

Towards Economic Development that Respects Indigenous Peoples

13 September 2022

On September 13, 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP). Yet, 15 years later, Quebec has not implemented it.

The principal constraint to its implementation is, in our view, a misinterpretation of UNDRIP regarding the requirement to obtain the consent of Indigenous peoples. Not implementing UNDRIP negatively impacts the participation of Indigenous peoples in Quebec's sustainable development and does not represent the viewpoint of numerous businesses and associations that favour partnerships.

Implementing the United Nations Declaration on the Rights of Indigenous Peoples

UNDRIP is an international human rights instrument negotiated over twenty years which recognizes "[minimum standards for the survival, dignity and well-being of Indigenous Peoples](#)".

These standards are based on obligations under customary international law and international treaties to which Canada is a party. UNDRIP enjoys a strong consensus at the international level as well as great respect and commitment among Indigenous Peoples in Canada, whose [involvement was instrumental in its drafting and adoption](#).

Many calls upon Quebec

The [Truth and Reconciliation Commission of Canada](#), the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#), and the [Viens Commission](#) have recognized the importance of UNDRIP and recommended its implementation.

[British Columbia](#) and [Canada](#) have followed this recommendation, and [the Assemblée nationale du Québec](#) (Quebec National Assembly) has also spoken out [on more than one occasion](#), but the Quebec government has yet to follow suit, concerned that its implementation would hinder economic development.

No Indigenous veto power

[Premier Legault](#) is concerned that UNDRIP gives Indigenous groups a veto power over economic development projects, which is why he [opposed](#) the federal Bill C-15.

We invite him to reconsider his understanding of UNDRIP, which does not reflect the reality of the relationship between industry and Indigenous communities, and is hindering efforts to build constructive relationships between Quebec and Indigenous Peoples.

UNDRIP sets out the duty to consult with Indigenous communities to obtain their free, prior and informed consent (FPIC) to projects that impact their rights. The content of the consultations is tailored to the circumstances and leads to varying outcomes, such as a mutual determination that a project is not feasible or, conversely, the addition of communities as partners.

A veto power is of a different nature. It implies the ability to veto a decision at any time, regardless of any negotiations that may have taken place, much like throwing a "wild card."

Indigenous Peoples do not have such a wild card (veto). Rather, the concept of consent under UNDRIP levels the playing field so that the interests and will of Indigenous communities will be better reflected in project approvals.

Industry developments

Many industrial sectors support UNDRIP and the principle of FPIC.

For example, the Mining Association of Canada and the Quebec Mining Association emphasize the necessity for partnerships and seeking FPIC in the Protocol “[Towards Sustainable Mining](#)” and acknowledge UNDRIP as its source.

Two-thirds of Quebec’s commercial forestry land is certified under the [new Canadian FSC standard](#) and its [FPIC guidance](#), representing most of the major Québec forestry companies. .

The [Equator Principles](#) adopted by [Canadian banks](#) and by [Export Development Canada](#), the [United Nations Global Compact](#), the [World Bank](#) and the [International Finance Corporation](#) have set standards that recognize the relevance of FPIC. Many international investors monitor corporate performance in this regard.

At the [Grand Economic Circle of Indigenous People and Quebec](#) organized by the Government of Quebec and the AFNQL in November 2021, several businesses made concrete commitments and signed the [Declaration of the Grand Circle of Commitment for the full participation of Indigenous peoples in Quebec’s economy](#).

Such participation may take the form of the partnership between Hydro-Quebec and Kahnawá:ke for the [Hartel-New York Interconnection Project](#), the [hydroelectric partnership Innalik](#) between Innergex and the Inuit, the one between Innergex and the Mi’gmaq for the [Mesgi’g Ugju’s’n Wind Farm](#), the wind partnership between [Kruger Energy Inc. and Kahnawá:ke](#), or the [Apuiat](#) project between Boralex and the Innu. Numerous Indigenous/non-Indigenous joint ventures are also involved in the development of Quebec in Nunavik, Eeyou-Istchee-James Bay, the North Shore, etc.

Benefits of the UNDRIP

For Quebec, implementation would be an exercise of its shared jurisdiction to implement international instruments and would demonstrate its commitment to internationally recognized rights. In addition, UNDRIP would provide a fundamental framework to facilitate sustainable partnerships and minimize the risk of lengthy and costly litigation, as communities would be involved at an early stage.

In order to progress towards sustainable economic development that respects Indigenous peoples, the implementation of UNDRIP is key.

Signatories

- **Élisabeth Patterson**, avocate, Dionne Schulze senc, co-signataire principal
- **Michel Letellier**, président et chef de la direction, Innergex énergie renouvelable inc., co-signataire principal
- **Justin Roy**, Economic development officer, Kebaowek First Nation, co-signataire principal
- François Dufresne, président, FSC Canada

- Derrick Neeposh, Chairman of the Cree Nation Government Board of Compensation / President of CREECO
- Isabelle Napess, directrice générale, Groupe Ekuanitshit
- Joëlle Perron-Thibodeau, avocate, Dionne Schulze senc
- Paul MacLean, PDG et fondateur, ÉEM Impact environnemental et social ltee
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- Karine Awashish, co-fondatrice, Coop Nitaskinan
- Suzann Méthot, Conseillère en relations avec le milieu nordique
- Léa Lemay Langlois, avocate, Dionne Schulze senc
- Eric Deschênes, entrepreneur
- Jonathan Grenier, co-fondateur, Ungava Polar Eco-Tours
- Alice Chipot, directrice, Regroupement pour la responsabilité sociale des entreprises
- Jonathan Brun, CEO, Nimonik Ltd
- Cédric Bourgeois, président, fondateur et associé, Transfert Environnement et Société
- Me Wina Sioui, avocate/médiatrice/facilitatrice, spécialisée en droit relatif aux Premiers Peuples
- Honorable Denis Coderre, 44e maire de Montréal et ancien ministre du gouvernement fédéral
- Rose Victoria Adams, avocate, Dionne Schulze senc
- Tim Apedaile, avocat et membre du Barreau du Québec
- Isabelle Gagnon, directrice générale, Aequo engagement actionnarial
- Vincent Sioui, Première nation Abitibi Winni
- Luc Ferland, Président, Boréacom Affaires publiques et Député d'Ungava 2007-2014
- Ethical Investment Group g.p.

To be a signatory, kindly send your name, title and organization to jperron-t@dionneschulze.ca.