



FIRST PEOPLES WORLDWIDE

CORPORATE MONITOR

DECEMBER 2015

COP21 Treaty Excludes Indigenous Peoples

Indigenous leaders across the globe are denouncing the exclusion of Indigenous rights and traditional knowledge from the long-awaited COP21 climate agreement. The initial draft mandated states to respect "the rights of Indigenous Peoples...when taking actions to address climate change." However, the sentence was removed from the final text per the request of several governments.

The efficacy of a climate agreement that deliberately omits Indigenous rights and traditional knowledge is highly questionable, given that Indigenous land comprises 20% of the earth's surface, but 80% of the earth's remaining biodiversity. Besides being the most effective agents of conservation, Indigenous Peoples are also the most economical. A recent study by the World Resources Institute found upholding Indigenous rights to be a more affordable solution to climate change than carbon capture or averted emissions.

Sources: [Al Jazeera](#)

Disaster in Brazil

In November 2015, a massive tailings spill at the Samarco mine in Brazil left at least 15 people dead and caused environmental damage that, according to some sources, is comparable to BP's Deepwater Horizon blowout in 2010. The mine's owners, BHP Billiton and Vale, refute claims that the spill contains high levels of toxic chemicals, but this has not prevented an onslaught of financial consequences, including an "initial" \$250 million fine, a \$5.3 billion lawsuit, an estimated \$1 billion in cleanup costs, and a series of disruptive protests and blockades by local communities

Sources: [ABC](#), [Financial Review](#)

Canada Launches MMIW Inquiry

Canada is launching a national inquiry into the large number of missing and murdered Indigenous women, as part of the Trudeau administration's promise for a "total renewal" of Aboriginal relations in the country. The government will spend the next two months consulting Aboriginal leaders and victims' families to inform the design and scope of the inquiry, which will begin next spring.

The inquiry may reveal linkages between missing and murdered Indigenous women and resource extraction, as other studies have done. In 2014, former UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya reported on the high incidence of violence against Indigenous women in communities affected by oil, gas, and mining.

Sources: [CBC](#)

Addressing Cumulative Impacts

The Blueberry River First Nation is suing the BC government, alleging that the cumulative impacts of multiple forms of development violate their treaty rights. The community produced maps showing how 90 percent of their territory is disrupted by commercial activities, including 16,000 oil and gas wells, 28,000 kilometers of pipelines, 4,000 square kilometers of coal mines, 5,000 square kilometers of logging concessions, and 45,000 kilometers of roads. According to the BC government, "we remain committed to reaching a respectful, long-term government-to-government relationship. It's unfortunate Blueberry River has chosen the path of litigation."

Generally, companies and governments have managed to avoid liability to cumulative impacts, but this is likely to change as more communities become dissatisfied with the piecemeal, project-by-project approach to impact assessment and mitigation. Lawsuits related to cumulative impacts have also come from First Nations in the oil sands and the Ring of Fire regions.

Sources: [Globe and Mail](#)

Baram Dam on Hold

In November 2015, the Chief Minister of Sarawak, Malaysia announced that the Baram Dam will be placed on hold until further notice because of community opposition. The decision came after years of continuous protests by Kenyah, Kayan, and Penan villagers whose lands were to be flooded by the project. The construction blockade endured despite ongoing harassment and threats, attesting to the power of Indigenous Peoples to organize successful campaigns against unwanted development. The communities welcomed the announcement, but are demanding assurance that the dam will never be built, rather than just suspended.

Sources: [Malaysian Insider](#)

Land Grab Upheld

In November 2015, the Supreme Court of Tanzania ruled against a Loliondo Maasai community seeking redress for the seizure and transfer of their lands to Thomson Safaris without their consent. The community sought to revoke the company's title, stop the conversion of their lands from pastoralism to tourism, and receive compensation for damages incurred. They claim their homes were burned, and they were arrested, beaten, and shot at for trying to access their lands for food and water. Although the court ruled in the community's favor on a minor point, no damages were awarded and they remain without access or title. Lawyers for the community said they plan to appeal the disappointing decision at the first opportunity.

Sources: [Minority Rights Group International](#)

Monsanto Blocked from Planting GMO Soy

In November 2015, Supreme Court of Mexico blocked Monsanto from planting GMO soy in Campeche and Yucatan states because consultation with Indigenous Peoples, as required by Mexican and international law, did not take place. The lawsuit was filed by Mayan communities claiming that the company's operations will accelerate deforestation, threaten honeybees, and use herbicides linked to cancer.

The company's response states that “we do not accept accusations that put us as responsible for deforestation and illegal logging...because our work is rigidly attached to the guidelines provided

by law.” The response fails to mention the issue at the center of the lawsuit, which is lack of consultation with Indigenous Peoples.

Sources: [Ecowatch](#)

Dollar General Case

The US Supreme Court is hearing a lawsuit between Dollar General and the Mississippi Band of Choctaw Indians that experts are calling “the most potentially devastating case for Indian tribes in half a century.” In 2003, a manager at one of the company's stores sexually assaulted a teenage employee who came from the tribe's youth employment program. The US Attorney, which has jurisdiction over crimes on tribal land in Mississippi, declined to press charges, so the victim's family sued the attacker and the company in tribal court. In turn, the attacker and the company challenged the tribal court's jurisdiction over a non-tribal member. Although the Federal District Court of the Southern District of Mississippi and the Fifth Circuit Court of Appeals both ruled that the tribe does have jurisdiction, the US Supreme Court has agreed to take up the case.

According to *Indian Country Today*, Native Americans’ reliance on the federal government to prosecute non-tribal members creates a jurisdictional black hole that leads to “thousands of untried cases and legal dead ends for victims...The US Attorney typically will not prosecute crimes of a sexual nature because they take the position that unless it’s a capital murder offense or white collar crime that they have a fairly good chance of winning, it’s not worth the time.”

Sources: [Indian Country Today](#)