Eighth Session of the Expert Mechanism on the Rights of Indigenous Peoples  
20 to 24 July 2015  

Item 4: Panel discussion on indigenous peoples’ human rights in relation to business enterprises

Statement delivered by Jesse McCormick on behalf of the Deshkan Ziibing Anishinaabeg, also known as Chippewas of the Thames First Nation.

Chippewas of the Thames First Nation considers that engagement between the Expert Mechanism and the Working Group on the issue of human rights and transnational corporations and other business enterprises to provide positive opportunities to advance the protection and promotion of the rights of Indigenous Peoples. We encourage the Expert Mechanism to continue its collaboration with the Working Group with the aim of securing enhanced consideration for the rights of Indigenous Peoples in the assessments and recommendations of the Working Group.

In order to effectively promote the rights of Indigenous Peoples in the business context it is necessary to address both the positive and negative effects of project development on Indigenous Peoples and to reflect on the benefits of collaboration with Indigenous Peoples for business entities.

Negative Effects of Business Activities

Chippewas of the Thames First Nation has encountered challenges in our efforts to ensure respect and recognition for our rights as Indigenous Peoples in the context of major infrastructure projects. The Line 9B Reversal and Line 9 Capacity Expansion Project has been authorized to carry heavy oil through our territory, across our rivers and in the areas where we practice our aboriginal and treaty rights. The Government of Canada has delegated the responsibility for discharging its duty to consult and accommodate to a quasi-judicial body, the National Energy Board, which has no mandate to meet with Indigenous Peoples or to address the concerns of Indigenous Peoples outside the context of its adversarial proceedings. As a result, we are denied the opportunity to work collaboratively with the Crown to resolve concerns relating to adverse effects from the project on our rights and interests. The Honour of the Crown that is embedded in the duty to consult and accommodate cannot be achieved in the context of adjudication.

Chippewas of the Thames First Nation requests that the Expert Mechanism stress the importance of using non-adjudicative methods to consult Indigenous Peoples and secure their free, prior and informed consent in relation to projects being developed within their traditional territories.
Benefits for Businesses that Engage Effectively with Indigenous Peoples

Ultimately, businesses must be persuaded to see the value of positive relations with Indigenous Peoples in order to ensure the effective promotion and protection of the rights of Indigenous Peoples. Positive engagement with Indigenous Peoples can offer many benefits to businesses and Chippewas of the Thames First Nation strives to develop relationships with businesses that are mutually beneficial. In order to work effectively with businesses it is sometimes necessary to reach beyond the rights based discourse and to discuss how strong relations with Indigenous Peoples can have tangible impacts on business success.

Chippewas of the Thames First Nation recommends that the Expert Mechanism emphasize the business value of fostering and promoting positive relationships between businesses and Indigenous Peoples by highlighting the positive business outcomes associated with risk management, positive reputations and improved efficiency in project development.