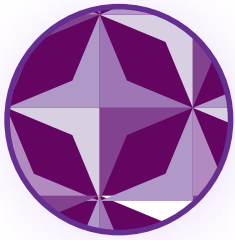


## TOOL

# Understanding Indigenous Sovereignty & Rights



Since time immemorial, Indigenous Nations have exercised their inherent rights, responsibilities and legal and governance traditions as the original sovereign nations over the lands, environments, resources and peoples of Turtle Island. Their diverse ways of visioning and goal-setting, planning, decision making, and law making were and continue to be guided by the Natural Laws of the land and Creator and manage all aspects of life such as water and land stewardship, food, health and medicine, education, and economy. Shared leadership and decision making processes and structures, and distribution of roles and responsibilities vary depending on the particular cultural and governance traditions of each Indigenous nation.

The inherent rights of Indigenous Nations have never been relinquished through conquest, discovery, terra nullius, domination, force or acquiescence. Despite ongoing violations of Indigenous peoples' fundamental rights under Treaty and land claims agreements, section 35 of Canada's Constitution Act and modern international human rights

legal frameworks like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) represent important instruments to protect Aboriginal and Treaty rights.<sup>1</sup>

This section is intended as an introduction or refresher for municipal and civic leaders working within Indigenous territories (including cities) and initiatives with Indigenous community. Developing at least a basic level of knowledge about the topic areas of Indigenous sovereignty, inherent rights, legal frameworks, governance and treaty-making is crucial for understanding the foundational relationships, processes, systems, and political and social architectures of what we know as Canada and Canadian cities. These topics are incredibly vast, diverse and complex and are imprinted on the lands, ecosystems, municipalities, civic and cultural institutions, and practices of city building and placekeeping/placemaking that comprise cities of today. Users of this Toolkit are invited to research more into areas within this topic that are of interest and relevance to their partnerships and projects with Indigenous peoples.

## Indigenous sovereignty, inherent rights and self-determination

### Sovereignty for Indigenous peoples

'Sovereignty' is a term that has often been used to refer to the absolute and independent authority of an individual, institution or nation (state) within a territory or international state system.

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1 - Assembly of First Nations. (2018). Affirming First Nations Rights, Title and Jurisdiction: Report from the AFN National Policy Forum. <[https://www.afn.ca/wp-content/uploads/2018/11/18-11-01-Affirming-FN-Rights-Title-and-Jurisdiction-Forum-Report-EN\\_REV.pdf](https://www.afn.ca/wp-content/uploads/2018/11/18-11-01-Affirming-FN-Rights-Title-and-Jurisdiction-Forum-Report-EN_REV.pdf)>

Sovereignty is not an absolute or static concept but one that is conditional and evolving, with different governance models challenging conventional understandings of the nature of authority and how it is exercised.

Swap highlighted text with "Under diverse Indigenous legal systems, Canadian Aboriginal Law, and Tribal Sovereignty in the US, Indigenous peoples across Turtle Island are to be recognized as Nations and Peoples on equal footing with nation states like Canada and settler governments." As distinct Nations, sovereignty refers to the inherent and constitutional rights of First nations, Inuit and Métis to self-determination, self-government, cultural and spiritual practices, language, social and legal systems, political structures, and inherent relationships with lands, waters and all upon them. Sovereignty is also contingent on the fulfillment of certain fundamental obligations of each Nation's governance structure to its own citizens.

Indigenous peoples' sovereignty and inherent rights were not endowed by any other nation state, but are passed on through birthright, are collective, and flow from the relationships of the People to their lands and the Creator. As such, Indigenous sovereignty, inherent rights and jurisdiction over their communities exist regardless of the nation state's say so and without interference by settler governments.

Indigenous sovereignty importantly links contemporary efforts and struggles by Indigenous knowledge-keepers, community leaders, practitioners, youth and scholars around environmental justice, restoration of lands and rights of Mother Earth, anti-racism, social equity and justice, safety and protection for girls and women, opposition to the commodification and financialization of nature, protection of sacred sites and repatriation of ancestral remains and sacred objects, and protecting and nurturing tribal sovereignty.

### *Principles to guide recognition of First Nations sovereignty by settler governments<sup>2</sup>*

- Affirm the pre-existing sovereignty and inherent title of First Nations. Inherent rights and title already exist and have been affirmed under section 35 of the Constitution Act, 1982 and international law.
- First Nations rights as Peoples and Nations cannot be extinguished, and do not owe their existence to any other level of government;
- First Nations laws, language, culture, governance, jurisdiction must inform mutually acceptable solutions;
- Honour of the Crown means that the Crown's words meet their actions and the Crown always keeps its promises, including the full implementation of treaties, agreements and other constructive arrangements;
- Value the equality of peoples which is evident in the Guswenta (Two Row Wampum Treaty);
- Fair and Inclusive Collaboration means making decisions together not in isolation;
- Clear, Transparent Communication to restore not erode trust; and
- Organize government and government practices to make the UN Declaration on the Rights of Indigenous Peoples the foundation for guiding reconciliation.

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<sup>2</sup> - Adapted from: Ibid.

## Inuit Sovereignty<sup>3</sup>

For Inuit living within the states of Russia, Canada, the USA and Denmark/Greenland, issues of sovereignty and sovereign rights must be examined and assessed in the context of their long history of struggle to gain recognition and respect as an Arctic Indigenous people having the right to exercise self-determination over their lives, territories, cultures and languages. In exercising Inuit right to self-determination in the circumpolar Arctic, the people continue to develop innovative and creative jurisdictional arrangements that will appropriately balance their rights and responsibilities as an Indigenous people, the rights and responsibilities they share with other peoples who live among them, and the rights and responsibilities of states.

In seeking to exercise Inuit rights in the Arctic, the People continue to promote compromise and harmony with and among their neighbours. International and other instruments increasingly recognize the rights of Indigenous peoples to self-determination and representation in inter-governmental matters, and are evolving beyond issues of internal governance to external relations. (E.g. ICCPR, Art. 1; UNDRIP, Art. 3; Draft Nordic Saami Convention, Art. 17, 19; Nunavut Land Claims Agreement, Art. 5.9).

## Inherent Rights

First Nations and Inuit across Turtle Island were politically sovereign and governing themselves under their own laws, structures and processes for decision-making and governance when the Europeans arrived. Despite hundreds of years of settler occupation and attempts to control In-

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3 - Inuit of Inuit Nunaat (2009). A Circumpolar Inuit Declaration on Sovereignty in the Arctic, Adopted by the Inuit Circumpolar Council on behalf of Inuit in Greenland, Canada, Alaska, and Chukotka.

igenous lands and peoples, and the settler state's systematic disavowal of Indigenous presence and territorial rights, Indigenous peoples have never surrendered their legal and political identity as sovereign peoples with the inherent right to self-determine their lands and resources, communities, governance and laws, languages, economic development, cultural institutions, and social and health services. The 1982 Constitution Act of Canada and Canadian law recognize two sets of unique rights for Indigenous peoples: Aboriginal Rights (inherent) and Treaty Rights (legally binding treaty agreements).

## Aboriginal Rights

While there is no single definition for Aboriginal rights, the following features describe this unique set of rights:

- Collective rights that reflect continued use and occupation of the land.
- Aboriginal title is a sui generis (unique), inherent, and collectively held right to ancestral territory.
  - It's source is the use and occupation of lands prior to the assertion of Crown sovereignty.
  - Aboriginal title is pre-existing and is not granted by any external source (ex. the Canadian legal system).
  - It flows from historic and ongoing political, social, and legal systems that sustain a relationship with ancestral lands.
- While section 35 of the 1982 Constitution Act gives recognition and affirmation to existing Aboriginal rights, including Aboriginal title, it does not address their proof, their nature or their location.

- Starting in the 1970s, the Supreme court of Canada and provincial court have been attempting to clarify the general nature of Aboriginal rights by defining legal tests by which they can be identified, legally proved and, where necessary, infringed by the Crown (see Supreme and BC Court decisions below).
- The Crown's duty to consult is both a substantive duty and a procedural duty readily triggered where claimed or proven rights, or treaty rights, may be impacted by a potential Crown action or authorization (i.e. of a project).<sup>4</sup>
  - The extent of consultation will vary with the circumstances and will be determined by the nature of the Aboriginal interest impacted, and the degree of that impact.
  - Decisions must be reasonable and supported by facts, and processes must be fair and allow Indigenous Nations to be informed and respond in reasonable timeframes.
- Consultation with an Indigenous Nation requires a duty to accommodate in certain circumstances where there is strong evidence supporting a claim of an Aboriginal Right that may be impacted by a proposed action or authorization by government or industry.
  - In such circumstances, accommodation requires that the government take steps to avoid irreparable harm or to minimize adverse impacts to the Indigenous Nation.
  - Accommodation primarily means addressing an Indigenous Nation's concerns and adapting to or reconciling interests.

4 - Province of British Columbia. (n.d.). Building Relationships with First Nations Respecting Rights and Doing Good Business. < [https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations/building\\_relationships\\_with\\_first\\_nations\\_english.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations/building_relationships_with_first_nations_english.pdf)>

## Treaty Rights

Treaty rights are set out in legally binding agreements that outline rights, responsibilities and relationships of First Nations and the Crown (now federal and provincial governments) – those rights are protected under the Canadian constitution. First Nations entered treaties as sovereign, self-governing nations with inherent rights. The rights, responsibilities, commitments (and in some cases engagement processes) set out in treaty agreements (also called land claims agreements or Final Agreements) are considered by Indigenous Nations to be sacred oaths between treaty partners.

Treaties provide a framework for Indigenous and settler peoples living together and sharing the lands Indigenous peoples traditionally occupied in a peaceable and reciprocal manner<sup>30</sup>. They form the basis of the relationship between Indigenous and settler society and for ongoing co-operation and partnership as we move forward together to advance reconciliation. Although many treaties were signed more than a century ago, treaty commitments are just as valid today as they were then. As the original occupants and caretakers of many of the lands across Canada and Turtle Island, First Nations with the Crown negotiated and signed a number of historic treaties in exchange for benefits that may include hunting, fishing and trapping (See Map 1 below) including:

- Treaties of Peace and Neutrality (1701-1760)
- Peace and Friendship Treaties (prior to 1779)
- Upper Canada Land Surrenders and the Williams Treaties (1764-1862/1923)
- Robinson Treaties and Douglas Treaties (1850-1854)
- Numbered Treaties (1871-1921)

Modern treaties (also called comprehensive land claim agreements) are nation-to-nation relationships between Indigenous peoples, the federal and provincial Crown and in some cases, a territory. These treaties define the land and resource rights of Indigenous signatories, improve the social, cultural, political, and economic well-being, and enable Indigenous peoples to rebuild their communities and nations on their own terms. They set out rights and obligations for all parties, including land ownership and consultation obligations. The first modern treaty came into effect in 1975 (James Bay and Québec Government), and the latest modern treaty to come into effect was in 2016 (Tla'amin Nation and the Province of British Columbia). To date, 26 modern treaties have been concluded between the Crown and Indigenous peoples (covering over 40 percent of Canada's land mass) but more than 70 Indigenous Nations are currently negotiating modern treaties with the Government of Canada. Modern treaties address such matters as:

- Self-government and public government arrangements
- Ownership and use of land, water and natural resources, including the subsurface
- Management of land, water, and natural resources, including fish and wildlife
- Harvesting of fish and wildlife
- Environmental protection and assessment
- Economic development
- Employment
- Government contracting
- Capital transfers

- Royalties from resource development
- Impact benefit agreements
- Parks and conservation areas
- Social and cultural enhancement
- The continuing application of ordinary Indigenous and other general programming and funds

### **Inuit Land Claim Agreements**

There are 65,000 Inuit in Canada, the majority of whom live in Inuit Nunangat (Homeland), which comprises four distinct Inuit regions and land claim agreements across Canada: Inuvialuit, Nunavut, Nunavik and Nunatsiavut (covering nearly one third of Canada's landmass and 50% of its coast-line and offshore area).

All of the land claim agreements developed between Inuit and the Government of Canada are extremely comprehensive and complex and vary significantly from one another. Common features include: Inuit sovereignty and self-determination, government that is representational of each region's Inuit population, implementation of traditional knowledge or Inuit Qaujimajatuqangit (IQ), and education, employment and economic development opportunities for Inuit. There are four distinct Inuit land claim agreements<sup>5</sup>:

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5 - Inuit Tapiriit Kanatami. (2020). About Canadian Inuit – Inuit Tapiriit Kanatami. Available at: <https://www.itk.ca/about-canadian-inuit/#nunangat>

James Bay and Northern Quebec Agreement is the oldest and established the Inuit region of Nunavik in 1975. This land claim is managed by the Makivik Corporation, which represents the roughly 11,000 Inuit in Nunavik.

Inuvialuit (Western Arctic) Claims Settlement Act was established in 1981. This land claim agreement gave mining rights to the region that are managed by the Inuvialuit Regional Corporation.

Nunavut Land Claims Agreement created the new territory of Nunavut in 1993. This land claim agreement is managed by Nunavut Tunngavik Incorporated (NTI) and comprises an area of land that makes up roughly one fifth of Canada's entire landmass.

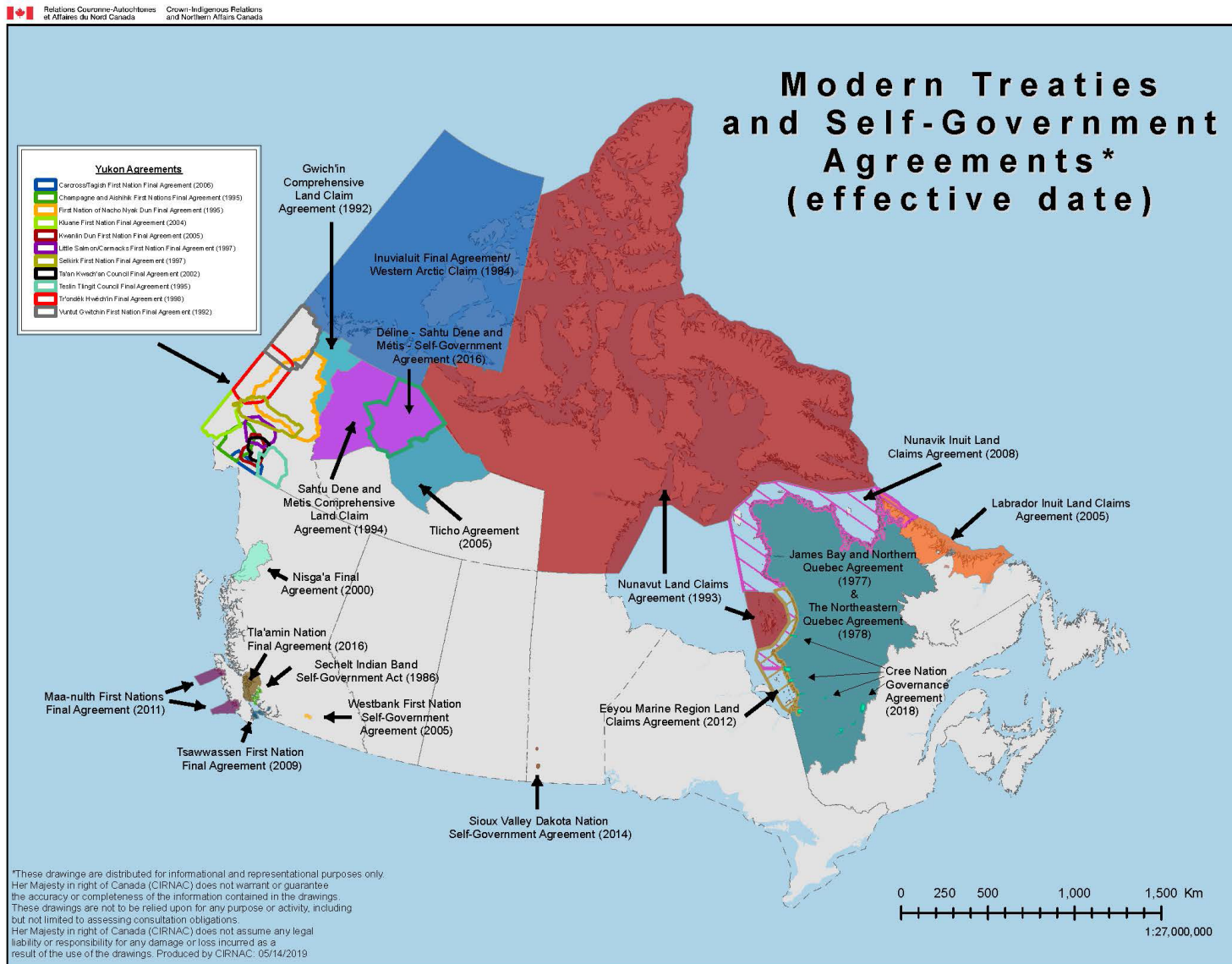
Nunatsiavut Land Claims Agreement was established in 2001 and created the Inuit-led Nunatsiavut Government.



*Credit: A map of the four settled Inuit Land Claim Areas in Canada and the five Inuit communities comprising the Nunatsiavut-settled Land Claim Area, as of 2016. Available from: [https://www.researchgate.net/figure/A-map-of-the-four-settled-Inuit-Land-Claim-Areas-in-Canada-and-the-five-Inuit-communities\\_fig1\\_318383872](https://www.researchgate.net/figure/A-map-of-the-four-settled-Inuit-Land-Claim-Areas-in-Canada-and-the-five-Inuit-communities_fig1_318383872)*



## Map 2 | Modern Treaties & Self-Government Agreements<sup>7</sup>



Canada

7 - Crown-Indigenous Relations and Northern Affairs Canada. Modern Treaties & Self-Government Agreements.

[https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-AI/STAGING/texte-text/mprm\\_pdf\\_modrn-treaty\\_1383144351646\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-AI/STAGING/texte-text/mprm_pdf_modrn-treaty_1383144351646_eng.pdf)



## Self-determination and Legal Framework

At the heart of the conflict between Indigenous peoples and the Canadian government is a lack of shared understanding and contention on the issue of sovereignty. Settler governments continue to assert the federal government's sovereignty over the legal and political decision-making and procedures within the political and geographical boundaries of Canada. The Canadian state perceives that its state sovereignty endows it with the authority to control Indigenous peoples and lands, especially through colonial instruments such as the Indian Act.

However, Indigenous peoples across Canada never ceded their sovereignty as First Nations and Inuit Nations of their lands and institutions and want to be treated as fellow sovereign nations by the rest of Canada. Therefore, all the incursions on and decisions about Indigenous communities (rural and urban) and traditional territories made by governments and settler society run counter to the inherent sovereign rights and identities of Indigenous peoples. Indigenous Nations want to be a central voice in any dialogue, decision-making and programming made regarding their lives and lands.

For meaningful and transformational reconciliation by the federal government to be possible with Indigenous Nations, an honest attempt must be made by the government to restore the sovereignty, self-determination and inherent rights to Indigenous people that has been long denied. The legal instruments that recognize and restore these rights already exist through Canada's Supreme Court and the provincial courts. International frameworks under the United Nations have also formally recognized the inherent rights of Indigenous peoples.

Section 35(1) of the 1982 Constitution Act of Canada currently recognizes the inherent right of Indigenous peoples in Canada to self-determination and to govern themselves in relation to:

- Matters that are internal to their communities;
- Integral to their unique cultures, identities, traditions, languages, and institutions; and
- Their special relationship to their lands and resources.

Since 1973, the Supreme Court of Canada has confirmed that Indigenous peoples hold Aboriginal title to their lands, based on their occupation on and governance of those lands. A historical and legal understanding of Indigenous peoples' struggle for recognition of Aboriginal rights and treaty rights, and the expansion and definition of Section 35 of the Constitution Act are outlined in the following landmark Supreme and BC Court decisions:

### **Calder 1973**

- Based on the claim by Calder and Nisga'a Elders for recognition of Nisga'a Aboriginal title to their traditional, ancestral and unceded lands.
- Aboriginal title existed at the time of the Royal Proclamation and is neither defined by, nor a construct of, the colonial legal system.
- No ruling was ever made on the legal foundation of Aboriginal title or whether Nisga'a title had been extinguished.
- Set legal precedent regarding the existence of Aboriginal title and initiated the field of Aboriginal Law in Canada and internationally.

- Reinvigorated political will regarding treaty negotiations which had been halted since 1923.

### ***Delgamuukw-Gisdayway 1997***

- Based on the claim by the Gitksan and Wet'suwet'en hereditary chiefs to unextinguished Aboriginal title and jurisdiction over their territory in northwest British Columbia.
- Defined the legal definition, content and extent of Aboriginal title or ownership of traditional lands.
- First time oral histories were admissible as evidence.
- Recognition and protection of Section 35 Rights.
- Aboriginal title implies a right to self-government.
- Lays legal foundations for Consultation and Accommodation.

### ***Campbell 2000***

- Based on the self-government provisions of the Nisga'a Treaty.
- To exercise the decision-making authority over titled lands accepted by the Supreme Court in Delgamuukw, Indigenous Nations require political structures that are self-governing in nature – self-government is now a constitutionally protected right under Section 35.
- No need to negotiate agreements before implementing self-governance.
- Strongest judicial endorsement so far of the inherent right of self-government.

### ***Haida 2004***

- Establishes the Duty to Consult and Accommodate.
- A legally and constitutionally enforceable obligation that arises before title and rights are proven in the court.
- Must be fulfilled in a way “to effect reconciliation between the Crown and the Aboriginal people” (Haida Nation v. BC 2004: 513).
- Must occur at the strategic level of government.

### ***Mikisew Cree 2005***

- Based on the claim by the Mikisew Cree First Nation to reject a proposal to re-establish a winter road through Wood Buffalo National Park for winter access to the highway in Alberta on the grounds that it would infringe on the Nation's hunting and trapping rights under Treaty 8.
- The Duty to consult and Accommodate is extended to post-treaty contexts.
- The Crown can't use its own legislation to justify infringement if it would have an adverse effect on Aboriginal treaty rights.

### ***Tsilhqot'in 2014***

- Based on the claim by the Xeni Gwet'in of the Tsilhqot'in to prohibit commercial logging operations on their ancestral lands, and establish their claim for Aboriginal title to the land.
- Aboriginal title is proven in the Canadian courts for the first time.

- Approximately 1700km<sup>2</sup> declared Tsilhqot'in title lands.
- A culturally sensitive approach is required, "based on the dual perspectives of the Aboriginal group...and the common law" (para. 41)
- When contemplating infringement, government and industry should be "obtaining the consent of the interested Aboriginal group" (para. 97).
- Tsilhqot'in timber "no longer falls within the definition of 'Crown timber' and the Forest Act no longer applies". (para. 116)

### **First Nations and municipal governance and legislation**

The following tool was developed for the Stronger Together: A Toolkit for First Nations-Municipal Community Economic Development<sup>8</sup> to guide civic and Indigenous leaders and practitioners in understanding key features of, and differences between First Nations and municipal governance and legislation systems. and how they contrast listing the services commonly provided by each type of community. (See tables on pages 101 and 102)



Credit: Wet'suwet'en hereditary chiefs. APTN file photo.

6 - 33 Bamford, M., Breedon, T., Lindberg, C., Patterson, H. and Winstanley, M. (2019). Stronger Together: A Toolkit for First Nations-Municipal Community Economic Development, A Community Economic Development Initiative (CEDI) of The Federation of Canadian Municipalities (FCM) & Cando. <<https://fcm.ca/sites/default/files/documents/resources/tool/stronger-together-toolkit-cedi.pdf>>

	First Nations	Municipalities	Observations
<b>Legislation treaties or agreements</b>	<p>Most First Nation communities operate under the Indian Act, as administered by Indigenous and Northern Affairs Canada (INAC) as well as a Treaty that applies to a certain region.</p> <p>Some First Nations have had their inherent right to self-government and self-determination recognized by the federal government under a modern comprehensive or self-government agreement.</p>	<p>Municipalities operate under legal authority granted to them by a province or territory.</p> <p>They are also subject to Treaties as administered by the federal government.</p>	<p>Different jurisdictions and rights can open up new ways to find solutions to shared problems.</p>
<b>Head of local government</b>	<p>First Nations operating under the Indian Act are led by an elected chief and councillors. Some First Nations operate under traditional governance structures.</p>	<p>Municipalities are governed by an elected mayor or reeve, and councillors.</p>	<p>Chiefs and mayors play similar roles in their communities. However, a chief has broader responsibilities than a mayor.</p>
<b>Councillors</b>	<p>Indian Act: One councillor for every 100 band members, with no less than two and no more than 12 councillors.</p> <p>Self-government agreements: Unique to each community.</p>	<p>Number of councillors is set by provincial or territorial laws and is often based on population size.</p>	<p>Some similarities in structures and processes make it easier for councils to understand how each other operates.</p>
<b>Elections</b>	<p>Indian Act: Every two years.</p> <p>Self-government agreements: Unique to each community, generally every three or four years.</p>	<p>Every three or four years as set out in provincial or territorial laws.</p>	<p>The impact of election turnover on the partnership creates a need for formal commitments and strong staff relationships.</p>
<b>Head of administration</b>	<p>Band manager, chief administrative officer (CAO)</p>	<p>Municipal manager, chief administrative officer (CAO)</p>	<p>Similar responsibilities make it easier to work together.</p>

	First Nations	Municipalities	Observations
<b>Regional association</b>	<p>Tribal councils are a grouping of bands from a region with similar interests that join together on a voluntary basis. Tribal councils can offer services and programs to their member First Nations and may form agreements from federal departments such as Health Canada and Natural Resources Canada. Some are responsible for regional economic development, comprehensive community planning, technical services and band governance issues.</p>	<p>Regional district councils are made up of elected municipal officials from several municipalities who have been appointed or elected to represent their municipality on the regional district council.</p> <p>Regional district councils have a variety of regional responsibilities including medium and long-term land use planning and economic development.</p>	<p>Experience with a regional approach to economic development makes collaboration with neighbours more likely. Partners can also take advantage of existing structures that support regional collaboration by inviting First Nations to join the regional district council.</p>
<b>Funding</b>	<p>First Nations receiving funding from the Federal government; this may be supplemented with revenues from band-owned properties or business and other sources such as property taxes, user fees and payments from resource development companies. In some communities, these revenues exceed what Indigenous and Northern Affairs Canada transfers to the band.</p>	<p>Property taxes make up approximately 40% of municipal revenues and are applied to real estate assets on all property within the municipality's boundaries.</p> <p>Another 40% on municipal revenues come from transfers from federal, provincial or territorial governments. In some cases, the funding is conditional on its use for activities targeted by government programs.</p> <p>Service charges and the sale of goods are another main income source for municipalities, accounting for approximately 16% of revenues.</p>	<p>First Nations and municipalities have access to different funding sources, which can create opportunities to leverage and stack funding.</p>
<b>Management of economic development issues</b>	<p>Many First Nations have a committee on economic development and some have dedicated economic development staff.</p> <p>First Nations will often have an Economic Development Corporation (EDC) that is separate from the council and operates band-owned business.</p>	<p>Many municipalities have a committee on economic development and some have dedicated economic development staff.</p> <p>Some municipalities have created EDC's but they are usually not involved in owning or operating businesses.</p>	<p>Similar approaches make it easier to coordinate joint work; when an EDC exists, partners can take advantage of activities allowed only to corporations.</p>

## Path to Self-Governance

The Centre for First Nations Governance identify Five Pillars of Effective Governance<sup>34</sup> that underlie each Indigenous nation's inherent right to self-government, which includes a weaving together of the traditional values and Natural Laws of each Nation with the modern realities of self-governance. All Nations have the ability to enact change in all or some of these pillars, no matter where they sit on the path to self-governance.

- **The People:** Helping citizens develop a vision that charts the course from where they are to where they want to be.
- **The Land:** Exercising our inherited right to develop our territories into sustainable economies and our ancestral responsibility to act as stewards of our land.
- **Laws & Jurisdiction:** Exerting our authority beyond the borders of reserves and the limited confines of the Indian Act.
- **Institutions:** Building transparent, results based institutions instilled with the practices and beliefs consistent with the values of our citizens.
- **Resources:** Developing sufficient human and financial means for institutions to operate and for communities to achieve their vision.

## Free, Prior and Informed Consent (FPIC)

FPIC is an inherent right of Indigenous peoples and helps ensure their survival, dignity and well-being. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms FPIC and provides a new

roadmap for interactions between nation states and Indigenous peoples.<sup>9</sup> Aligned with both these nationally and internationally recognized normative frameworks of UNDRIP and FPIC, municipalities and civic organizations should commit to the following actions:

- Build good relations by creating a starting point of mutual respect.
- Recognize and incorporate provisions for Indigenous peoples' right to self-determination.
- Re-think the quality of interaction between Indigenous and non-Indigenous peoples.
- Reduce conflict by giving those affected an equal voice before conflict-creating decisions are made.
- Prioritize dialogue and understanding.
- It is about ensuring Indigenous communities benefit from activities carried out on their lands.
- It is about mitigating environmental and social impacts on Indigenous communities through the highest standard of precaution in any decision that could affect Indigenous territories.
- It is about acknowledging the history of the land and Indigenous peoples' relationship to it, as well as the historical wrongs of colonization.

<sup>9</sup> - Office of the High Commissioner for Human Rights, United Nations. Free, Prior and Informed Consent of Indigenous Peoples. <<https://www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf>>