



# Policy Brief 4: Safeguarding Biocultural Diversity

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## TERRITORIAL DEFENSE IN EXTRACTIVE CONTEXTS

*In May 2019, more than 120 participants - Indigenous Peoples from Canada, the United States of America, Aotearoa New Zealand, and Australia, together with partners and supporters - came together at a Regional Indigenous Research Action Conference and at the first North American Dialogue on Biocultural Diversity to advance joint strategies to promote the diversity of life on Earth. This series of policy briefs draws on the discussions held at these meetings and the recommendations of the Atateken Declaration,<sup>1</sup> adopted by the participants of the Dialogue.*

### Introduction

Resource extractive projects initiated by industries and states on ancestral lands and waters are creating tensions with many Indigenous communities. Such activities include mining and oil drilling, as well as hydroelectric production, logging operations and bottled water extraction.

The expansion of the extractive frontiers is occurring concurrently with increased recognition of the rights of Indigenous peoples in international fora. Nonetheless, the authority, jurisdiction, rights and responsibilities of Indigenous communities over their traditional territories are repeatedly negated by flawed procedures for gaining free, prior and informed consent (FPIC) and for Environmental Impact Assessment (EIA). Indigenous communities are too often coerced or misled into accepting resource extraction, with consequences detrimental to their health, livelihoods, lifeways and environments.

Yet, some communities have developed strategies to protect their territories, either through resistance or through negotiation and planning to allow for industrial development on ancestral lands and waters on their own terms. Policies and processes that truly respect and make space for Indigenous communities' visions for development and territorial use are essential in safeguarding biocultural diversity.

### Key points

- Current procedures to consult or negotiate with Indigenous Peoples prior to resource extraction seldom respect their right to free, prior and informed consent (FPIC); yet, Indigenous communities experience substantial negative impacts from resource extraction.
- Community protocols, land relationship plans, and community-based assessment and monitoring are example of tools used by Indigenous communities to assert greater control over natural resources management.
- It is essential to recognize Indigenous Peoples' rights to self-determination, to self-governance and to provide or withhold free, prior and informed consent to any proposed activities, whether in the name of development or conservation, that may affect their ancestral lands and waters.

### Main challenges

#### Free, prior and informed consent

Indigenous Peoples' customary rights to land and resources and their right to self-determination, including to provide or withhold free, prior and informed consent (FPIC), have gained increased recognition internationally. In particular, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, affirms the need for states to obtain the free, prior and informed consent of Indigenous peoples before adopting policies that would affect them (Article 19), before approving projects that would affect their lands, resources or territories (Article 32), before allowing for the storage or disposal of hazardous materials on their territories (Article 29), and before relocating them (Article 10).<sup>2</sup> FPIC means:

- Free: the decision is taken without coercion, intimidation or manipulation
- Prior: sufficient time is provided before the beginning or approval of a project or policy for Indigenous Peoples

to make a decision based on their own decision-making processes

- **Informed:** Indigenous Peoples have access to sufficient relevant and appropriate information in order to fully understand the proposed activity, its potential impacts and its risks<sup>3</sup>

FPIC entails the full participation of Indigenous Peoples in the making of decisions that would affect them and their territories. Ultimately, FPIC means that Indigenous Peoples have as much right to accept as to refuse proposed development on their ancestral lands and waters.

The requirement for FPIC is nonetheless seldom fully recognized by settler states. Indeed, the requirement of FPIC is often conflated with making space for consultation: the attempt to obtain consent is deemed sufficient. In Canada, the state recognizes its ‘duty to consult’ and to ‘reasonably accommodate’ Indigenous Peoples when an activity may infringe on their recognized Indigenous rights, but the extent of consultation depends on the strength of the claim,<sup>4</sup> and projects can be approved on the basis of having fulfilled the duty to consult rather than having obtained consent.<sup>5</sup> In Australia, under the Native Title Act of 1993, Aboriginal Australians are provided with a ‘right to negotiate’ the terms of a mining project that will occur on their lands rather than having a right to reject it.<sup>6</sup> In both cases, FPIC is not a prerequisite for project approval, which puts Indigenous communities in a weak bargaining position vis-à-vis governments and industries.

Furthermore, mechanisms put in place to obtain FPIC are often designed by promoters - and endorsed by settler states - rather than Indigenous Peoples themselves. They often interfere with endogenous governance structures, privilege efficiency over deliberation and inclusiveness, and hinder collective action.<sup>7,8</sup> In some cases, challenging these procedures leads to being stigmatized and criminalized.<sup>9</sup>



Sign protesting the Site C dam in British Columbia, Canada. Photo credit: Emma Gilchrist, DeSmog Canada, CC BY 2.0, photo cropped, <https://bit.ly/damBC>.

## Public Consultations: Environmental Impact Assessments

Environmental Impact Assessments (EIAs), which may or may not include a Social Impact Assessment (SIA), are an important component of the decision-making processes put in place by states regarding extractive activities. EIAs identify potential positive and negative impacts of projects as well as remediation strategies. They have also become one of the main channels through which Indigenous Peoples are consulted and can raise their concerns about proposed development. However, EIA processes, notably in Canada and Australia, have a number of limitations in fully taking into account and incorporating Indigenous Peoples’ perspectives in decision-making:

- Many states, provinces and territories largely delegate consultation procedures to industry proponents. This leads in some contexts to confusion over the respective roles and responsibilities of governments and industries in timely consultation and supporting Indigenous participation.<sup>10</sup> Delegation to industry also means that EIA consultation agencies often receive funding from proponents, which may compromise their impartiality.<sup>11,12</sup>
- Little funding is usually made available to support Indigenous participation in EIA processes.<sup>12,13,10</sup> Indigenous women and youth are particularly under-represented,<sup>4,11</sup> even though they experience more acutely some of the impacts of resource development, such as the social impacts of industrial camps in close proximity to Indigenous communities.<sup>14</sup>
- Indigenous Peoples are often involved late in the consultation process, and the timeframe for submissions and internal consultation is usually too short to accommodate Indigenous decision-making processes.<sup>13,10</sup>
- Depending on national or provincial legislation, EIA exemptions exist for small-scale projects and exploration activities, which limits Indigenous engagement and ability to respond to incremental and cumulative development impacts.<sup>10</sup>
- EIAs focus on project approval: funding and other types of support are rarely available for engagement in monitoring or follow-up.<sup>12,15</sup>
- Indigenous Knowledge is rarely fully incorporated and taken account of in EIAs. The EIA process is typically anchored in a scientific discourse, favors written submissions, is fairly adversarial and rarely accounts for interpretation needs.<sup>12,13,15</sup>



- The evaluation of what is a “significant impact”, particularly in relation to Indigenous customary use, relies too heavily on the subjectivity of EIA consultants. Additionally, impacts are project-specific and do not account for cumulative effects.<sup>11</sup>
- The process of participating in numerous EIA consultations without seeing any effect on the decision-making process is draining for many Indigenous communities.<sup>11</sup>

In other words, the current EIA procedures often entail flawed consultation processes rather than consent-seeking procedures grounded in the international principle of FPIC. Ultimately, EIA consultations result in minimal Indigenous influence in recommending whether to accept or reject a development project, and under what conditions. This context complicates the negotiation of impact and benefits agreements (IBAs) between industry proponents and Indigenous communities.

### Private Negotiations: Impact and Benefits Agreements

While the UNDRIP frames FPIC obligations in relation to states, the business community is increasingly responding to the emergence of this international norm. In the absence of effective public mechanisms for FPIC, notably through the EIA process, extractive industry proponents are negotiating Impact and Benefits Agreements (IBAs) directly with Indigenous communities.<sup>16</sup> IBAs are interesting for many Indigenous communities in providing compensation, revenue sharing, training, employment, business opportunities, impact mitigation and environmental rehabilitation. Such measures can help to ensure that communities benefit from resource development.<sup>17,16,15</sup> IBAs can also be negotiated at the exploration phase, allowing for earlier relationship building and remediation.<sup>18</sup> Overall, IBAs are seen by some Indigenous peoples as a way to increase their control over resources and to strengthen their sovereignty.<sup>16</sup> Extractive industry proponents negotiate IBAs in exchange for greater investment certainty: to them, IBAs are means to obtain consent.<sup>15</sup>

There are however a number of shortcomings with this approach to FPIC. IBAs are part of the extractive industry’s broader Corporate Social Responsibility (CSR) practice, which aims at securing a Social License to Operate (SLO), or the perceived approval of society, in order to reduce risks of conflict, opposition and harm to reputation.<sup>19</sup> While there is a strong business case for FPIC,<sup>20</sup> the incorporation of FPIC into CSR policies can be problematic. FPIC and CSR have fundamentally different purposes: CSR involves voluntary private initiatives aimed primarily at preserving a com-

pany’s interests, while FPIC represents an obligation to respect the rights of Indigenous peoples.<sup>21</sup> Because IBAs are based on proponents’ CSR practices rather than on broader FPIC principles, individual companies may take a limited view of the substance and reach of the agreement.<sup>6</sup> For instance, monitoring and grievance processes, which are important to many Indigenous communities, are rarely specified.<sup>16</sup>

IBA agreement-making procedures are also often inappropriate to FPIC. IBAs usually involve negotiations between Indigenous leaders and industry lawyers, with limited space for intra-community deliberations.<sup>15</sup> In Canada, confidentiality clauses sometimes even prevent leaders for sharing some aspects of the negotiated agreement with community members.<sup>17</sup> Hence, IBA negotiations rarely involve inclusive and transparent information sharing and decision making. In addition, many IBAs are signed before the end of EIA procedures, which calls into question the informed nature of the consent obtained.<sup>15</sup> In fact, by agreeing to provisions related to consent and support as part of IBAs, Indigenous communities are relinquishing their right to reject the project or to voice their disagreement in the future.<sup>16,15,22</sup> During negotiations, “no agreement” is seldom presented as an option.<sup>17</sup> In that sense, IBA reinforce the sentiment that resource development is inevitable.<sup>16</sup>

### The Overlooked Impacts of Extractive Development

Due to the limitations identified above, EIA consultations often fail to account for the whole array of impacts that extractive development has on Indigenous communities.<sup>11</sup> Similarly, the focus of IBAs tends to be on economic impacts as understood by the dominant development model, leaving aside other social and culturally-meaningful consequences.<sup>15</sup> Yet, because Indigenous livelihoods, cultures and identities are closely linked to their territories, environmental changes have far reaching implications for Indigenous communities. Resource exploration and extraction can lead to the contamination of soils and waterways, to biodiversity loss and to landscape fragmentation, all of which curtail access to wild food and medicines of importance to Indigenous livelihood, health and culture.<sup>4</sup> Extractive activities can also threaten the spiritual relationship Indigenous peoples have with the landscape,<sup>5</sup> in particular by encroaching on sacred sites and places. Importantly, lost or diminished access to important resources and places compromises intergenerational cultural, spiritual and knowledge transmission.<sup>4</sup>

While extractive development can yield economic benefits for Indigenous Peoples, most of the benefits are incurred

by others, while Indigenous communities often suffer negative socioeconomic repercussions.<sup>23</sup> Employment in the extractive sector is usually temporal and requires bringing in a workforce from outside the community to live in industrial camps. Industrial camps promote a hyper-masculine culture in which high disposable income facilitates drug and alcohol consumption, with the effect of increasing violence against women.<sup>14</sup> Since the fly-in-fly-out workers are disconnected from the neighboring Indigenous community, they tend to be culturally insensitive if not racist toward Indigenous workers and community members.<sup>14</sup> The influx of workers raises the cost of living and put strains on the few available social services available in the community.<sup>5</sup> It also put pressures on territorial resources, as some workers are recreational hunters and fishers.<sup>14</sup>

This is not to say that Indigenous peoples should or want to reject all forms of development or resource extraction on their ancestral lands and waters. Indigenous Peoples may support projects for which they reach an acceptable balance of benefits, costs, and safeguards. The key is whether the project has been able to accommodate Indigenous perspectives about appropriate development and has respected their rights, including proper procedures for free, prior and informed consent.



Policy Brief 2, “Nurturing Biocultural Diversity: Livelihoods, food sovereignty, health and well-being”, provides more information on the links between Indigenous customary use of lands and waters and social-ecological health.

## Opportunities

### Community protocols, rules and management plans

Indigenous Peoples have adopted a number of strategies to assert their jurisdiction and to achieve optimal outcomes in contexts of extractive development. Many Indigenous communities have found it useful, when engaging governments and extractive industry proponents, to have clear guidelines and principles to frame discussions and negotiations. These guidelines and principles can address decision-making processes as well as communities’ priorities and visions for natural resource use, and be encapsulated in community protocols, laws, policies, traditional use maps, manage-

ment guidelines, or land and water use/relationship plans. Such documents can serve as a useful basis to assess whether to accept or reject a development project, and to negotiate terms that respond better to the needs, aspirations and values of Indigenous peoples.

The case of the Tahltan Nation, in Canada, provides an example of ways to both harness and restrict extractive development to promote Indigenous visions of sustainability. When negotiating agreements, the Tahltan Nation uses the eight principles identified in the 1987 Tahltan Tribal Council Resource Development Policy Statement as a framework to ensure appropriate and profitable resource development.<sup>18</sup> The Tahltans have identified the provision of training, employment and business opportunities, alongside environmental and Indigenous rights considerations, as vital elements of negotiated agreements.<sup>24</sup> Entering into early and beneficial agreements with industry proponents has provided the Tahltan Nation with resources to become more engaged and influential in resource development decision-making for their territory.<sup>18</sup> In 2018, the Tahltan Central Government began developing the Tahltan Nation Land Use Plan, which identifies areas suitable and not suitable for resource development, including potential Indigenous Protected and Conserved Areas (IPCAs).<sup>25</sup>

The designation of conservation areas, notably through land use plans, can be a tool of territorial defense in the face of extractive pressures. Such Indigenous-defined protected areas as IPCAs and ICCAs<sup>26</sup> can exclude mining, logging and other forms of industrial resource extraction while allowing for traditional use. The identification of sacred sites similarly protects areas of spiritual and cultural importance from extractive encroachment. In the absence of formal state recognition, direct action is sometimes necessary to protect conservation and sacred areas against extractive activities.<sup>27</sup> Building alliances with conservation organisations as well as academic researchers can support Indigenous communities in identifying, mapping, and advocating for the recognition of Indigenous conservation and sacred areas. Such alliances should be understood as partnerships, founded in ethical space.<sup>28</sup>

### Community-based assessment and monitoring

Another strategy to increase Indigenous peoples’ control over the development process is to conduct community-based impact assessments. For instance, the Tahltan Nation created THREAT, the Tahltan Heritage Resources and Environmental Assessment Team, to make its own assessment of the potential environmental, social, cultural, heritage and economic impacts of proposed projects, and

to identify appropriate mitigation options.<sup>29</sup> In contrast to environmental impact assessments conducted by government agencies, external consultants or industries, community-based impact assessments are driven by Indigenous communities, who choose their own indicators and methodologies. This allows for Indigenous knowledge and local priorities and values to inform the evaluation of potential projects, including by leaving space for more holistic assessments than typically occur within siloed EIAs.<sup>4</sup> While community-based assessments have thus far seldom been properly incorporated in government and industry decision making and mitigation measures,<sup>4</sup> they nonetheless have been found to be useful tools for Indigenous communities when negotiating agreements.<sup>13</sup>

Engagement in community-based monitoring (CBM) is also a strategy to account for longer-term cumulative impacts in a wide range of domains, including health, language, and culture/spirituality.<sup>4</sup> CBM supports the identification of locally-relevant indicators for setting baselines and thresholds to appraise the impacts of industrial development beyond the approval phase of specific projects.<sup>30</sup> The monitoring of cumulative impacts by Indigenous Peoples allows for a better inclusion of Indigenous Knowledge, experience and values.<sup>30</sup> For instance, Mikisew Cree First Nation's CBM program uses Indigenous knowledge and Western science "in a respectful balance," in part through the inclusion of Elders in its activities.<sup>31</sup> CBM can involve alternative methodologies, such as participatory photomapping,<sup>32</sup> photovoice,<sup>33</sup> and community video,<sup>34</sup> which can be more appropriate to the local culture and ways of knowing than standard monitoring procedures, in addition to facilitating broader participation of women and youth. CBM offers a platform for Indigenous peoples to identify their priorities and voice their concerns; CBM has the potential to enhance communication and relationship building between Indigenous communities, industry proponents and governments.<sup>31</sup> Building early relationships through dialogue is central to creating trust and facilitating collaboration in an extractive context.<sup>18</sup> By monitoring outcomes and commitments, CBM can also increase accountability and support grievance mechanisms.

## Policy recommendations

**It is essential that policies recognize Indigenous Peoples' rights to self-determination, to self-governance and to provide or withhold free, prior and informed consent to any proposed activities, whether in the name of development or conservation, that may affect their ancestral lands and waters. Our recommendations include:**

- **Use the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a minimal standard.**

In particular, Article 32 affirms the right of Indigenous Peoples to determine the development of their territories and the need for states to obtain free, prior and informed consent of Indigenous Peoples "prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources".<sup>2</sup> This entails a duty to inform and consult Indigenous authorities and communities,<sup>8</sup> as well as to accept that Indigenous peoples may refuse to consent to a project.

- **Respect customary procedures, community protocols, or other guidance for respectful relationships, as developed by the relevant Indigenous Peoples.**

Governments and companies need to recognize and abide by the principles, rules and procedures that guide engagement and resource management within Indigenous territories, in order to build partnerships based on trust and respect.

- **Ensure capacity development and provision of on-going funding for Indigenous Peoples to exercise their rights and responsibilities over their ancestral lands and waters.**

This entails providing financial support to Indigenous Peoples for the development of land and water relationship plans, including the mapping of sacred sites, as well as financially and technically supporting Indigenous Peoples to address their concerns through the EIA process.

**These rights-based measures extend and enhance application of the precautionary principle, preventing harm to Indigenous cultures, lifeways, and livelihoods, as essential aspects of preventing harm to biodiversity and ecosystem integrity. More specifically, policy measures should:**

- **Remove the negative or perverse incentives that threaten biocultural diversity and harm nature.**

Such incentives include free entry mining regimes and unsettled Indigenous land claims. This also entails reforming systems so that they properly account for biocultural diversity and Indigenous rights: for instance, impact assessment procedures should include cultural, environmental and social impact assessments<sup>35</sup> and be aligned with UNDRIP.

- **Include, promote, and advocate for Indigenous-led research on wildlife, the environment and resources, with government, industry and academic support.**



Policies should support Indigenous Peoples in conducting their own cultural, environmental, health, and social assessments, as well as community-based environmental and biocultural diversity monitoring. Such work should be a required input for all decision-making around extractive development.

- **Ensure the effective participation of Indigenous Peoples in all matters of relevance to them.**

In all resource development processes (e.g. consultation, negotiation, impact assessment and monitoring, decision making), technical and financial resources should be made available to facilitate the engagement of Indigenous Peoples, with a particular focus on Indigenous women and youth.

## Conclusion

Extractive development is exerting tremendous pressures on Indigenous territories. While Indigenous Peoples' rights are increasingly recognized, including their right to free, prior and informed consent (FPIC), current procedures to engage Indigenous Peoples through consultation and negotiation fail to take full account of Indigenous Knowledge, perspectives, decisions, and jurisdiction. They furthermore seldom involve timely, complete and appropriate information sharing. In this context, resource development on Indigenous ancestral lands and waters often has detrimental effects on biodiversity as well as on Indigenous cultures and societies. It is essential that policies be put in place to ensure respect for Indigenous rights, including FPIC, and to support Indigenous Peoples in asserting jurisdiction and in determining development over their ancestral lands and waters.

## Endnotes

- 1 The Atateken Declaration is available in English and in French at <http://www.cbd.int/lbcd/resources/>.
- 2 General Assembly resolution 61/295, *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295 (13 September 2007), available from <https://undocs.org/en/A/RES/61/295>.
- 3 United Nations Human Rights Office of the High Commissioner. *Free, Prior and Informed Consent of Indigenous Peoples* (2013), available from <https://www.ohchr.org/Documents/Issues/IPeoples/FreePriorandInformedConsent.pdf>.
- 4 Joly, Tara L., and Clinton N. Westman. *Taking research off the shelf: Impacts, benefits, and participatory processes around the oil sands industry in Northern Alberta*. Final Report for the SSHRC Imagining Canada's Future Initiative, Knowledge Synthesis Grants: Aboriginal Peoples, September 11, 2017. <http://artsandscience.usask.ca/cdpro-file/download.php?fileid=192>.

- 5 Horowitz, Leah S., Arn Keeling, Francis Lévesque, Thierry Rodon, Stephan Schott, and Sophie Thériault. "Indigenous peoples' relationships to large-scale mining in post/colonial contexts: Toward multi-disciplinary comparative perspectives." *The Extractive Industries and Society* 5 (2018): 404-414. <http://doi.org/10.1016/j.exis.2018.05.004>.
- 6 O'Faircheallaigh, Ciaran. "Negotiating Cultural Heritage? Aboriginal-Mining Company Agreements in Australia." *Development and Change* 39, no. 1 (2008): 25-51.
- 7 Szablowski, David. "'Legal Enclosure' and resource extraction: Territorial transformation through the enclosure of local and Indigenous law." *The Extractive Industries and Society* 6, no. 3 (2019): 722-732. <http://doi.org/10.1016/j.exis.2018.12.005>.
- 8 Szablowski, David. "Operationalizing Free, Prior, and Informed Consent in the Extractive Industry Sector? Examining the Challenges of a Negotiated Model of Justice." *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 30, no. 1 (2010): 111-130. <http://doi.org/10.1080/02255189.2010.9669284>.
- 9 Howe, Miles, and Jeffrey Monaghan. "Strategic Incapacitation of Indigenous Dissent: Crowd Theories, risk Management, and Settler Colonial Policing." *Canadian Journal of Sociology/Cahiers canadiens de sociologie* 43, no. 4 (2018): 325-349.
- 10 Udofia, Aniekan, Bram Noble, and Greg Poelzer. "Meaningful and efficient? Enduring challenges to Aboriginal participation in environmental assessment." *Environmental Impact Assessment Review* 66 (2017): 164-174. <http://doi.org/10.1016/j.eiar.2016.04.008>.
- 11 Baker, Janelle Marie, and Clinton N. Westman. "Extracting knowledge: social science, environmental impact assessment, and Indigenous consultation in the oil sands of Alberta, Canada." *The Extractive Industries and Society* 5 (2018): 144-153. <http://doi.org/10.1016/j.exis.2017.12.008>.
- 12 O'Faircheallaigh, Ciaran. "Environmental agreements, EIA follow-up and aboriginal participation in environmental management: The Canadian experience." *Environmental Impact Assessment Review* 27 (2007): 319-342. <http://doi.org/10.1016/j.eiar.2006.12.02>.
- 13 O'Faircheallaigh, Ciaran. "Effectiveness in social impact assessment: Aboriginal peoples and resource development in Australia." *Impact Assessment and Project Appraisal* 27, no. 2 (2009): 95-110. <http://doi.org/10.3152/146155109X438715>.
- 14 Gibson, G., K. Yung, L. Chisholm, and H. Quinn with Lake Babine Nation and Nak'azdli Whut'en. *Indigenous Communities and Industrial Camps: Promoting healthy communities in settings of industrial change*. Victoria, B.C.: The Firelight Group, 2017.
- 15 Papillon, Martin, and Thierry Rodon. "Proponent-Indigenous agreements and the implementation of the right to free, prior, and informed consent in Canada." *Environmental Impact Assessment Review* 62 (2017): 216-224. <http://doi.org/10.1016/j.eiar.2016.06.009>.
- 16 Caine, Ken J., and Naomi Krogman. "Powerful or just plain powerful? A power analysis of impact and benefit agreements in Canada's North." *Organization & Environment* 23, no. 1 (2010): 76-98. <http://doi.org/10.1016/j.eiar.2016.06.009>.

doi.org/10.1177/1086026609358969.

- 17 O'Faircheallaigh, Ciaran. "Aboriginal-mining company contractual agreements in Australia and Canada: Implications for political autonomy and community development." *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 30, no. 1-2 (2010): 69-86. <http://doi.org/10.1080/02255189.2010.9669282>.
- 18 Fidler, Courtney. "Increasing the sustainability of a resource development: Aboriginal engagement and negotiated agreements." *Environ. Dev. Sustain* 12 (2010): 233-244. <http://doi.org/10.1007/s10668-009-9191-6>.
- 19 Prno, Jason, and D. Scott Slocombe. "Exploring the origins of 'social license to operate' in the mining sector: Perspectives from governance and sustainability theories." *Resources Policy* 37 (2012): 346-357. <http://doi.org/10.1016/j.resourpol.2012.04.002>.
- 20 Herz, Steven, Antonio la Vina, and Jonathan Sohn. *Development without conflict: the business case for community consent*. Washington, DC: World Resources Institute, 2007.
- 21 Rodhouse, Toyah, and Frank Vanclay. "Is free, prior and informed consent a form of corporate social responsibility?" *Journal of Cleaner Production* 131 (2016): 785-794. <http://doi.org/10.1016/j.jclepro.2016.04.075>.
- 22 Motard, Geneviève. "Les dimensions collectives des ententes sur les répercussions et les avantages : bémol sur le discours du contrat privé." *Les Cahiers de droit* 60, no. 2 (2019): 395-450. <https://doi.org/10.7202/1060982ar>.
- 23 Amnesty International. *Executive summary: Out of sight, out of mind: Gender, Indigenous rights, and energy development in Northeast British Columbia, Canada*. London, UK: Author, 2016.
- 24 Tahltan First Nation and the International Institute for Sustainable Development. *Out of respect: The Tahltan, mining, and the seven questions to sustainability*. Report of the Tahltan Mining Symposium, April 4-6, 2003, Dease Lake, British Columbia. Winnipeg, Canada: International Institute for Sustainable Development, 2004.
- 25 Quock, Alanna. "Establishing Indigenous Protected and Conserved Areas in Tahltan Territory." Presentation at the CICADA-ICCA Consortium Meeting of Indigenous and Research Partners from Canada, the USA, Australia and New Zealand, Montreal, Canada, May 3, 2019.
- 26 ICCAs are "territories and areas conserved by Indigenous peoples and local communities", or "territories of life", <https://www.iccaconsortium.org/index.php/discover/>.
- 27 O'Faircheallaigh, Ciaran. "International recognition of Indigenous rights, Indigenous control of development and domestic political mobilisation." *Australian Journal of Political Science* 47, no. 4 (2012): 531-545. <http://doi.org/10.1080/10361146.2012.731484>.
- 28 The Indigenous Circle of Expert. *We rise together: Achieving pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation: the Indigenous circle of experts' report and recommendations*. Gatineau, QC: Parks Canada, 2018. <http://publications.gc.ca/pub?id=9.852966&sl=0>.
- 29 Tahltan Nation Development Corporation. "Tahltan Organizations." Accessed August 2, 2019. <https://www.tndc.ca/tahltan-organizations>.
- 30 McKay, Ariana J., and Chris J. Johnson. "Confronting barriers and recognizing opportunities: Developing effective community-based environmental monitoring programs to meet the needs of Aboriginal communities." *Environmental Impact Assessment Review* 64 (2017): 16-25. <http://doi.org/10.1016/j.eiar.2017.01.002>.
- 31 Mikisew Cree First Nation. "Community Based Monitoring Program." Accessed August 2, 2019. <http://mikisewgir.com/cbm>.
- 32 Bennett, Thomas D., and Trevor C. Lantz. "Participatory photomapping: a method for documenting, contextualizing, and sharing Indigenous observations of environmental conditions." *Polar Geography* 37, no. 1 (2014): 28-47. <http://doi.org/10.1080/1088937X.2013.873089>.
- 33 Berbés-Blázquez, Marta. "A participatory assessment of ecosystem services and human wellbeing in rural Costa Rica using photo-voice." *Environmental Management* 49 (2012): 862-875. <http://doi.org/10.1007/s00267-012-9822-9>.
- 34 Schnoor, Steven. "Community video as a tool of Indigenous resistance, reimagining and decolonization." Presentation at the CICADA-ICCA Consortium Meeting of Indigenous and Research Partners from Canada, the USA, Australia and New Zealand, Montreal, Canada, May 3, 2019.
- 35 Secretariat of the Convention on Biological Diversity. *Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities*. Montreal, Canada: CBD Guidelines Series, 2004.



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