



FIRST PEOPLES WORLDWIDE
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FPIC for Rural Women

In March 2016, the UN Committee on the Elimination of Discrimination against Women, which monitors implementation of the legally-binding UN Convention on the Elimination of All Forms of Discrimination against Women, recommended that states obtain Free, Prior and Informed Consent (FPIC) from rural women "prior to the approval of any acquisitions or project affecting rural lands or territories and resources, including as related to the lease and sale of land, land expropriation and resettlement."

This is the first time that FPIC is being explicitly applied to a non-Indigenous constituency by an international legal body. It is the latest sign that FPIC will soon be required from all communities. Companies that already obtain FPIC from Indigenous Peoples will be best positioned to adapt to the shifting business landscape.

Sources: [Cultural Survival](#)

World Bank Continues Lowering the Bar

The World Bank is waiving the application of its Indigenous Peoples Safeguard in order to fast track a loan to the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) project. Although SAGCOT will relocate cattle herders who meet the international criteria for Indigenous Peoples, the government is circumventing the Indigenous Peoples Safeguard by arguing that "no ethnic groups in Tanzania are more Indigenous than others because all Tanzanians are equal under the law."

The current draft of the Bank's revised Safeguards is improved from the first in that there is no longer an explicit opt out option for the Indigenous Peoples Safeguard, but according to the Bank Information Center, "another possible opt out option remains in force; Borrowers that do not want to implement [the Indigenous Peoples Safeguard] may in rare instances still be able to initiate a waiver process." It appears that one such rare instance has occurred before the Safeguards are even finalized. This sets a dangerous precedent that will further erode the Bank's legitimacy with Indigenous Peoples.

Sources: [Bank Information Center](#), [Huffington Post](#)

American Declaration on the Rights of Indigenous Peoples

In June 2016, the Organization of American States adopted the American Declaration on the Rights of Indigenous Peoples, adding to the list of international instruments that promote the rights of Indigenous Peoples in the Americas. The Declaration recognizes, among other things, Indigenous Peoples' rights to self-determination and Free, Prior and Informed Consent (FPIC), and includes special provisions for Indigenous women and for communities living in voluntary isolation.

Minority Rights Group International expressed concern that some "rights and recognitions set forth in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) are conspicuously weaker or not included at all. The lack of need to seek FPIC before relocation of Indigenous Peoples from their lands is particularly worrying. In addition, the requirement for Indigenous Peoples' land rights to comply with the national legal systems of each state has the potential to undermine the valuable protections afforded by international human rights law.":

While the Declaration provides another important legal framework, companies must remember that UNDRIP still constitutes the minimum standards for the survival, dignity and well-being of Indigenous Peoples around the world.

Sources: [MRGI](#), [OAS](#)

Upholding Agreements

In June 2016, 200 U'wa men, women and children occupied a plant belonging to Ecopetrol, Colombia's state-owned oil and gas company, demanding that the government uphold an agreement signed two years earlier. Traditional authorities said the agreement, which obligates the government to recognize U'wa territory and cleanup oil spills, has been ignored. The occupation coincided with a larger protest movement in Colombia called Minga Agraria, in which 100,000 people demonstrated against the government's favoring of business interests over those of Indigenous and rural communities.

When companies or governments enter agreements with Indigenous Peoples, they must include detailed implementation plans and timelines to ensure accountability from both sides. The U'wa have struggled with oil and gas drilling for decades, and each broken promise reduces the likelihood of constructive solutions in the future.

Sources: [Intercontinental Cry](#)

FBI Turns Attention to North Dakota

In June 2016, the FBI opened a new field office in North Dakota to address the wave of illegal activity caused by the Bakken oil boom. This is likely to be welcomed by the Fort Berthold Reservation, which has been overrun by crime, drugs, prostitution, trafficking, violence against women and other problems, and given few resources to combat them. According to Tribal Chairman Mark Fox, "the illegal activity here is literally killing our people and tearing us apart."

This is a positive sign, but there is no mentioning of industry involvement in these efforts. The government's heightened attention to North Dakota creates opportunities for public private partnership to address the social impacts of the Bakken oil boom, which may worsen in conjunction with the waning oil economy.

Sources: [FBI](#)

More Violence in Brazil

In June 2016, gunmen attacked the Guarani Kaiowa Apika'y community in Brazil, killing one person and injuring six others. A few days before the incident, the community was given an eviction order from a judge, at the request of farmers who claim to own the land on which the community resides. The community refused to leave, claiming they had been promised the land. The violence is likely related to the conflict between the two groups.

Given Brazil's history of conflicting land policies, it is likely that both the farmers and the community were promised the land at some point. The frequency of these events led Global Witness to rank Brazil as the deadliest country for environmental and human rights defenders, with 50 murders in 2015. Many of the attacks towards Indigenous Peoples are tied to the agriculture sector.

Sources: [Indian Country Today](#), [Reuters](#), [Global Witness](#)

The Importance of Inclusiveness

The proposed Pacific Northwest LNG export terminal is causing rifts within the Lax Kw'alaams Band in British Columbia. Last year, the community made headlines by unanimously rejecting a \$1.2 billion benefits package offered by Petronas, the main company behind the terminal. Since then, a new chief has been elected who supports the terminal, on the condition that an environmental oversight committee is established. Meanwhile, two separate groups of hereditary leaders have taken a stance, one in favor of the terminal and the other against it.

One of the most damaging, yet overlooked, social impacts of resource extraction is the divisiveness that emerges when different factions have different development visions. Mapping the full range of community leadership at the start of engagement can help companies ensure an inclusive approach.

Sources: [Globe and Mail](#), [Indian Country Today](#)