of UNDRIP. These events suggest that the current moment is a unique moment in history for Indigenous peoples. This moment in time has also been marked by new forms of Indigenous assertiveness, including more exercises of resistance by Indigenous peoples globally.
  - o For example, the Idle No More in particular, which was a peaceful movement, was the largest demonstration of Indigenous identity in Canadian history.
- The network responsible for organizing this event includes Indigenous and non-Indigenous scholars, as well as Indigenous and non-Indigenous activists from across the Americas. The network is broadly concerned with implications of globalization for Indigenous peoples and the internationalization of Indigenous peoples rights.
  - o Six Nations Polytechnic (SNP) plays an active leadership role in this network. As an Indigenous academic and research institution, SNP is part of a global movement in higher education that is contributing to closing the knowledge gap that grew as a result of colonization. SNP sees this event as a further step towards closing this knowledge gap, as well as a means of contributing to creating a more sustainable future for all.
- Part of the purpose of this event is to invoke discussion about the importance of crossing boundaries when discussing the internationalization of Indigenous peoples rights.
  - o These boundaries include: national borders, market forces, cultural boundaries, language barriers and scholar-practitioner boundaries.
  - o The network believes that the full realization of Indigenous peoples rights internationally requires crossing such boundaries, learning from one another and listening to each other through discussion.
- Ultimately, the purpose of the next few days is to bring people together to support intercultural dialogue about the internationalization of Indigenous rights.
- It is also hoped that these next few days will encourage discussion about the potential of Indigenous rights to bridge the ontological divide that exists between Indigenous and non-Indigenous peoples in order to foster more cohesive and sustainable societies.

## Opening Key Note – Ovide Mercredi

- Indigenous communities across Canada have been – and continue to be – impoverished by resource development on their traditional lands and territories. This is the worst impact of colonization as it forces people to seek new livelihoods as trapping, fishing, and hunting become unviable.
- Unfortunately, Indigenous peoples in Canada do not have the right to negotiate against resource development. If they attempt to do so, they are seen as standing in the way of progress.
  - o Within the current political and economic context of Canada, it is argued that society needs resource development in order to attain economic development, create jobs and improve quality of life. While this argument resonates well with Canadian people, it also places the right to economic development over the rights of Indigenous peoples.
- In response, there is a need for people to take a stand to ensure that the rights of Indigenous peoples are not set aside or below other rights. The Rise of the Fourth World involves the reclamation of lands and territories in order to ensure that Indigenous communities and the rights of Indigenous peoples are recognized as equals to the rest of Canadian society. At the same time, any resistance against the current mode of economic development must be peaceful.
- The problems faced by Indigenous peoples in Canada relating to economic development and resource extraction are not unique to Canada.
  - o Globally, Indigenous peoples have been impacted by settlement, resource development and a lack of respect for their rights.
  - o Globally, Indigenous peoples also have a similar worldview. They recognize the value of the land and that the earth must be shared and cared for.
  - o Globally, Indigenous peoples have limited self-determination as the nation-state system makes it difficult to realize self-determination. The nation-state system also makes it difficult for Indigenous peoples to express their concerns as the international system is also controlled by nation-states.
- Accordingly, there is a need for greater collaboration, cooperation and organization between Indigenous peoples and organizations globally. There is a need for global commitment to bring a movement of the internationalization of Indigenous rights.
  - o The implementation of UNDRIP acts as an important part of this movement. Now that UNDRIP exists, there is a need for greater support and effort towards the implementation of the Declaration in each nation-state. Support towards this goal is needed at all levels – community, regional and national.
  - o There is also a need for greater effort to include Indigenous thought and philosophy in discussions on Indigenous rights. Indigenous thought is largely absent in academic and legal reading and thus, it should be brought into global level discussions on the implementation of Indigenous rights.
  - o Finally, there is also a role to be played by advocacy organizations, such as DemocracyWatch and MiningWatch, which aim to hold the government and corporations accountable for their failure to uphold Indigenous rights. Indigenous leaders are often occupied solving the problems of day-to-day life within their communities. Thus, there is a need for advocacy organizations – which have more time and resources – to assist with the internationalization and implementation of Indigenous rights.

## **Deskahe – Rick Hill**

- The Haudenosaunee have been leaders in Indigenous peoples' search for international recognition. In the 1920s, Chief Deskahe traveled to visit the League of Nations. In 1977, Haudenosaunee representatives returned to the UN in Geneva to deliver *A Basic Call to Consciousness*. Today, the Haudenosaunee continue to play an important role in the internationalization of Indigenous rights. This is demonstrated by their use of Haudenosaunee Passports for international travel: The Haudenosaunee use their passports to demonstrate that sovereignty can be claimed at the international level. They are guided by Oren Lyons argument that "Sovereignty is the act thereof. You are as sovereign as you are able to be".

## **Reflections from New Zealand – Roger Maaka**

- The era that New Zealand is currently experiencing is known as the 'Treaty Settlement Era' (1988 – present).
  - o As a result of colonization in earlier years, Indigenous peoples in New Zealand lost not only land, but also language, culture and institutions.
  - o The settlement era involves the reclaiming of land, and also the revitalization of language and institutions.
- Indigenous communities in New Zealand are engaging with national environmental governance organizations in order to reclaim control over land and environmental management. This is enabling people to transition from impoverished members of society to owners of significant assets.
- The example of the Ruataniwha Water Storage Scheme is a useful example of how the settlement era is changing the situation of Indigenous peoples in New Zealand, as well as serving as a step towards the realization of Indigenous peoples rights.
  - o The government of New Zealand planned the Ruataniwha Water Storage Scheme which would create over 2,000 jobs and put 30,000 hectares under irrigation.
  - o An Indigenous community in New Zealand decided to engage with the government in this process. The principles of engagement included recognition, protection, and participation.
  - o Through this process, the community was able to ensure sufficient employment opportunities, attain annual education scholarships for the next seventy years, conduct a cultural harvest of the inundated area and access further assistance with fresh water supply.
  - o The Ruataniwha Water Storage System illustrates that it is possible for Indigenous communities in settler states to constructively engage with and benefit from government projects without buying into the agenda of the state.

## **Reflections from Norway – Sven Roald Nystø**

- The story of the Saami is often shared as a success story for Indigenous peoples
  - o The Saami have effectively gained recognition of their rights to land and natural resources. The Saami are also protected in the constitution;
  - o The government of Norway also states that a comprehensive process is underway to implement the draft Saami Convention, which is hugely important to international governance in the Arctic as it would enable the Saami to exercise their rights across national borders;
  - o Moreover, Norway's own laws now closely reflect international human rights standards. The UNSR states that the rights of the Saami are well-protected and well-aligned with international conventions. However, at the same time, Norway has not yet implemented UNDRIP as national law.

- One area that remains somewhat challenging for Indigenous peoples in Norway relates to the extractive industries.
  - The impacts of the extractive industries in Norway are visible, particularly in the high north. It is important that all future resource development in the high north allows Indigenous peoples to take advantage of opportunities in their own way and on their own accord while simultaneously safeguarding traditional ways. This is important as when non-renewable resources run out, the Indigenous peoples must still be able to practice traditional ways.
  - In order to align fully with international human rights standards regarding extractive industries in Arctic, FPIC must be implemented in national law in Norway.

### **Reflections from South America – Luis Vittor**

- The Amazon has the largest concentration of Indigenous peoples. This presentation is about a general vision of Latin America but focused specifically in Andean countries.
- Economic globalization policies are focused on international commerce and investment through bilateral and free trade agreements. “Globalization of values” (human rights) is stagnant and obligation has evolved into voluntarism (self-regulation, social responsibility) or pragmatism (guiding principles).
- The State regulates in order to attract investment (i.e., mining law), and participates more actively in international commerce and gains sales to fund development, leading them to relax their duties regarding human rights and Indigenous peoples’ rights.

### **Reflections from South America: José Aylwin**

- Adverse impacts generated by the activities undertaken by industries, without free prior informed consent of the communities affected, without their participation on benefits, and without compensation for damages.
- Convention 169 of the ILO and UNDRIP are being localized at the domestic level in different contexts of Latin American in recent years

## **Panel 1: Reflections on the Working Group on the Rights of Indigenous Peoples, FPIC, and the Implementation of UNDRIP**

### **Panel 1 – Presenter 1: Roberta Rice**

- Bolivia was the first country in the world to incorporate the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into domestic law and later its constitution. The new constitution goes further than any previous legislation in Bolivia, if not globally, in securing rights and freedoms for the country's Indigenous Peoples.
- While the UNDRIP-inspired Bolivian constitution has been an effective tool used in Indigenous rights campaigns, it has only just begun to transform Indigenous-state relations in the country. The Bolivian case highlights the importance of international agreements and activism to encourage dialogue between the state and Indigenous groups on such matters as free, prior and informed consent.



### **Panel 1 – Presenter 2: Gonzalo Bustamante**

- The implementation of FPIC is at the same time enabling Indigenous peoples to participate and influence the institutional and legal arrangements taking place, and also being “colonized” by neoliberal and post-neoliberal governments in order to subordinate FPIC to the neoliberal or to the post-neoliberal projects.



### **Panel – Presenter 3: Andrew Thompson**

- Established by ECOSOC Resolution 1982/34 of 7 May 1982, the Working Group on the Rights of Indigenous Populations was a subsidiary of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. At the time, its broad mandates were “to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of Indigenous populations and to “give special attention to the evolution of standards concerning the rights of Indigenous populations.” The Working Group played an important role in facilitating the drafting of the Declaration on the Rights of Indigenous Peoples specifically, and advancing Indigenous Rights more broadly.

Thursday, June 12

### **Global and Local Processes in the Making and Implementation of UNDRIP – Rodolfo Stavenhagen**

- The purpose of this keynote is to question whether there exists a new world order for Indigenous peoples.
- In 2014, the World Economic Forum presented the *2014 Outlook on the Global Agenda*. For the first time, the World Economic Forum recognized growing inequality as a noteworthy global problem. While it has been historically unacceptable to challenge inequality in a world that respects ‘progress’ and ‘development’, the World Economic Forum’s recognition of inequality as a problem suggests that there exists a shifting world order.
- Indigenous peoples are among the world’s poorest in both rich and poor countries. Moreover, the inequality gap between Indigenous and non-Indigenous peoples is becoming larger rather than smaller each year. In many countries, Indigenous peoples lack ‘political capture of the economy’, which prevents them from benefiting from development.
  - o For example, across the Americas commercial farm are marginalizing small-scale Indigenous farmers. As more and more corporate farms use genetically modified crops and receive support from the government for their activities, it becomes increasingly difficult for small-scale Indigenous farmers to practice traditional livelihoods.
  - o Similarly, oil and gas (along with other non-renewables) serve as the ‘last frontier’ for corporate development. The world’s major financial and industrial companies are pushing into resource rich Indigenous lands in order to develop non-renewables. Such activity benefits multinational corporations at the expense of Indigenous populations.
- Historically, corporations have been able to benefit from resource development and commercial activities on Indigenous lands and territories, as they have not always been held accountable to international human rights standards. However, recent events suggest that this may be changing. For example:
  - o The Permanent Peoples Council (PPC) met in Montreal on 1 June 2014 and found Canadian corporations involved in resource development in Latin America to be responsible for failing their obligations to respect, protect and ensure human rights. The PPC also concluded that the Canadian state is responsible for the actions of Canadian corporations in foreign countries if it stimulates the presence of such corporations in developing countries through financing, tax breaks or other means.
  - o Some countries have adopted UNDRIP as national law or certain articles of UNDRIP as national law. This has enabled Indigenous peoples within these countries to bring their human rights claims before national courts with corporations violate their rights.

## **Reflections from the USA – Rebecca Adamson**

- First Peoples Worldwide predicts that as Indigenous rights become further enshrined in international law, the search for oil, gas and minerals on and near Indigenous lands will become increasingly risky for extractive industries.
- With this in mind, First Peoples Worldwide has prepared an *Indigenous Rights Risk Report*. The Report makes the financial case for why investors, shareholders, and corporations need to respect Indigenous Peoples' rights and proactively work with Indigenous communities to minimize their financial risk and maximize investment returns.
  - o The report analyzes 52 oil, gas and mining companies listed on the Russell 1000 Index and the 370 sites where these companies are operating on or near Indigenous land. It then assesses the site's risk according to six criteria – Location, Indigenous Peoples Policy, Reputation, Country, Community, and Legal.
- The report finds that 92 percent of the 370 oil, gas and mining sites analyzed posed a medium to high risk to shareholders. Nearly all of the companies in the study face a medium to high risk profile for at least one of their sites. Of the companies that have over ten sites operating on or near Indigenous land (25 percent of our sample), 92 percent have at least one high risk site and 23 percent have over five.
- The report concludes that it is more critical than ever for investors and shareholders to be able to access unbiased information about Indigenous Peoples and from Indigenous Peoples so they can make sound investment decisions in relation to oil, gas and mineral development.
- Full access to this report can be accessed here:

[http://www.firstpeoples.org/images/uploads/R1K%20Report\(2\).pdf](http://www.firstpeoples.org/images/uploads/R1K%20Report(2).pdf)

## **Panel 2: International Influences and Policy Opportunities**

### **Panel 2 – Presenter 1: Jonathan Crossen**

- In April 1974, Manuel organized a preparatory meeting in Georgetown, Guyana to plan an international conference of Indigenous Peoples. With delegates from four continents, the planning meeting was arguably the very first meeting of the Fourth World.
- This presentation will describe the attendees of the Georgetown meeting and the discussions from the meeting itself in order to understand what they hoped to achieve by founding an international organization, the World Council of Indigenous Peoples (WCIP). It will also consider how this event played an important role in the formation of new international bodies at the UN towards the realization of Indigenous rights.

### **Panel 2 – Presenter 2: George Kennedy**

- This presentation examines the development of the United Nations Declaration on the Rights of Indigenous Peoples, beginning by considering the work of Haudenosaunee Confederacy's Chief Levi General and his visit to the League of Nations in 1923.

## Panel 2 – Presenter 3: Ketan Shankardass

- In some cases, Health in All Policies has been applied in settings where Indigenous Peoples remain vulnerable. In order to learn how governance can be strengthened for Indigenous Peoples (i.e., greater social equity and justice), this presentation reviews how Health in All Policies jurisdictions (e.g., New Zealand) and other ad hoc intersectoral action for health equity (e.g., Ecuador) by governments around the globe have approached Indigenous health projects, and to what extent these efforts may address Indigenous rights as a determinant of health and well-being.



## Closing Plenary – Ken Coates

- The purpose of this conference was to encourage discussion about the potential of UNDRIP and the Declaration's ability to bring about transformative change.
- Despite the fact that new and exciting global governance mechanisms and protections exist (such as UNDRIP), the discussion over the past two days has highlighted that Indigenous peoples in many places are still being denied their internationally recognized rights.
  - o The discussion has also revealed a number of government and corporate-sponsored 'worst practices' that impede on Indigenous peoples' rights.
- In light of such stories of crisis, pain, and injustice, we are reminded of the pressing need to continue to work together towards the full realization of Indigenous peoples' rights and a better future for all.
- It is also important not to become discouraged as:
  - o New global governance mechanisms are being developed to assist with the promotion of Indigenous peoples' rights (such as UNDRIP);
  - o New initiatives are being undertaken to protect Indigenous peoples' rights (such as the work by First Peoples Worldwide);
  - o And there is growing global momentum towards the realization of Indigenous peoples' rights.
- It is also important to remember that UNDRIP is an incomplete document.

- The power of the document is yet to be determined. Moreover, left alone, UNDRIP is not an effective mechanisms for realizing rights. Rather, UNDRIP should be seen as serving a foundation for further action and advocacy.

### **Closing Comments – Rick Hill**

- The new global governance mechanisms being developed by the UN (such as UNDRIP) may enable Indigenous peoples to continue to exist and maintain their way of life in places such as Canada.
  - At the same time, Indigenous peoples must be careful not to use these tools to become colonizers or to strike better deals for natural resources. Rather, Indigenous peoples must remain the defenders of the environment.
- In addition to providing Indigenous peoples with defense against the extractive industries, UNDRIP also provides Indigenous peoples with a new form of recognition and the opportunity to engage in the international system as equals.
- There is a need for promoting awareness about UNDRIP. Indigenous and non-Indigenous peoples do not know enough about UNDRIP. Further education about UNDRIP will make Indigenous leaders and communities stronger. Further education will also advance non-Indigenous peoples' understanding of Indigenous rights.
- *"We are intended to be a people of peace: The greatest gift given to us was our mind and the rational desire to have a peaceful way of life"*
  - UNDRIP can be used to help Indigenous peoples to maintain peace, restore traditions from the past, to build self-sufficiency, and to develop capacity and leadership at the community level.