

# THE UN DECLARATION & SUSTAINABLE DEVELOPMENT:

## Indigenous Peoples' Human Rights and Ecological Knowledge

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*Report of the Symposium hosted by the Coalition for the Human Rights of Indigenous Peoples, the University of British Columbia, and Canadian Friends Service Committee*

**April 6 - 7, 2022**

## **SUSTAINABLE DEVELOPMENT GOALS:**

### **ONE**

End poverty in all its forms everywhere

### **TWO**

End hunger, achieve food security and improved nutrition and promote sustainable agriculture

### **THREE**

Ensure healthy lives and promote well-being for all at all ages

### **FOUR**

Ensure inclusive and quality education for all and promote lifelong learning

### **FIVE**

Achieve gender equality and empower all women and girls

### **SIX**

Ensure access to water and sanitation for all

### **SEVEN**

Ensure access to affordable, reliable, sustainable and modern energy for all

### **EIGHT**

Promote inclusive and sustainable economic growth, employment and decent work for all

### **NINE**

Build resilient infrastructure, promote sustainable industrialization and foster innovation

### **TEN**

Reduce inequality within and among countries

### **ELEVEN**

Make cities inclusive, safe, resilient and sustainable

### **TWELVE**

Ensure sustainable consumption and production patterns

### **THIRTEEN**

Take urgent action to combat climate change and its impacts

### **FOURTEEN**

Conserve and sustainably use the oceans, seas and marine resources

### **FIFTEEN**

Sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss

### **SIXTEEN**

Promote just, peaceful and inclusive societies

### **SEVENTEEN**

Revitalize the global partnership for sustainable development

## INTRODUCTION

### **Kenneth Deer, Sheryl Lightfoot and Jennifer Preston**

The *UN Declaration on the Rights of the Indigenous Peoples* is the product of three decades of determined efforts by Indigenous peoples to secure global recognition of their inherent human rights that have long been violated and denied. Since the UN General Assembly adopted the *Declaration* in September 2007, there has been an ongoing struggle to ensure that the rights protections set out in the *Declaration*, including the affirmation of the right to self-determination, are actually implemented in Canada's laws, policies and programs.

Throughout this whole period, there has been a parallel process of dialogue and debate within the international community driven by growing concern over the worsening global environmental crisis. The 1987 Brundtland Commission report helped popularize the concept of “sustainable development” and its definition of meeting “the needs of the present without compromising the ability of future generations to meet their own needs.” The UN Framework Convention on Climate Change was adopted in 1992, followed by the 1997 Kyoto Protocol, and the 2015 Paris Agreement known as Climate Accord. 2015 was the year that the UN General Assembly adopted its *2030 Agenda for Sustainable Development*, including the global Sustainable Development Goals. Just this year, the UN has adopted a resolution affirming the human right to a clean, healthy and sustainable environment.

Throughout this period there has been considerable overlap and synergy between the movement for Indigenous peoples' human rights and the global evolution of the concept of sustainable development. The prominent role of Indigenous peoples in the 1992 Earth Summit in Brazil helped focus attention on the urgency of environmental action. Key UN decisions and frameworks, including the Climate Accord and the *2030 Agenda*, have acknowledged the disproportionate impacts of environmental harms born by Indigenous peoples as well as the important role of Indigenous peoples in restoring ecological balance. The Outcome Document of the 2014 World Conference on Indigenous Peoples called on states to recognize “the significant contributions made by Indigenous peoples” to achieving “a just balance among the economic, social and environmental needs

of present and future generations.” The 2030 Agenda addressed many areas of critical concern for Indigenous peoples—from food security to justice to clean water and a safe environment—that were also critical concerns behind the movement for the *UN Declaration*.

In fact, the *UN Declaration* itself affirms the right of Indigenous peoples to maintain their distinctive spiritual relationship with their lands and to “uphold their responsibilities to future generations in this regard (Article 25)”, among numerous other provisions related to lands, the environment, community well-being and economic development. The federal government's 2021 legislation to implement the *Declaration* in Canadian law and policy explicitly recognizes the importance of the *UN Declaration* to achieving the goals of sustainable development.

Yet, despite these and many other interconnections, more often than not sustainable development is addressed in its own silo, separate from the advancement of Indigenous peoples' human rights. Indigenous peoples have not been full participants in the development of the UN's sustainable development framework. For every document that recognizes and affirms Indigenous rights, there are many more that simply list Indigenous peoples among “vulnerable groups” or “local communities,” ignoring the hard-fought recognition that Indigenous peoples have collective rights as self-determining Nations. The Indigenous peoples who are practicing sustainability at the community level are rarely connected with the strategies being put forward by federal, provincial and territorial governments, much less the discussions at the United Nations. These practitioners have been sent the message that sustainable development doesn't have anything to do with them or their daily realities.

This is a real problem. We are living in a time when Indigenous peoples need to be able to use every tool at their disposal and those tools must be as strong and effective as possible. We strongly believe that the human rights of Indigenous peoples and the global framework of sustainable development are mutually supportive and mutually reinforcing: they are stronger when brought

together. It is also vital to ensure that initiatives undertaken in the name of sustainability are developed with full participation of Indigenous peoples and that they respect the distinct rights of Indigenous peoples.

This was the idea behind our symposium. On May 5 and 6, we brought together Indigenous knowledge practitioners, leaders and advocates, scholarly researchers and legal experts to help bridge the gap between sustainable development and the human rights of Indigenous peoples. This report provides a brief summary of what was a very rich, inspiring and informative conversation. The full presentations and dialogue can be viewed online at [DeclarationCoalition.ca/SDGs](http://DeclarationCoalition.ca/SDGs).

On behalf of the organizers, the Coalition for the Human Rights of Indigenous Peoples, Canadian Friends Service Committee and the University of British Columbia, we would like to acknowledge and thank the Musqueam people on whose extraordinary lands we had the privilege to meet. In particular, we want to express our gratitude to Musqueam Elder Larry Grant who opened the symposium in a good way.

We also want to thank all the presenters and moderators and all those who joined the conversation, whether online or in person. The event amply demonstrated the diversity of ways in which Indigenous peoples and allies are already engaging with sustainability and the power of bringing these diverse perspectives and experiences together.

The Expert Symposium was part of a larger project to raise awareness of the interconnections between realizing the human rights of Indigenous peoples and implementing the UN Sustainable Development Goals. This project was shaped by a series of virtual meetings held in the Fall of 2021 and the Winter of 2022. We want to thank everyone who generously shared their time and expertise during those meetings. We also want to thank Economic Development Canada for the sustainable development grant which enabled this project to happen.

In addition to this summary report of the symposium, this project has created two factsheets on the *UN Declaration* and the 2030 Agenda for Sustainable Development, a more substantive background paper setting out an argument for why sustainable development needs to be approached through the lens of human rights of Indigenous peoples, and a series of short video interviews with some of the experts who helped inform this work. All of these resources can be found on our website.

This project was developed in the midst of the COVID shutdown. Many of our participants were personally

affected by the pandemic which, as has been well-established, had a disproportionate impact on Indigenous peoples as well as individuals living with insecure housing and income. During the period of the project, we also witnessed repeated natural disasters in British Columbia from wildfires to unprecedented rainstorms to mudslides and washouts to a devastating heatwave, all of which underlined the precariousness of life in a time of climate emergency. While these stories dominated the headlines, we are also aware that the patterns of violence and discrimination documented by the National Inquiry on Missing and Murdered Indigenous Women and Girls have continued to claim the lives of First Nations, Inuit and Métis Nation women, girls and two-spirit persons. We say this here to acknowledge the lives lost and to underline the pressing urgency of what our keynote speaker Dalee Sambo Dorrough called “a new trajectory” for Canadian and global society.

## SUMMARY OF PRESENTATIONS AND DISCUSSION

### KEYNOTE PRESENTATION

#### **Dalee Sambo Dorrough**

*Inuit expert and leader*

Dalee Sambo Dorrough said that people have been talking for years about the need for a paradigm shift, but what we really need is a “new trajectory”—a dramatic change in action and behaviour. The subject of this symposium, the linkages between the human rights of Indigenous peoples and the United Nations agenda for sustainable development, is an opportunity to consider the trajectory needed and how this change can be accomplished.

Dalee stated that Indigenous peoples have always practiced sustainability. The idea of living in balance with the natural world for the benefit of future generations “is embedded in our knowledge systems, our lifeways, our languages, our protocols, our customs, our values, our practices, our institutions—in everything about us.” She said Indigenous peoples would not have survived otherwise.

She said that the rest of the world is increasingly aware of the importance of Indigenous knowledge systems to the survival of the planet. She recalled how the late Eben Hopson, the founder of the Inuit Circumpolar Council (ICC), invoked “the intricate knowledge that we have seen no others demonstrate.” This was in his

welcoming remarks to the first meeting of Inuit from Alaska, Canada and Greenland at the ICC organizing conference in June 1977. As more and more international organizations have come to acknowledge this insight, Inuit have been able to “leverage” their “intricate knowledge” of the Arctic environment in order to gain access to important intergovernmental bodies and processes. For example, the ICC is the only Indigenous Peoples’ Organization with Observer status with the Intergovernmental Panel on Climate Change. The ICC is also the only Indigenous Peoples’ Organization with Consultative status at the International Maritime Organization.

More broadly, she said that the *2030 Agenda on Sustainable Development* and the UN Sustainable Development Goals were important “springboards” for Indigenous peoples to influence state and inter-governmental processes that do not directly focus on Indigenous rights, but which could have significant consequences for Indigenous peoples. To change the trajectory, we need to use all the tools at our disposal.

Dalee suggested that the SDGs can be usefully clustered into four groups:

- Poverty, food, health, education and water
- Energy, environment, resources and climate policies
- Work, economic growth, industry, innovation, in frastructure and inequalities
- Institutions of governance and access to justice

She described how Inuit have been reinterpreting the SDGs through the lens of their own worldviews and needs. For example, in 2017 the theme of the ICC General Assembly was “the future we want.” The idea was to adopt an Inuit approach to the SDGs. She said it was important to look not only at those goals and indicators that explicitly refer to Indigenous peoples, “but every single goal and every single indicator” as they are all important and relevant for Indigenous peoples, communities and individuals.

The SDGs frame development in terms of market economies and individual opportunity and well-being. Like other Indigenous peoples, Inuit take a collective and intergenerational approach. Inuit also understand that like human rights, everything is interrelated, interdependent and interconnected. Furthermore, for the Inuit, development includes not only economic development, but also social, political, cultural and spiritual development.

The subsistence economy is a crucial part of Inuit life and culture. Activities like hunting and fishing have significance far beyond economic income. Dalee gave the example that when hunting and fishing are undermined by environmental harm or colonial policies, it can have adverse impacts on the mental and physical health of those who traditionally carry out these activities.

Dalee also addressed the critical gap in the *2030 Agenda* when it comes to the rights of Indigenous peoples to their lands, territories and resources. She said that Inuit food security depends on securing and entrenching rights to access, use, manage and control lands, territories and resources in the broadest sense, including sea ice, coastal seas and ocean waters.

Dalee particularly emphasized SDG 19: Good governance and justice. She said that from the outset, the ICC has advocated for uniform respect for and recognition of Inuit rights within the four nations that have emerged across their traditional homelands –Canada, Denmark, Russia and the United States. This is the human rights foundation needed for Inuit to comprehensively practice and exercise *good governance* within their own communities.

She said that it is crucial that the SDGs be interpreted and applied in relation to the rights affirmed in the *UN Declaration*. She particularly highlighted the right to self-determination as affirmed in Article 3. She said, “This is the starting point. This is the pre-requisite for the exercise and enjoyment of all other human rights.”

Dalee also emphasized that Indigenous peoples should not rely on the *UN Declaration* alone, but make use of all the instruments in the international system. As noted earlier, all rights are “interrelated, interdependent, interconnected and indivisible”, regardless of the instrument in which they are affirmed.

She noted that sustainable development is explicitly incorporated in numerous international instruments including the *Convention on Biological Diversity*, the *Nagoya Protocol on Access to Genetic Resources*, *ILO Convention 169 on Indigenous and Tribal Peoples*, and the *American Declaration on the Rights of Indigenous Peoples*. She noted that there are also links to the rights of Indigenous peoples in more obscure international instruments. For example, the *Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean* invokes the *UN Declaration* and includes specific reference to Indigenous knowledge.

In conclusion, she said that Indigenous peoples want to benefit from the sustainable development goals and



are willing to make contributions to local, national and global initiatives. It is important to recognize that the goals are not merely aspirational: they have legal effect through their integration within the established international legal order that includes the distinct rights of Indigenous peoples. Implementation must be in partnership with Indigenous peoples. Creating the environment in which this is possible will require continued advocacy by Indigenous peoples and their allies. At a minimum, the implementation of the rights affirmed in the *UN Declaration* is the crucial starting point for changing the trajectory toward the realization of sustainable development for both Indigenous peoples and all others.

## PANEL ONE: SUSTAINABILITY FROM AN INDIGENOUS LAW/KNOWLEDGE PERSPECTIVE

### Brenda Gunn

*National Centre for Truth and Reconciliation - Faculty of Law, University of Manitoba*

Brenda Gunn asked the question, “Who are we sustaining with sustainable development?” Traditionally, the Métis Nation engaged with the natural world through the buffalo hunt, trading and farming. These were communal activities organized to sustain the Nation and sustain its communities. These activities were governed through Métis Nation laws and governance systems with a view to protecting the ability of future generations to maintain this way of life. This stands in contrast to the way sustainability is often understood by government and corporate leaders today, which is really about minimizing harm while maximizing individual gain.

The rights protected in the *UN Declaration* are critical to achieving true sustainability. The right to self-determination and provisions such as free, prior and informed consent establish a role for Indigenous peoples in decision-making. By bringing Indigenous peoples to the table, we not only bring Indigenous peoples’ values and perspectives, but also Indigenous laws and how we govern and make decisions around resource development. This is critical in the context of the SDGs. Unless Indigenous peoples are able to exercise their right to self-determination, there is a risk of the SDGs being simply another mode of colonialism.

There is greater opportunity today for Indigenous peoples to share in benefits from economic development. The challenge is to ensure that the decisions that are made are in line with Indigenous values and laws. She said that we need to be honest about what is at stake and the harms that Indigenous peoples have already ex-

perienced. “This is really about ensuring that we can continue to exist as distinct peoples, governing ourselves according to our own laws.”

Brenda also emphasized the importance of a gendered perspective in resource governance. In Indigenous societies women have distinct roles and responsibilities in resource governance. For example, in Anishinaabe laws women’s role in protecting water is recognized. Part of the exercise of self-determination, and application of Indigenous laws and governance traditions, is ensuring that Indigenous women’s perspectives are heard.

### Grand Chief Mandy Gull-Masty

*Grand Council of the Crees (Eeyou-Istchee) / Cree Nation Government*

Grand Chief Gull drew particular attention to Sustainable Development Goal 17 which is about partnerships for sustainability. She explained that the James Bay Cree have a unique relationship with the provincial and federal governments. This year—2022—is the 46<sup>th</sup> year of the James Bay and Northern Quebec Agreement (JBNQA). Hers is the second generation to be involved in implementation of the Agreement.

The James Bay Cree were unable to stop the initial James Bay Hydro-Electric Project, the megadam project that was the catalyst that eventually led to the James Bay and Northern Quebec Agreement (JBNQA). While the James Bay Cree were able to negotiate some important benefits, including investment in needed community infrastructure, they also experienced degradation of the natural environment as the result of this project. Ultimately, however, the JBNQA has proven to be a great victory for the Cree. Over time it has changed ways of thinking and the relationships between the James Bay Cree and the federal and provincial governments.

Grand Chief Gull noted that one of the innovative aspects of the JBNQA is that its model of development includes traditional livelihoods. From the beginning, the Agreement has provided supports for people who want to continue to live on the land. This program continues to evolve.

Grand Chief Gull also gave the example of how, on the basis of the JBNQA, the GCC has been able to work closely with the provincial government to establish large conservation areas that protect important headwaters. Approximately 20-30 percent of the territory is now protected, not only for conservation, but also for cultural use and sustainable tourism.

In identifying areas to be protected, the GCC carried out an in-depth consultation process of their own design, working with the traditional stewards of the land—the “tallymen”—to get an in-depth understanding of land uses and the cultural significance of different parts of the territory. While the province was focused almost exclusively on biodiversity and water quality, the GCC consultations brought in cultural and spiritual values. In the end, the datasets from the province’s scientists and from the GCC consultations almost completely overlapped.

Fifty percent of the James Bay Cree population is below the age of 18. Planning must address their future needs. The GCC is currently conducting a baseline study on how development is influencing their culture. Their members are being asked what they want to protect for the future, what forms of development are acceptable, and what limits should be set. This is crucial to manage for the future. The provincial government has had a hard time accepting this approach to planning. They need to understand, however, that there is a government obligation to help ensure the survival of Cree culture and the well-being of future generations.

Grand Chief Gull concluded by talking about the importance of bringing the *UN Declaration* and the SDGs together as a way to help close the gap in perspectives between Indigenous peoples and the federal, provincial and territorial governments.

### **Julian Napoleon**

*Community-led sustainability projects, Treaty 8 territory, BC*

Julian described the devastation caused by intensive resource extraction—oil and gas, hydro dams, forestry, industrial agriculture and gold mining—in Treaty 8 territory in northeastern British Columbia. There are very few areas that have been protected. The landscape is fractured. Remaining intact ecosystems are small and divided. In this context, he described his work as being about practical “personal, family, and community-scale” opportunities for youth in his community to be out on the land, learning their traditions and contributing to restoring endangered ecosystems and cultural practices.

Julian had previously worked on a First Nations led caribou restoration program. He said that this effort has led to the local herd growing from 12 animals to more than 100. He said this effort is the only successful caribou recovery project of which he is aware. In order to protect the caribou, the Nation has been able to negotiate preservation of areas of the territory that are also of cultural and spiritual significance.

He currently works for Twin Sisters Native Plant Nursery project which is a business jointly owned by West Moberly and Saulteau First Nations. The nursery grows more than 50 species of native plant used in reclamation projects. Julian has a background in biology. He talked about how the greenhouse project allows knowledge of native plants to be shared within the community.

He has also established a farm on the reserve. The farm is moving into full-scale production. Most of the food grown on the farm will be provided free to community members. It also provides a place for land-based learning and has hosted workshops for sharing traditional knowledge related to horticulture, fishing and food preservation. Throughout the summer, the farm employed six high school students.

Julian said that the SDGs provide tools that can be leveraged by Indigenous peoples to support projects that are beneficial to their communities and that help protect their lands and waters. He raised the concern that the Crown can also use the language of sustainability to legitimize programs and projects that are harmful to Indigenous peoples and undermine Indigenous sovereignty. The question is how to hold governments accountable to Indigenous worldviews and perspectives.

He raised the example of the Site C dam, which he called a clear violation of Treaty rights and the *UN Declaration*, but which has been promoted by the BC government as a “clean energy project.” He also described the devastation of the lands and environment of Indigenous peoples in South America whose territories are being exploited for the minerals used in the batteries needed for electric vehicles. He said we need to reflect on “whether our solutions are truly solutions or whether we are just offshoring our problems to other communities.”

Julian cautioned that Indigenous peoples should be wary of the discourse of sustainability and the call for a new green economy. He said that often what is being talked about may seem like steps in the right direction but remain rooted in mass consumerism. Privilege and luxury is the problem, not the solution. Indigenous peoples have the tools for living sustainably. “Only two generations ago we met all our needs without using fossil fuels.” What is needed is a “shift to humbler, more local forms of life support.”

### **Priscilla Settee**

*University of Saskatchewan*

Priscilla Settee stressed the urgency of taking action to protect the practice of Indigenous knowledge and traditions. As a Suzuki fellow, she has carried out research

in First Nations communities on how climate change is impacting the trapping economy. She reported that trappers are already seeing species disappear in their territories. She emphasized that we need to do more than attempt to mitigate climate change. We need strategies to allow for the regeneration of traditional knowledge systems and the environment. There is no time to lose. The world needs Indigenous knowledge and ways of living if we are to survive.

Priscilla said people, not states, are agents for change. “Change happens when we take our power. We can’t wait for institutions to give permission.” She also noted that the rights of Indigenous peoples have been advanced in the international arena because of the resolve of people on the ground to use every tool at their disposal.

She said it was important to learn lessons from Black, race, class, and gender studies. Intersectionality is crucial to understanding the diverse ways Indigenous peoples are experiencing climate change and environmental destruction. Intersectionality is also critical to how we organize in response.

She talked about the need to change the narrative about sustainability. Sustainability needs to be defined not in terms of economic growth, but by whether our economies are regenerative, transformative and respectful.

She noted the growing number of students pointing to the links between large-scale extractive projects and the trafficking of Indigenous women. Priscilla also referred to the threats to Indigenous peoples doing frontline work to protect the land. Indigenous land defenders are being harassed, jailed and killed around the world.

Priscilla raised the role of academic institutions. The producers of knowledge need to be accountable. Research must support the needs of Indigenous communities. She talked about how research projects can be designed to build alliances on a national, regional and international basis and about how more opportunities need to be created for Indigenous students.

### **Mariam Wallet Aboubakrine**

*Former Chair, UN Permanent Forum on Indigenous Issues*

Mariam Wallet Aboubakrine talked about *Ārramāt*, a crucial concept in the worldview of the Tuareg people. *Ārramāt* is about the balance among all living things. Rather than human beings living at the expense of the natural world, *Ārramāt* values the health and well-being of all living things.

For the Tuareg, being nomadic is about ensuring that they do not overtax the capacity of the natural world to sustain human life. The Tuareg pay close attention to the health of the land and animals around them. If their health begins to suffer, it’s a message that it’s time to move on.

In this worldview, “the race to economic growth” is not the goal. Mariam compared *Ārramāt* to *Netukulimk*, a key concept in the Mi’gmaq worldview which similarly emphasizes responsibilities of individuals and the community to the health of the natural world. Mariam said Indigenous peoples around the world recognize that sustainability is embedded in our relations with the natural world, with each other, and with the generations to come.

## **KEY ISSUES AND IDEAS RAISED IN DISCUSSION**

- The distinctive spiritual relationship of Indigenous peoples to their lands, territories and resources—referred to in *UN Declaration* article 25—is embedded in Indigenous teachings, stories and laws.
- Indigenous laws and traditions emphasize responsibilities to future generations. The only way to exercise those responsibilities is for Indigenous peoples to be able to make and enforce their own decisions.
- Indigenous peoples have to engage with so many different actors—federal, provincial, territorial and municipal governments and all their different departments. The ongoing challenge is that there is no consistent recognition of Indigenous jurisdiction, and authority.
- At the grassroots, there is a lot of questioning of big international frameworks like the *UN Declaration* and the SDGs because they’re not being translated into action on the ground. There is a need for real change and people aren’t seeing this change in their own lives.
- Some Indigenous peoples have been able to hold on to their own lands, but others have already lost so much. In BC, the Crown simply declared that every square inch of the province was Crown land. There has to be a foundation for exercising Indigenous control of lands and resources. That requires overturning colonial laws and doctrines and restoring a substantial land base.
- There is a significant gap between Indigenous peoples living in their communities and many of



those who live in urban communities. The structural impoverishment of Indigenous communities pushes people into the cities where they are at risk of being cut off from their cultures and traditions. Sustainability means reversing this pattern.

- There is a lot of evidence that sustainable economic development within Indigenous communities produces a wide and diverse range of benefits beyond the usual measures of income and job creation. It's also true that when Indigenous peoples prosper, surrounding communities also benefit.
- The Fraser Basin Council recognizes Indigenous peoples as an order of Canadian government. The Council has initiated a project called “realizing the *UN Declaration*.” It is looking for real world examples of implementation.
- For the James Bay Cree, it took decades of very tough struggle to get genuine implementation of the James Bay and Northern Quebec Agreement. In the long run, however, all the incremental advancements that were made add up to a quite revolutionary outcome. You can look at the measures that the Cree have taken and see that many of the provisions of the *UN Declaration* are being implemented. The social and environmental impact assessment part of the JBNQA has enabled the Cree to express their understanding of the environment and effectively exercise free, prior and informed consent.
- Good governance is at the bottom of the list of SDGs. It should be the starting point. If all the elements of good governance were in place, including respect for self-determination and other human rights, all the other SDGs would flow from that. This is how we have accountability.
- There are too many silos preventing effective sharing of information, including the silo between *UN Declaration* implementation and the SDGs. The UN has been developing a draft Convention on Sustainable Development but Indigenous peoples haven't been meaningfully involved. Indigenous peoples' also need greater opportunities for meaningful participation in the UN High Level Political Forum on Sustainable Development, consistent with the rights that they hold, their role in realizing the SDGs and the potential impacts of SDG implementation.
- With the federal government committed to a *UN Declaration* implementation plan, and the provincial

government in British Columbia having already adopted such a plan, this is an opportunity to consider how well the SDGs and *UN Declaration* implementation are being integrated.

- This conversation shouldn't be a one-off event. There would be value in an ongoing forum that could bring Indigenous peoples together to look at these issues.

## PANEL TWO - USE OF SDGS IN A PLANNING/GOVERNANCE CONTEXT

### Claire Charters

*Director, Aotearoa Centre for Indigenous Peoples and the Law*

Claire Charters said that Māori do not like the term “sustainable development.” The way that the term is often used, it implies exploiting a resource up to the point where there is irreversible damage. That's incompatible with how the Māori view the world.

Māori law emphasizes respect for Mother Earth. “You don't develop your mother. You take care of your mother. You draw on her resources, but you would never hurt her.”

Like Canada, New Zealand is in the midst of a process to develop a national action plan to implement the *UN Declaration*. Unlike Canada, New Zealand has not yet adopted national legislation—although this may emerge through the action plan.

The New Zealand action plan is being developed in a collaborative process with Māori authorities. The Māori have undertaken extensive consultation at the community level to look at how the Māori people conceive of the *Declaration* and “how to bring it home.”

Internationally, there has been a lot of focus on the free, prior and informed consent (FPIC) provisions of the *Declaration*. However, Claire said that for Māori it is clear that FPIC is a “fall-back position”. Māori don't want to be responding to state decision-making processes. They want to be in a position to exercise their own decision-making authority.

In parallel with the development of the action plan, Māori continue to advocate for their rights through legal actions. A recent court decision, from late 2021, that overturned an application for seabed mining, has long term significance. The court ruled that the likelihood of material harm to the seabed cannot be outweighed

by economic matters. Critically, the decision found that *tikanga Māori*—Māori law—is central to assessing such matters. Māori law should “colour any decisions”. The application of Māori law should be broad and generous.

In the later discussion period, Claire elaborated that although the court decision did not reference the SDGs, and it’s likely that the SDGs were never introduced in the case, the decision nonetheless lines up very well with SDG 14 on “life under the water”. The reason for this, she said, is that the court took Māori law very seriously and Māori law is key to setting a limit on the harms that are permissible in the name of development.

Claire said there is a long way to go in resolving the conflict between “development” and Māori worldviews. However there is cause for optimism as we begin to see Māori law “resonating” even within State law and policy.

### **Margo Greenwood**

*National Collaborating Centre for Indigenous Health*

Margo Greenwood shared that she was born on the land. She said, “Our Elders teach us, if the land is not healthy, we are not healthy.” Margo stressed that sustainability is a relationship of reciprocity and accountability.

Margo took the example of anti-Indigenous racism in the health care systems. As highlighted by a recent inquiry in BC, the changes that are needed are not small, incremental changes; what is needed are systemic and structural changes, as well as change at the service delivery level. This includes individual actions, policy reform, legislation, inclusion and equity.

Making connections between the SDGs and Indigenous peoples’ human rights, Margo said, “We need a pathway for a new relationship based on the recognition of Indigenous peoples’ inherent and collective rights especially the right to self-governance and self-determination.” Margo suggested that the *UN Declaration* is the pathway to new relationships and the realization of the changes we need.

Implementation of the SDGs should be achieved through the strengthening of Indigenous governance systems. Ideally, she said, there would be separate SDGs to meet the needs of Indigenous peoples. At the minimum, there should be targets and indicators developed for Indigenous peoples by Indigenous peoples.

Margo said that there was not enough Indigenous participation in developing the SDGs. The targets and indicators “are not anchored in Indigenous ways of knowing and being in the world” and don’t take into account the specificity of Indigenous peoples’ lived realities.

Critically, the SDGs have to be brought home to make a real difference in peoples’ lives and communities. She emphasized, “Whatever we do, we must be mindful of the people who are the hearts of our communities.”

As a first order of business, implementation must improve the lives of mothers and children in Indigenous communities.

### **Patricia Nash**

*Indigenous Protected and Conserved Areas Manager, Unama’ki Institute of Natural Resources*

Patricia Nash said the work of the Unama’ki Institute (UINR) is guided by three documents: the *Peace and Friendship Treaty* between the Mi’kmaq and the Crown—the first Nation-to-Nation agreement in what would become Canada, the *UN Declaration on the Rights of Indigenous Peoples*, and the Truth and Reconciliation Commission’s *Calls to Action*. The Assembly of Nova Scotia Mi’kmaq Chiefs has collaborated with the federal and provincial governments to establish a network of Indigenous Protected and Conserved Areas (IPCAs) across the province to enable Mi’kmaq to revitalize their cultural connections with the land. UINR is leading the implementation in Unama’ki (Cape Breton).

Extensive engagements with Elders and other community members led to the prioritization of Kluscap’s cave, the home of the legendary figure of Kluscap. The area identified is unique among proposed protected areas in Canada. It is 5,000 hectares and involves multiple jurisdictions and land tenures. The area includes geographic features important to the Kluscap story and areas of high biodiversity. It also includes land, marine areas and the sky.

Later in the discussion period, Patricia filled in more detail about how UINR organized an Elder’s Walk to Kluscap’s Cave that involved Knowledge Keepers, youth and neighbouring non-Indigenous land-owners. After the walk they met in a circle to discuss the Elders’ vision of the Indigenous Protected Area. She reflected, “This will be the place where you can learn to be Mi’kmaq.”

The governance framework for the IPCA is based on the cultural values of Mi’kmaq. These are expressed

for example in the principles of Netukulimk—“the right to access and use resources in a way that gifts from the Creator survive for future generations;” Ses-pite’tmnej—taking care and responsibility for our communities and Mother Earth; and Wetteqne’wassu’k msit kisataqn—“we are all spiritually connected to all parts of creation and the relationships are sacred.”

Patricia said that “Elders have told us that colonialism has impacted our ability to use these guiding principles and we must relearn the ways of taking care of the Earth and each other.” She also referred to the work of Elder Albert Marshall senior who has used the term Et-uaptmumk or “two-eyed seeing” to describe the benefits of bringing Indigenous and non-Indigenous worldviews and knowledge systems together.

UINR is currently conducting a biocultural survey to identify additional lands that need to be protected to connect the Kluskap IPCA to other protected and critical areas, including the Cape Breton Highlands National Park and the UNESCO Biosphere Reserve in the Bras d’Or watershed. They are also developing biocultural indicators for long-term Mi’kmaq led monitoring of the health of these protected areas.

Patricia said that there is a common, critical pathway to implementation of the *UN Declaration* and the SDGs. The key elements are recognition of the right to self-governance and access to unceded ancestral lands, reciprocal relations with each other and the earth and use of Mi’kmaq laws and biocultural laws. In this way, the Mi’kmaq can help Canada meet its international commitments including to the Paris Agreement and the Biodiversity Convention.

## KEY ISSUES AND IDEAS RAISED IN THE DISCUSSION

- Participants commented on the similarities in worldviews and traditional teachings that had been shared and the shared experience of colonization.
- Access to and control over the land remains the key determinant for the ability of Indigenous peoples to practice their knowledge systems and pass them down to future generations. Without this opportunity, knowledge systems vital to the survival of the planet will be lost.
- The ongoing gaps in the health and well-being of Indigenous peoples are a critical test of Canada’s implementation of the SDGs. Too often, however, the actual situation of Indigenous peoples on the ground is not measured and not being tracked, especially not in relation to Indigenous values. You can’t measure progress without an accurate baseline. There are some very powerful examples of Indigenous peoples developing their own measurements to track quality of life. More measurement and sharing of data by Indigenous peoples would be a powerful tool for holding federal, provincial and territorial governments accountable.
- It’s important to build on the good work that is already happening, at the national, regional and local level. More information sharing would be helpful because even those of us who are most deeply engaged have only a small part of the picture.
- More needs to be done to create space in the Canadian legal and political system for the exercise of Indigenous law.
- It’s crucial to engage at the community level and take the direction from communities as to what sustainable development looks like to them.
- Colonial governments are slow to change and resistant to change. The important and urgent work of implementation shouldn’t have to wait. In fact, Indigenous peoples are often successful when they move ahead without waiting for governments.
- Federal, provincial and territorial funding structures are not set up to support visionary or ambitious ideas for re-establishing Indigenous control of lands, territories and resources. Stable, long-term revenue sources are critical.
- There is no single model for Indigenous protected areas. Projects with different communities can look very different, based on their values, histories and goals.
- Whether it’s the SDGs or the *UN Declaration*, governments want a “cookie cutter approach”: a single model that can be implemented everywhere. This will never work. Effective solutions are always based in place, culture and history.
- Indigenous peoples around the world are innovating in how to bring Indigenous values, laws and governance systems into businesses engaging in the commercial marketplace. It’s challenging work, but also an important area of innovation.
- Trade among Indigenous peoples, including trade across international borders, is a potential space for market-oriented development that is based on In-

Indigenous laws and values. The Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA), developed by Indigenous peoples' organizations and endorsed by the Government of Canada, was noted as an example of formal recognition of Indigenous peoples' unique role in international trade. IPETCA cites the *UN Declaration* and the SDGs.

- Indigenous knowledge systems can't be separated from Indigenous governance. "Only the Mi'kmaq can interpret Mi'kmaq knowledge."

### PANEL THREE: UN DECLARATION AND SUSTAINABILITY IN INTERNATIONAL LAW

#### David Boyd

*UN Special Rapporteur on Human Rights and the Environment, University of British Columbia*

David Boyd began his presentation by stating that climate change and other global environmental harms have a disproportionate impact on specific sectors of society, including women, people living in poverty and Indigenous peoples. The very same people who are suffering the most are often the ones who have the solutions the world needs. The world suffers because these groups have been denied a voice and an opportunity.

Last October, after decades of advocacy, the UN Human Rights Council finally recognized that everyone everywhere has the right to live in a clean, healthy and sustainable environment. This is not a new right. This is a right that has already been recognized in law by more than 150 UN member states.

What does this mean and what difference does it make? The substantive elements are obvious: clean air, safe and sufficient water, healthy and sustainably produced food, healthy eco-systems and biodiversity, non-toxic environments for living and working and a safe climate. Procedurally, the right includes access to environmental information, participation in environmental decision-making and access to justice when the right has been threatened and violated.

As a human right, the right to a healthy, sustainable environment is interpreted according to core human rights principles including non-discrimination.

Decades of experience in countries that have recognized the right to a healthy environment in domestic legislation shows that recognition of the right is a cata-

lyst for stronger and more effective laws, improved implementation and improved outcomes on the ground. Even a non-binding UN resolution can be a catalyst for on the ground change, as has been seen in the earlier recognition of the right to clean water and sanitation.

The right to a healthy, sustainable environment and the *UN Declaration* are "100% compatible and actually mutually reinforcing." In fact, the *American Declaration on the Rights of Indigenous Peoples* actually talks about the right to a healthy environment.

The best way to address the global environmental crisis is to take a rights-based approach. David said, "A rights-based approach puts a human face on the problem, focuses on the most vulnerable among us and prevents so-called solutions from violating human rights. At the end of the day, human rights-based approaches have proven to be the most effective and equitable way to solve these problems."

Later, in the discussion period, he pointed to the longstanding frustration over the lack of accountability for the environmental and climate commitments made by governments. Merging environmental and human rights law is a powerful way to overcome this problem. Five years ago, the Supreme Court in the Netherlands actually held the government accountable for commitments under the *Framework Agreement on Climate Change*—commitments that were previously thought to be unenforceable. Through the lens of human rights, these commitments were recognized as having legal effect. We have since seen a similar pattern in courts around the world.

He also flagged what he called a "really outstanding" decision by the UN Human Rights Committee concerning pesticide spraying impacting Indigenous peoples in Paraguay. In finding that the rights of Guarani have been violated, the Committee interpreted the right to secure home through an Indigenous perspective as including the lands, waters and ecosystem. He said that is a very powerful precedent in the world of international law.

#### Rochelle Diver

*Focal Point for North America, Indigenous Peoples Major Group (IPMG) on Sustainable Development*

Rochelle Diver began her presentation by encouraging greater engagement with the Indigenous Peoples' Major Group. [ <https://indigenouspeoples-sdg.org/index.php/english/> ]



Indigenous peoples have long engaged with debates over sustainable development within the UN system. Indigenous peoples have stressed two main priorities: respect, protection and fulfilment of the rights of Indigenous peoples as affirmed in the *UN Declaration* and the full and effective participation of Indigenous peoples in the implementation process.

The main UN process for follow-up on the SDGs is the High Level Political Forum (HLPF). The main vehicle for engaging with the process is the Indigenous Peoples' Major Group, one of nine major groups recognized in the process. The two co-convenors are the International Indian Treaty Council and Tebtebba. As the regional focal point, Rochelle is responsible for outreach, getting input into the work of the major group and disseminating information.

The IPMG has been holding a series of meetings on how they can improve communication and strengthen participation. One challenge is the fact that the High Level Political Forum is a two-week meeting taking place annually in New York. It's a very expensive meeting to attend. The UN Voluntary Fund, which supports Indigenous peoples' participation in other international fora, does not support participation in the HLPF.

Rochelle said that the first thing that she did in her position was attend the *Minamata Convention* on mercury. This was the first legally binding treaty to be negotiated since the adoption of the *UN Declaration*. States had an opportunity to put the *Declaration* into practice but failed to do so. Indigenous peoples only had a single opportunity to speak. Indigenous peoples were cut out of all the operative text of the *Convention*. The preamble to the *Convention* refers only to Indigenous communities, not Indigenous peoples, sidelining the right to self-determination and other collective rights.

She said there is clearly a long way to go to ensure effective participation of Indigenous peoples in UN processes.

The Indigenous Peoples Major Group is currently in a transition phase. There is an evaluation process taking place and next steps are yet to be determined.

**Marie-Claire Cordonier Segger, Aminah Beg, and Elaina Cox**

*University of Waterloo*

Marie-Claire Cordonier Segger began the presentation with a reminder that “the idea behind the sustainable development goals is that saving our planet, lifting people out of poverty and advancing economic prosperity

are one and the same fight. There is the possibility of a common agenda we can work on together.”

She also said the SDGs can and must be read in light of the *UN Declaration* and other fundamental human rights. Not to do so is to miss the essence of the sustainable development goals.

In international discussions of the SDGs, the primary objection that continues to be raised is that there aren't enough resources to allow implementation. Marie-Claire said one of the things that the COVID pandemic demonstrated is that states have capacity to free up substantial resources when they are motivated to do so. The trillions of dollars being spent on world economic recovery can be aligned with commitments in the SDGs.

Marie-Claire said that the Sustainable Development Goals as often described as merely aspirational. She said she is not convinced that this is the case. Careful review of existing international treaty found that every SDG aligns with binding international commitments in other instruments.

Aminah Beg and Elaina Cox presented an initial summary of the findings of a multi-year, ongoing study of the SDGs in relations to Indigenous treaty-making. They provided a series of examples of how many so-called “modern treaties” include provisions that explicitly align with the SDGs and the *UN Declaration*. For example, the Gwich'in Comprehensive Land Claim Agreement requires that economic development programs “take into account... that the traditional Gwich'in economy should be maintained and strengthened” and “that the Gwich'in should be economically self-sufficient.” The Little Salmon/Carmacks First Nations agreement has a provision allowing for existing programs in health care, childcare, and other areas to be supplemented and for new programs in these areas to be funded.

Elaina Cox said that a major International Law Association review of international agreements related to sustainable management of natural resources found that the concept of state sovereignty in international law has become “more fluid” with the rise of new regimes of shared management of natural resources.

## KEY ISSUES AND IDEAS RAISED IN DISCUSSION

- Participants raised serious concerns about the forced displacement of Indigenous peoples in the name of conservation. One of the key findings of the recent UN Expert Mechanism on the Rights of

Indigenous Peoples (EMRIP) study on militarization was that the proposed goal to protect 30 percent of lands by 2030 (“30 by 30”)—under negotiation among parties to the Biodiversity Convention—is leading to an acceleration of the displacement of Indigenous peoples. While the express purpose of 30 by 30 is to protect biodiversity against the impacts of extractive industry, Indigenous peoples fear it could turn into a land grab.

- “Fortress conservation” which removes Indigenous peoples from their lands, or prevents them from accessing and using these resources, has been the source of profound human rights violations. Protected areas should only be created in collaboration with the people who live on those lands, which in many cases will be Indigenous peoples. This is a powerful example of the importance of rights-based approaches. The *UN Declaration* is clear in prohibiting the forced removal of Indigenous peoples.

- A contrasting example is the Norwegian Forest Initiative which has massively invested in conserving forest lands around the world. There are powerful examples such as in Guyana where investment through this program has been conditional on both conservation of the forest and advancing recognition and demarcation of Indigenous lands in those forests.

- A crucial mechanism for restitution of these violations is to restore conservation areas of Indigenous peoples, something that has already happened in a number of instances in Canada.

- Concern was also expressed over the increasing tendency in international processes related to the environment to use the term “Indigenous and local communities” which undermines the hard-fought recognition of the collective right to self-determination that is associated with the term peoples.

- It was noted that globally there are more examples of robust commitments to SDG action at the local level than at the national level. Municipal and regional governments are often more amenable to making significant commitments.

- It was also noted that Indigenous peoples such as the Haida have been successful in declaring their own protected areas, even without the cooperation of federal and provincial governments.

- Article 7 of the *UN Declaration*, on the individual right to life, physical and mental integrity, liberty and security and the collective right to live in freedom, peace and security as distinct peoples should be read together with the provisions on lands and the environment. In this light, we can talk about the right to environmental security and territorial security.

- The BC Treaty Commission has long advocated that federal, provincial and territorial governments should vacate areas where they currently exercise jurisdiction when Indigenous Nations are ready to exercise that jurisdiction for themselves. The fact that colonial laws would be replaced by Indigenous law is an opportunity to address existing barrier to sustainability.

## SYNTHESIS

The following represents a synthesis of key points of discussion from the symposium. The intention is not to suggest consensus among the presenters and participants on all points. Rather, the synthesis sets out a line of argument that connects the diverse presentations and the substantive discussion that followed.

### ONE

Indigenous peoples have long practiced principles which today are associated with “sustainability” and “sustainable development.” This includes worldviews that embrace the interconnections and interdependence of all living things; practices to ensure that harvesting is respectful of the natural world and does not deplete species and ecosystems; a cultural commitment to the well-being of the community as a whole and to care for those who are most vulnerable and in greatest need; and laws and protocols that emphasize responsibility to future generations so they can lead healthy and fulfilling lives. In her keynote presentation, Dalee Sambo Dorough said that Indigenous peoples could not have survived if they hadn’t practiced sustainability.

During the symposium, participants noted the commonalities among the values and traditions of Inuit, the Métis Nation and diverse First Nations. Participants from other regions of the world also remarked on how these values resonate with the worldviews and practices of Māori in Aotearoa/New Zealand and Tuareg in the Sahel.

At the same time, it was also emphasized that Indigenous worldviews, teachings, knowledge systems, traditions, laws and protocols form an integrated whole that is grounded in Indigenous peoples' relationship with their own lands and territories. They are culture-specific and place-specific. Much of the global discourse around sustainability seeks to abstract and exploit Indigenous knowledge. This is another form of colonialism and will harm people and the environment. Sustainability depends on Indigenous peoples having the opportunity and freedom to practice their own traditions on their own lands.

## TWO

The *2030 Agenda for Sustainable Development* and the UN Sustainable Development Goals speak to issues that are of critical importance to Indigenous peoples, including ending hunger, access to safe water, safeguarding the environment, and addressing the global climate crisis. However, the specific targets and indicators associated with the UN Sustainable Development Goals—the pathways by which they are meant to be implemented—are based on a worldview that is far removed from the values, contexts and needs of Indigenous peoples.

The SDG targets and indicators focus on individual well-being rather than collective well-being. The UN sustainable development framework also overemphasizes economic income and access to the market economy. As Margo Greenwood stated, the SDG targets and indicators “are not anchored in Indigenous ways of knowing and being in the world.”

Income and economic opportunity are important to Indigenous peoples. Participants talked about the crucial issue of how to create more opportunities within Indigenous communities so that more of their citizens could choose to remain at home—or return home. However, it was also clearly stated that Indigenous peoples don't measure “development” in market terms alone.

Many Indigenous traditions and practices are linked to foods and medicines grown or harvested primarily for family or community use rather than for sale. Traditional practices such as hunting and fishing enabled many communities to be largely self-sufficient as recently as a generation or two ago. Erosion of subsistence activities is a critical source of food insecurity as well as other harms, including impacts on physical and mental well-being as practices fall to the wayside and the practitioners no longer feel valued.

## THREE

Participants shared examples of how Indigenous peoples are re-imagining and implementing sustainable development on their own terms. This takes many forms.

Presenters shared examples of grassroots efforts to restore local ecosystems, protect sacred sites, create opportunities for youth to learn the teachings of their Elders, and promote greater self-sufficiency in food and health. We also heard examples of how Indigenous peoples have incorporated principles and practices of sustainable development into the terms of Treaties and other agreements with the Crown, and how they have leveraged such agreements to assume greater control over social, economic and environmental decision-making. Examples were also shared of how Indigenous peoples have used the Sustainable Development Goals to gain access to important international processes from which they might otherwise have been excluded.

It was emphasized that Indigenous peoples engage in sustainable development in a context of profound loss and harm caused by colonialism and the imposition of non-Indigenous values and priorities. Colonial laws and policies stole the lands of Indigenous peoples, overturned Indigenous governance systems and sought to destroy the cultures and languages that are an integral part of Indigenous knowledge systems.

It was striking that almost all the speakers referred to how their own nations have experienced loss of land, and associated knowledge systems, as the result of large-scale hydro-electric development projects. Such projects continue to be promoted as “green” and “sustainable”. Julian Napoleon pointed out that the lands and waters of his people, the Dunne-Zaa and Cree in Treaty 8 territory in northeastern BC, are currently being threatened by a massive dam project approved without their consent.

Patrica Nash related how Mi'kmaw Elders have said that “we must relearn the ways of taking care of the Earth and each other.” Around the world, Indigenous peoples are engaged in the difficult work of recovering and revitalizing of their laws and traditions. For this to be possible, there needs to be meaningful and effective protection from unwanted forms of development. State and court recognition of, and respect for, Indigenous law can help preserve space for the work of revitalization to take place. Claire Charters shared an inspiring example of the potentially far-reaching impact of a New Zealand court incorporating Māori law into an environmental ruling.

Ultimately Indigenous peoples need to recover access to and control over sufficient territories—including lands, waters and sea ice—to practice their traditions and ensure the well-being of their communities. Self-determination, the right of Indigenous peoples to make their own decisions according to their own values and through their own institutions, is key.

## FOUR

Participants noted that international frameworks like the SDGs, or even the *Declaration* itself, are often viewed with distrust at the grassroots because the lofty commitments made by states aren't being implemented on the ground. Worse, there is a constant risk of federal, provincial and territorial governments reinterpreting terms like “sustainable development” in their own interests to justify or accelerate programs or policies that are harmful to Indigenous peoples. Brenda Gunn asked the question, “Who are we sustaining with sustainable development?”

Participants also underlined the urgent challenges facing Indigenous communities. Indigenous peoples are already experiencing dramatic decline in species essential to traditional economies and practices. This is not the only harm. Participants also defined the impacts of unsustainable development in relation to high rates of suicide in Indigenous communities and the ongoing crisis of violence against Indigenous women, girls and two-spirit persons.

Participants said that Indigenous peoples don't need to wait for states to implement the SDGs or the *UN Declaration*. Priscilla Settee said, “Change happens when we take our power. We can't wait for institutions to give permission.” As an exercise of inherent rights, particularly the right to self-determination, Indigenous peoples are taking the lead in designing and implementing their own solutions, including leading major cross-jurisdictional initiatives to protect vital spiritual, cultural and ecological areas. To be successful, Indigenous peoples need access to resources and non-Indigenous partners willing to recognize and respect their rights.

It was also said that states have done a poor job in accurately measuring the current state of well-being of Indigenous communities. Without disaggregated data—and without approaches to data gathering that are consistent with Indigenous worldviews and priorities—there is no way to know whether conditions are actually improving, or if they are getting worse. It's

harder to hold governments accountable without appropriate data.

It is especially important to consider the distinct experiences and needs of different sectors within Indigenous communities. The *Declaration* itself calls for “particular attention... to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.” Participants noted that in many Indigenous Nations, people of different genders have different responsibilities in the care of the environment and community. As a result, they have different forms of knowledge and expertise and may experience development differently. Intersectional approaches are critical.

Community members of all backgrounds must have the opportunity to contribute to the creation of implementation plans. This is an important dimension of self-determination.

## FIVE

It is vital that the UN Sustainable Development Goals be interpreted and implemented in a manner that is consistent with, and supportive of, the rights of Indigenous peoples. David Boyd, the UN Special Rapporteur on Human Rights and the Environment, shared examples of how the international community increasingly recognizes that there is a human right to live in a clean, sustainable environment. Other participants drew direct links between the SDGs and the provisions of the *UN Declaration* and other international human rights instruments.

Sustainability and human rights are deeply interconnected. Participants said that the right to self-determination is critical to Indigenous peoples being able to restore and practice their own traditions that are critical for environmental health. Participants also described the far-reaching impacts on rights to culture, health and well-being that result from environmental loss and degradation. They also warned of the dangers of human rights violations being committed in the name of sustainability, such as the displacement of Indigenous communities and Indigenous land-use practices for “green energy” projects and conservation areas.

Bringing sustainable development and human rights together leads to the recognition that sustainable development is not merely an aspirational goal: sustainability is a state obligation that can have significant legal effect. As rights holders, Indigenous peoples must have the op-



portunity to actively participant in and shape decisions related to sustainable development so that their understanding of sustainability is reflected, their needs are addressed, and their rights are protected. Furthermore, where the right to clean, sustainable development has been violated, Indigenous peoples have the right to full, timely and effective redress.

Such an understanding of sustainability as a human right, to be understood alongside and in conjunction with the rights protected in the *UN Declaration*, has been shown to be a powerful tool for Indigenous rights advocacy at the local, national and international levels.

## APPENDIX ONE – AGENDA

### April 6, 2022

*Welcoming Reception - Wong-Trainor Welcome Centre*

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- 6:00PM      **WELCOME**
- Jennifer Preston**  
Introduction of the Elder
- Musqueam Elder Larry Grant**  
Welcoming
- Regional Chief Terry Teegee**  
Remarks on behalf of the BC Leadership Council
- Kenneth Deer**  
Introduction of the keynote speaker
- 6:30 PM      **KEYNOTE ADDRESS**
- Dalee Sambo Dorough**, *University of Alaska Anchorage*
- 6:50 PM      **CLOSING**
- With remarks by **Kukpi7 Judy Wilson**

### April 7, 2022

*Robert H Lee Conference Room*

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- 9:00AM      **WELCOME**
- Jennifer Preston**  
General remarks/overview of the day
- 9:15 AM      **PANEL ONE: SUSTAINABILITY FROM AN INDIGENOUS LAW/KNOWLEDGE PERSPECTIVE**
- Moderator:
- Kirby Muldoe**, *Grassroots Human Rights Activist*
- Speakers:
- Grand Chief Mandy Gull-Masty**, *Grand Council of the Cree of Eeyou Istchee / Cree Nation Government*
- Julian Napoleon**, *Dane-zaa & Cree Nations, Amisk Farm – Owner/Operator, Twin Sisters Native Plant Nursery – Head Grower*
- Priscilla Settee**, *University of Saskatchewan*
- Brenda Gunn**, *National Centre for Truth and Reconciliation*
- Mariam Wallet Aboubakrine**, *Former Chair, UN Permanent Forum on Indigenous Issues*

10:30 AM **PANEL ONE DISCUSSION**

11:45 PM **BREAK FOR LUNCH**

12:45 PM **PANEL TWO - USE OF SDGS IN A PLANNING/GOVERNANCE CONTEXT**

Moderator:

**Sashia Leung**, *BC Treaty Commission*

Speakers:

**Claire Charters**, *Director, Te Puna Rangahau o te Wai Ariki | Aotearoa Centre for Indigenous Peoples and the Law*

**Margo Greenwood**, *National Collaborating Centre for Indigenous Health*

**Patricia Nash**, *Unama'ki Institute of Natural Resources*

1:30PM **PANEL TWO DISCUSSION**

2:30PM **BREAK**

3:00PM **PANEL THREE: UN DECLARATION AND SUSTAINABILITY IN INTERNATIONAL LAW**

Moderator:

**Kenneth Deer**, *Haudenosaunee External Relations Committee*

Speakers:

**David Boyd**, *UN Special Rapporteur on Human Rights and Environment*

**Rochelle Diver**, *Indigenous Peoples Major Group on Sustainable Development – Focal Point for North America*

**Marie-Claire Cordonier Segger**, *University of Waterloo*

**Co-presenting with Aminah Beg and Elaina Cox**, *University of Waterloo*

3:40PM **PANEL THREE DISCUSSION**

4:50PM **CLOSING REMARKS**

**Jennifer Preston**

## APPENDIX TWO – BIOGRAPHIES OF PRESENTERS AND PARTICIPANTS

### KEYNOTE

#### **Dalee Sambo Dorough**

Dalee Sambo Dorough (Inuit-Alaska) served as the International Chair of the Inuit Circumpolar Council from 2018-2022, and is a former Associate Professor at the University of Alaska Anchorage. Engaged for over 35 years at the UN, ILO, OAS, and other international fora, she is a former Expert Member and Chairperson of the UNPFII and specializes in international Indigenous human rights law as well as political and legal relations between States and Indigenous peoples. She holds a PhD from the University of British Columbia, Faculty of Law (2002) and a Master of Arts in Law & Diplomacy from the Fletcher School at Tufts University (1991). She is also former co-Chair of the International Law Association Committee on Implementation of the Rights of Indigenous Peoples and 2022 International Arctic Science Committee Medalist.

### PANEL ONE: SUSTAINABILITY FROM AN INDIGENOUS LAW/KNOWLEDGE PERSPECTIVE

#### **Grand Chief Mandy Gull-Masty**

Grand Chief Mandy Gull-Masty is a member of the Cree First Nation of Waswanipi and the first woman to be elected Grand Chief in the Cree Nation. Before serving as Grand Chief, Mandy Gull-Masty was elected Deputy Chief of the Cree First Nation of Waswanipi in 2014 and Deputy Grand Chief and Chairperson of the Cree Nation Government in 2017. She has held many portfolios and has been deeply involved in her community, including work to protect forests in Cree territory and managing the first female Cree-owned management consulting firm.

#### **Brenda Gunn**

Prof. Brenda Gunn (JD, University of Toronto) is a citizen of the Manitoba Metis Federation, a professor at the University of Manitoba, Faculty of Law, and serves as Academic and Research Director at the National Centre for Truth and Reconciliation. Prof. Gunn is also actively involved in the international Indigenous peoples' movement. She developed a handbook that is one of the main resources in Canada on understanding the *UN Declaration on the Rights of Indigenous Peoples* and has delivered workshops on the *Declaration* across Canada and internationally.

#### **Kirby Muldoe**

Kirby Muldoe is from the Tsimsian and Gitksan Nations and is a member of the Fireweed Clan in the house of Wii Gyet. His ancestral name is Hup Wil Lax A (carrier of wisdom). He has been an advocate for protecting and defending the environment and Indigenous human rights for decades. His work also includes his role as Indigenous Engagement Specialist for SkeenaWild Conservation Trust based in Terrace, BC.

#### **Julian Napoleon**

Julian Napoleon is Dane-zaa and Cree from the Peace River region. He grew up immersed in the subsistence practices of his family and community: hunting, fishing, foraging, and learning cultural protocols. Napoleon works with his nation as the head grower at Twin Sisters Native plant nursery, owns and operates Amisk Farm, and runs Klinse-za Co, a contracting and consulting company focusing on a diversity of land-based and governance projects.

#### **Priscilla Settee**

Dr. Priscilla Settee is a member of Cumberland House Swampy Cree First Nations and a Professor of Indigenous Studies where she teaches courses on Indigenous Food Sovereignty and Indigenous Social Economies. Settee is Adjunct Professor for the Natural Resources Institute at the University of Manitoba where she serves graduate students on Indigenous Food Sovereignty. She has won recognition nationally and internationally for her work on Indigenous knowledge systems that spans several continents including North, Central and South America, Africa, India, Asia and the Pacific. In 2008 Settee was awarded a Global Citizen's award by Saskatchewan Council for International Co-operation and was twice nominated for a teaching excellence award by her students. In 2012 Settee received the University of Saskatchewan's Provost award for Teaching Excellence in Aboriginal Education. In 2013 she was awarded the Queen Elizabeth Diamond Jubilee award for contributions to Canada.

Dr. Settee is the author of several books including *Pimatisiwin, Global Indigenous Knowledge Systems* (2013), which looks at global Indigenous knowledge systems and the strength of women, *Ahkameyimohk* (2011), which exam-



ines the role of Indigenous women's stories in establishing truth, reconciliation and social change. Dr. Settee's latest co-edited book is called *Indigenous Food Systems: Concepts, Cases and Conversation* (2020). Her other research includes gang exiting Indigenous youth, Indigenous social economies and climate change impacts and Indigenous knowledge systems. Settee serves on the Seed Change Canada board, is an executive member of the Canadian Association of University Teachers, is a past David Suzuki Fellow (2019-20) and a current Fellow with the US based NDN Collective.

### **Mariam Wallet Aboubakrine**

Dr. Mariam Wallet Mohamed Aboubakrine is a Tuareg woman from Timbuktu, Mali. She has a multidisciplinary background in medical sciences, humanitarian studies and education. She is the former Chair (2016-18) of the United Nations Permanent Forum on Indigenous Issues (UNPFII), an advisory body to the Economic and Social Council (ECOSOC). Currently, Mariam is one of the six Co-Principal Investigators of a global research project called Arramāt: *Biodiversity Conservation and the Health and Well-being of Indigenous Peoples* and adjunct professor at the Faculty of Law of the University of Ottawa.

## **PANEL TWO - USE OF SDGS IN A PLANNING/GOVERNANCE CONTEXT**

### **Claire Charters**

Dr. Claire Charters (PhD, Cambridge University, Law) is a Māori scholar from Ngāti Whakauae, Tūwharetoa, Ngā Pūhi and Tainui. Her primary area of research is in Indigenous peoples' rights in international and constitutional law, often with a comparative focus. She is currently researching the legitimacy of Indigenous peoples' rights under international law, which will be published as a book by Cambridge University Press. Dr. Charters also serves as director of Te Puna Rangahau o te Wai Ariki | Aotearoa Centre for Indigenous Peoples and the Law.

### **Margo Greenwood**

Dr. Margo Greenwood, Scientific Director of the National Collaborating Centre for Indigenous Health, is an Indigenous scholar of Cree ancestry. She is also Vice-President of Indigenous Health for the Northern Health Authority in British Columbia and Professor in the School of Education at the University of Northern British Columbia. Her academic work crosses disciplines and sectors, and focuses on the health and well-being of Indigenous children and families and public health.

### **Sashia Leung**

Sashia Leung is Wet'suwet'en and Chinese from the community of Witset and is the Director of Commu-

nications and International Relations at the BC Treaty Commission. In her role she manages the public information and education mandate of the Treaty Commission and is one of the leads for its international work to support the implementation of the *Declaration* and Indigenous rights recognition. Since joining the BC Treaty Commission, Sashia also facilitates First Nations governance initiatives, community engagement and capacity-development.

### **Patricia Nash**

Patricia Nash is the Indigenous Protected and Conserved Areas Program Manager at Unama'ki Institute of Natural Resources in Nova Scotia. She grew up in the territory of her Haudenosaunee ancestors in southern Ontario, and later obtained an Honours BSc. in Zoology. She has worked with Indigenous Nations and organisations across Canada to help strengthen their voices, identities and self-determination. Currently she works with Mi'kmaw communities, environmental non-governmental organizations, private landowners and the Province of Nova Scotia to help Canada meet its international biodiversity commitments.

## **PANEL THREE: UN DECLARATION AND SUSTAINABILITY IN INTERNATIONAL LAW**

### **David Boyd**

Dr. David R. Boyd is the UN Special Rapporteur on human rights and the environment (2018-2024) and a professor of law, policy and sustainability at the University of British Columbia, jointly appointed at the Institute for Resources, Environment and Sustainability and the School of Public Policy and Global Affairs.

Boyd is also the author of ten books and over 100 reports and articles on environmental law and policy, human rights, and constitutional law. His books include *Thirst for Justice* (2020), *The Rights of Nature* (ECW Press, 2017), *The Optimistic Environmentalist* (ECW Press, 2015), *The Right to a Healthy Environment* (UBC Press, 2012) and *The Environmental Rights Revolution* (UBC Press, 2011).

He lives on Pender Island with his partner and their daughter, and loves to run, hike, kayak and cycle!

### **Marie-Claire Cordonier Segger**

*University of Waterloo*

Prof. Marie-Claire Cordonier-Segger (PhD, Oxford University; MEM, Yale University; LLB/BCL, McGill) is a senior Leverhulme visiting professor at the University of Cambridge, and a full professor at the School of Environment, Enterprise and Development in the Faculty of Environment at the University of Waterloo, as well as Executive Secretary of the UNFCCC CoP27 Climate Law and Governance Initiative. She holds sev-

eral international awards and fellowships, and serves as Senior Director of the Centre for International Sustainable Development Law and Vice-President of the International Law Association. Her research focuses on law and governance aspects of climate change, natural resources, investment and trade, Indigenous rights and the UN Sustainable Development Goals.

She presented jointly with two graduate students who are working with her on a SSHRC-funded research project: *Promoting the Sustainable Development Goals through Canadian First Nations Treaties*. Aminah Beg is a Master of Development Practice candidate at the University of Waterloo. Her interests lie within disaster risk reduction, resource allocation, climate change adaptation and environmental justice. Aminah has designed past research surrounding the implementation of Traditional Ecological Knowledge in efforts to address climate change and the accelerated development of extractives and renewables. Elaina Cox is completing her Masters in Sustainability Management at the University of Waterloo. Elaina is also currently working as an associate at Parks Canada in Indigenous Conservation and SARA Governance. Her interests primarily lie in conservation practices, Indigenous rights and environmental policy.

### **Kenneth Deer**

Kenneth Deer is Mohawk, Bear Clan, from Kahnawake. He is an award-winning journalist, an educator and an internationally known Indigenous rights activist active in the development of the *UN Declaration of the Rights of Indigenous Peoples*. He was appointed to the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples by Secretary General Ban Ki Moon from 2008 to 2014. He also holds an Honorary Doctorate Degree from Concordia University and was the 2010 recipient of the National Aboriginal Achievement Award.

### **Rochelle Diver**

Rochelle Diver, Anishinaabe from Northern Minnesota, is an independent consultant focused on environmental health and toxics, particularly the impacts mercury, pesticides, and extractive industries have on Indigenous women, children, and future generations. Her work utilizes a human rights framework, using United Nations treaty bodies and processes to further secure, protect and uphold the right of Indigenous peoples. Her work includes involvement with numerous organizations including the International Indian Treaty Council and the Indigenous Peoples Major Group on Sustainable Development.

## **PARTICIPANTS**

### **Jon Beale**

Jon Beale is the Manager of the Sustainable Development Solutions Network of Canada, hosted by the University of Waterloo. SDSN Canada is part of a global movement to build a network of institutions working together to create practical solutions to achieve the Sustainable Development Goals.

### **Craig Benjamin**

Craig Benjamin is a researcher and writer deeply committed to human rights and reconciliation. Between 1998 and 2019 Craig worked as the Campaigner for the Human Rights of Indigenous Peoples at Amnesty International Canada. His current role is with the Coalition for the Human Rights of Indigenous Peoples as a consultant.

### **Ana Collins**

Ana Collins is an Indigenous rights advisor at Environment and Climate Change Canada. She is working to establish a Circle of Indigenous Knowledge Keepers who will guide the work of the section in its continued defence of the rights of Indigenous peoples.

### **Joanne Garcia-Moores**

Joanne Garcia-Moores is a PhD candidate in the Department of Political Science at the University of Guelph. Her research in Indigenous rights and policy studies examines the policy process as an important site for the implementation of Indigenous rights as set out in UNDRIP. Using COVID-19 public health policy as a case study, her research compares policy processes in Canada and Aotearoa New Zealand using theoretical approaches from Indigenous and settler colonial studies, as well as critical policy studies to help guide the analysis. Joanne is a former policy advisor and manager with experience working for the federal government and the Government of Ontario. Her work aims to build understandings of what transformative reconciliation might look like for Indigenous-government relations through the policy process.

### **Celeste Haldane**

Celeste Haldane is Musqueam (Coast Salish) and Metlakatla (Tsimshian) from the Sparrow and Haldane families and is currently serving her second term as Chief Commissioner at the BC Treaty Commission. Her specializations are in Indigenous law and corporate governance, and she previously practiced criminal defence and civil litigation.

**Aditya Jain**

Aditya Jain is a Junior Policy Analyst at Environment and Climate Change Canada working on the Indigenous and Intergovernmental Affairs portfolio. Aditya is a passionate, professionally qualified leader who loves to find solutions to complex challenges.

**Paul Joffe**

Paul Joffe is a lawyer and a member of the Québec and Ontario bars. He specializes in human rights concerning Indigenous peoples at the international and domestic level. Paul has been actively involved in standard-setting processes relating to the *UN Declaration on the Rights of Indigenous Peoples*, *American Declaration on the Rights of Indigenous Peoples* and other relevant international instruments where he has represented The Cree Nation Government/ Grand Council of the Crees (Eeyou Istchee).

**Laila Kasuri**

Laila Kasuri is a sustainable development specialist and engineer by training with more than nine years of experience in the water, environment and climate change sectors. Currently she works as a Senior Policy Advisor in the Environment, Lands and Water branch of the Assembly of First Nations.

**Kiera Ladner**

Kiera L. Ladner is Canada Research Chair in Miyo we'citowin, Indigenous Governance and Digital Sovereignities, and Professor in the Department of Political Studies at the University of Manitoba, as well as former Canada Research Chair in Indigenous Politics and Governance. Her research focuses on Indigenous politics and governance; digital sovereignties and archiving (walking with our sisters/MMIWG, and the comparative constitutional law and Indigenous politics archive covering constitutional developments & representation); gender (diversities); women and governance; and resurgence (in terms of both women and youth).

**Sheryl Lightfoot**

Sheryl Lightfoot (Anishinaabe, Lake Superior Band) is Canada Research Chair of Global Indigenous Rights and Politics at the University of British Columbia, where she holds appointments in Political Science, Indigenous Studies and the School of Public Policy and Global Affairs. She serves as the North American Member on the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) as well as Senior Advisor to the UBC President on Indigenous Affairs, where she is the lead on UBC's Indigenous Strategic Plan. Her research focuses on global Indigenous politics, especially Indigenous rights and their implementation in global, national and regional contexts and includes a book published by Routledge Press entitled *Global Indigenous Politics: A Subtle Revolution* (2016).

**Lea Nicholas-MacKenzie**

Lea Nicholas-MacKenzie is a member of the Wəlastəkewinowok (Maliseet First Nation) at Nekwotkok (Tobique) and is the Principal at LNM Indigenous Consulting. LNM Indigenous Consulting is a boutique consulting company focused on working with Indigenous peoples, organizations and corporations to achieve transformative change.

**Jeremy Patzer**

Dr. Jeremy Patzer (PhD, Carleton University, Sociology) is a professor in the Department of Sociology and Criminology at the University of Manitoba. His research interests lie in Indigenous rights (particularly in settler state courts), the forms of legal-historical resolution and repair employed by settler states in the wake of colonial dispossession, as well as the sociology of law and contemporary theory.

**Merrell-Ann Phare**

Merrell-Ann is a lawyer, writer, strategist, negotiator and relationship-builder who has worked extensively in and with Indigenous organizations on numerous environmental and rights issues. She is a Commissioner of the International Joint Commission and, along with ten First Nation Chiefs, is the founding Executive Director of the Centre for Indigenous Environmental Resources, a national First Nation charitable environmental organisation.

**Jennifer Preston**

Jennifer Preston is the General Secretary and Indigenous Rights Program Coordinator for Canadian Friends Service Committee (Quakers). She has spent 20+ years working to ensure the successful adoption of the *Declaration* at the United Nations in both Geneva and New York, and in Canada to ensure federal legislation to implement the *Declaration*. Jennifer coordinates the Coalition for the Human Rights of Indigenous Peoples. She is also co-editor of *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action* (2010).

**Bob Purdy**

Bob Purdy is Executive Vice President of the Fraser Basin Council (FBC), a charitable not-for-profit organization dedicated to advancing its broad vision for sustainability—social well-being supported by a vibrant economy and sustained by a health environment—through collaboration across multiple jurisdictions and interests across British Columbia. When it was established in 1997, FBC included on its Board of Directors eight representatives of First Nations sitting alongside representatives of other orders of Canadian government, the private sector and civil society. A UBC alumnus, Bob has over 30 years' experience in multi-interest engagement design and facilitation. In addition to serving in

several roles as a member of the FBC's senior executive team, Bob leads Realizing UNDRIP, a ground-breaking initiative to gather, amplify and activate knowledge on how to apply the *United Nations Declaration of the Rights of Indigenous Peoples* in ways that advance both reconciliation and sustainability.

**Mark Smith**

Mark Smith is General Council and Director of Process at the BC Treaty Commission. He provides legal, political and strategic policy advice on the protection and recognition of Indigenous lands, title and rights, in the context of negotiations. Mark is dedicated to Indigenous rights recognition, governance-building and inter-nation dispute resolution processes.

**Paul Wertman**

Paul Wertman is the Principal of Paul Wertman Advisors, a firm that focuses on furthering recognition of Indigenous rights and translating those rights into tangible benefits for Indigenous communities. Paul has been an advisor to the Cree Nation of Eeyou Istchee (northern Quebec) for over forty years, much of that time as an advisor to the Ouje-Bougoumou Cree Nation and to the Grand Council of the Crees (Eeyou Istchee).



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