

WORKING PAPER SERIES

Document N° 196
Territorial Cohesion for Development Working Group

Indigenous Participation in Resource Development: A Paradigm Shift

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June 2016

An earlier version of this document was prepared for presentation at the International Conference on Territorial Inequality and Development (Puebla, Mexico, January 25-27, 2016) hosted by the Territorial Cohesion for Development Program of Rimisp – Latin American Center for Rural Development and sponsored by the International Development Research Centre (IDRC, Canada).

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Citation

Molodecky, Sonia. 2016. Indigenous Participation in Resource Development: A Paradigm Shift. Working Paper Series N° 196. Rimisp, Santiago, Chile.

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Indigenous Participation in Resource Development: A Paradigm Shift

ABSTRACT

Indigenous Peoples as a demographic are amongst the poorest and most marginalized on the planet. Many have been displaced and exist in territories where extreme conditions make sustainable economic development challenging, with infrastructure, water and energy costly and unstable. Often times, traditional ways of life are no longer able to get them out of the poverty which they face. Government programs to a large degree have proven ineffective and can serve to perpetuate the inequality and marginalization that persists. As a result, many communities have looked elsewhere for solutions. While the old paradigm in resource development at best did little to close the gap in territorial inequality of these marginalized communities, new tools are emerging that are developed through community participation, rooted in collaboration and empowerment. Resource development today more than ever before presents opportunities for both sides to enrich each other's lives and that of the global collective.

Resource development exists in some of the most remote parts of the globe, often alongside Indigenous Peoples. It brings with it billions of dollars in investment, jobs, business opportunities, programs and attention to often times forgot regions of the world. While successful examples of resource development bridging the inequality gap have historically been few and far between, instead fostering a slew of social and environmental problems and perpetuating inequality, we are seeing more and more success stories. Resource development, if done right, can transform societies even the poorest economies.

This paper will suggest that through Indigenous participation in resource development, a new model based on true collaboration is born which can be a powerful solution to territorial inequality. This paper will look at new opportunities and models in resource development that can serve to empower communities and reduce inequality through best practice examples and case studies from the Canadian context and the potentials that exist elsewhere, particularly in Latin America. It will highlight factors that have been seen to exacerbate the problematique such as land rights, resettlement and the environment. Lastly, it will look at regions which have proactively developed and implemented regional development strategies around mining such as Northwest Territories (NWT), in areas of historically marginalized Indigenous groups, using mining to transform territorial inequality into a competitive edge.

1. INTRODUCTION

Being faced with extreme poverty across the globe, Indigenous Peoples are consistently moving towards cash-based economies to supplement their subsistence living. Due to their inherent connection with their lands, their immediate environment, identity and their cultural traditions, they are not readily mobile or apt to move to cities in search of greater economic opportunities. They must look closer to home for their opportunities. Resource development – mining, oil and gas, hydro-electricity – has been seen by many Indigenous communities as one solution for the growth of a cash-based economy. In its rapid growth, resource development is increasingly moving further into more remote regions where developers are coming face to face with Indigenous communities, in many cases neither party knowing how to handle the new relationship in constructive ways. While resource development has been ridden by conflict and a slew of social problems, perpetuating its negative stigma, there are emerging new approaches that are creating long-term sustainable economic growth and solutions to territorial inequality in some of the world's most marginalized regions.

The concept of territorial equality builds bridges between economic effectiveness, social cohesion and ecological balance. In order to achieve this integrated equality, a new approach to economic growth and resource development must be sought, one that includes Indigenous Peoples as active participants in determining the strategic direction that will be pursued. Indigenous Peoples have a wealth of knowledge to contribute, ensuring natural features are protected for future generations. As we have seen in Canada's North, the integration of social, environmental and economic considerations requires that people are well-informed, their cultural values are respected and they are able to be part of the decision-making process on issues respecting their future and that of future generations. The future envisioned is one of equity, in which Indigenous Peoples are partners with industry in establishing sustainable development in their territories.

2. THE INDIGENOUS CONTEXT

Indigenous Peoples as a demographic are amongst the poorest and most marginalized on the planet. Indigenous Peoples constitute about 5% of the world's population yet account for about 15% of the world's poor (IFAD's Rural Poverty Portal¹). Indigenous Peoples make up about one third of the world's 900 million extremely poor rural people (IFAD). During the 1990s the Indigenous poverty gap in Latin America grew to be wider than in previous periods and is getting wider (World Bank). A recent study indicated that ending the marginalization of Indigenous Peoples could bring about the expansion of the national economies of Bolivia (by 37%), Brazil (by 13%), Guatemala (by 14%) and Peru (by 5%) (IFAD).

Two centuries ago Indigenous People lived in most of the earth's ecosystems. Today they have the legal right to use only about 6% of the planet's land and in many cases their rights are partial or qualified (IFAD). In Canada, Aboriginal Peoples may be granted rights over land by way of historical treaties or through common law. Whereas in Latin America, treaties were never signed and Indigenous Peoples are taking their claims over ancestral lands to the government and courts. Although Latin America's Indigenous Peoples have gained some legal recognition of their collective land rights, land rights are only recently being considered and are being addressed slowly. One recent victory can be seen in the case of the Maya people of Southern Belize who had their land rights affirmed in domestic and international courts in 2015. Today, 15 Latin American countries have also ratified the ILO 169 Convention, although, its application is met with varying results.

Many Indigenous Peoples have been displaced and many others exist in remote territories where sustainable economic development is challenging, with infrastructure, water and energy costly and unreliable. These remote areas are difficult to reach and they therefore lack access to commercial markets, adequate health and educational services. Discriminatory and exclusionary policies have

¹ The data for IFAD and World Bank references are from http://www.ruralpovertyportal.org/topic/statistics/tags/indigenous_peoples

historically created deep rooted marginalization, exacerbating the poverty trap. And the reality today is that for many communities, their traditional ways of life are no longer sustainable nor able to get them out of the poverty which they face. For example, for many Aboriginal Peoples in Canada's North, trapping is no longer a viable way of life. Conversely, across Latin America, small scale family farming is still very much a reality. But this too is changing. Cultures are not stagnant. Indigenous youth are embracing new technologies and searching for new ways to integrate modernity into their traditional ways of life. The bush economy is evolving to meet the new needs of society and community alike.

Indigenous communities around the world are searching out cash-based economic opportunities to help them get out of poverty. Theories of localization argue that people will seek out opportunities where they exist, creating mobility of labor and capital between regions. *The World Development Report 2009: Reshaping Economic Geography* (World Bank, 2009) argues that economic integration - growing cities and ever more mobile people - are essential for economic success in the developing world. Yet for Indigenous Peoples, the story is a different one. Their unique connection to their lands and territories, as an extension of their culture and peoples, has kept them from leaving in search of opportunities elsewhere. While some youth are beginning to leave to major cities in search of education and better jobs, communities as a whole are looking for opportunities in and around their traditional lands, and many youth come back home when jobs become available.

3. HISTORICAL LEGACY OF RESOURCE DEVELOPMENT

Resource development exists in some of the most remote parts of the globe, often alongside Indigenous Peoples. It brings with it millions and billions of dollars in investment, jobs, business opportunities, programs and attention to often times forgotten regions of the world. Resource development also brings with it a slew of social and environmental risks, potentially leaving communities worse off than where they were before, as communities face a massive influx of capital almost overnight. With low levels of financial literacy, money is often times squandered. Prostitution and alcoholism rise dramatically, along with domestic violence. Environmental degradation ensues, resulting from poor oversight, lack of regulatory enforcement and abandoned projects.

Resource development has been coined by Governments across the developing world as the 'engine for growth' in the coming decades. The race is on to attract some of the billions in investments. Twice as many mining concessions have been issued today in Peru, for example, than just 5 years ago. This is pushing resource developers further and further into remote territories where they are coming face to face with Indigenous Peoples. If proper measures are not put in place, this can create a context ripe for conflict and other social perils. Peru's National Office for Dialogue and Sustainability set the goal for 0 deaths for its dialogue tables around mining last year, and has not reached this goal. Social conflicts in Peru have increased by 300% during the last five years with 149 recent disputes involving extractive industries (Government of Peru, 2014). There were more than 400 serious conflicts documented involving mining in Latin America in 2014 alone. The number of disputes is on the rise. Over the last decade, more disputes in the extractives sector have resulted in international arbitration than ever before. Between 2001 and 2010, arbitration cases for oil and gas increased more than tenfold compared with the previous decade, while those for mining increased nearly fourfold. This dramatic increase reflects escalating tensions among stakeholders involved in the sector, culminating in disputes that have been difficult to resolve. Three recent expropriations (Repsol in Argentina, Rio Tinto in Guinea and First Quantum Minerals in the Democratic Republic of the Congo) have cost investors some \$13 billion. There are currently around \$25 billion in stalled mining projects around the world.

4. A PARTICIPATORY APPROACH TO DEVELOPMENT

While resource development has historically been viewed as a negative driver of growth in these regions, often perpetuating the inequality amongst marginalized groups, new approaches are emerging, rooted in community participation, collaboration and empowerment. Through Indigenous participation in economic development, as equal partners, along with government and industry, a new model based on true

collaboration is born which can be a powerful solution to territorial inequality in some of the world's most marginalized regions. Around the world in recent years, we have seen resource development turned into a competitive advantage for local economies and communities. In order to be truly sustainable, development must be viewed as a collaborative approach among industry, government and community, each sharing responsibility. Like a three-legged stool, if one leg is not equal to the others, the stool falls over. It is a balance of power and ultimately respect for all partners involved.

When considering the notion of territorial equality, we must also look at environmental sustainability as a necessary dimension in equalization. The concept of territorial equality comprises economic effectiveness, social cohesion and ecological balance, putting sustainable development necessarily at the heart of policy design. This includes: (1) maintaining/improving natural capital such as environmental quality; (2) maintaining and enhancing current ecosystem services and recognising future needs; and (3) recognising vulnerability to environmental risks. Sustainable development pursues economic competitiveness and capacity for growth, while preserving natural assets and ensuring social cohesion. This involves understanding environmental connections between and within regions such as water, materials, energy, and making these connections more sustainable by recognising interdependences of environmental and ecosystem services, recognising/avoiding negative environmental effects such as pollution, climate change, biodiversity loss, and recognising the importance of natural as well as just administrative boundaries in territorial governance. Indigenous Peoples have a lot to contribute in this arena. They, better than anyone else, understand the land and wildlife patterns, the interdependences of ecosystems and how to ensure all environmental impacts are properly considered. If we are serious about development in a truly sustainable manner Indigenous Peoples are the first ones we should invite to the table. It is therefore imperative that resource developers, governments and Indigenous Peoples find a way to work together in a way that benefits each other, the greater local economy where they operate and, in turn, the global collective.

5. THE CANADIAN CONTEXT

There are many examples in the Canadian context where this collaborative approach has proven successful. The mining sector in Canada is the largest employer of Aboriginal peoples outside the government. Aboriginal businesses contributed more than \$26 billion to the Canadian economy each year. Over 600 formal agreements between the industry and First Nations across Canada, and numerous Aboriginal-owned suppliers and Aboriginal contractors benefit directly from the continued success of the mining industry. Various Aboriginal Corporations have been developed, entirely independent of government funding. Many are guided by the philosophy that the well-being of their communities and environment is ensured, resulting in significant profits reinvested annually into the community and environmental safeguards put in place. Aboriginal Peoples have also contributed to more economically and environmentally sound projects through their participation and traditional knowledge. Remote communities have turned their territorial disadvantage into a competitive advantage, creating growth and prosperity for future generations.

5.1 Case Study #1: Tahltan Nation in Northern British Columbia

The Tahltan Nation is a remote First Nations community high in the mountains of British Columbia. In 1985, they had 98% unemployment in the winter, and 65% unemployment in the summer, on their Reserves. 80% of their members were on welfare. They had serious alcohol and drugs problems, a high suicide rate, and very low education standards. By 2006 the situation had been completely reversed, with summer employment standing at an amazing 100% and winter employment at 95%. They had graduated dozens of carpenters, welders, heavy duty mechanics, heavy equipment operators and truck drivers, kitchen staff, office administration workers, up to and including office managers and camp managers. And the number of high school graduates rose significantly. The suicide rate had dropped to zero and alcohol and drug programs were successfully implemented.

Today the Tahltan Nation continues to thrive. The Tahltan Nation Development Corporation (TNDC), the community corporation created for and by the community, today has 8 divisions including heavy

construction, an airline, an environmental company, catering and others, as well as 29 joint venture partnerships. The Tahltans currently have projects valued at CDN\$1.2 Billion. The Tahltans were also the first First Nation to sign an agreement with the Province of BC under the Clean Energy Act for land and water rentals. This equates to CDN\$2.5 million per year for 60 years or CDN\$150 million and, with the built-in escalation clause, this number could be as much as CDN\$450 million.

The Tahltans also have a significant portion of the NW Transmission Line contract, and they have signed a Tahltan Participation Agreement with Imperial Metals on the Red Chris Mine. The capital cost of this mine is CDN\$550 million, which will provide significant construction work and the long term contracts from on-going operations.

The TNDC owns approximately CDN\$35 million worth of equipment, an office/shop complex worth about CDN\$2 million, and holds approximately CDN\$15 million worth of securities.

The TNDC also has one of the strictest environmental and heritage assessment teams in Canada, with 22 Tahltan members professionally trained to monitor and assess environmental and heritage risks and impacts daily. The number one policy in their Community Resource Development Policy is that no project in Tahltan territory will pose irreparable harm to the environment. And it is strictly enforced.

What started out as an idea is now a Corporation worth CDN\$50 million. Last year, TNDC won the award for best Aboriginal business in British Columbia.

How did they get there?

Since they left the “bush economy” and entered the “cash economy”, they needed a strategy and vehicle to bridge the gap and move their Nation forward. In March 1985, the TNDC was born. They knew they couldn’t develop a Nation-Building strategy with their on-Reserve resources so they looked off-Reserve to their natural resources. They created a Resource Development Policy more than 20 years ago, which set out how resource development would be pursued in Tahltan territory, taking into consideration economic, social and environmental dimensions of growth. They believed that if resource developers and the Tahltan Tribal Council could reach agreement embracing the points noted therein, then Tahltans, the developers, and all other Canadians would enjoy equitable benefits from each resource development undertaken, and there would be business harmony within Tahltan traditional territory. This document formed the basis of the later published “Out of Respect” which resulted from a series of workshops between the Tahltans, mining companies and the BC government, setting out how resource development and economic development would be managed in the Tahltan territory. With document in hand, they negotiated agreements with resource developers and joint venture agreements with service suppliers. The Tahltan Nation is today one of the most successful and sustainable First Nations communities.²

5.2 Case Study #2: The Northwest Territories (NWT)

The NWT has a population of approximately 42,810, half of which is Aboriginal. About a third of people live in small communities, a quarter in mid-sized communities and more than 40% live in the largest community of Yellowknife. There is a great deal of diamond mining, with global companies such as Diavik Diamonds, Debeers Canada Mining and BHP Billiton Diamonds. By the mid-2000’s there was an increasing recognition that local community economies could not be self-sustaining without participating in the larger economy such as resource development. As a result, for the past decade, there has been significant collaborative efforts between communities, governments, educational institutions and the mining industry to build local capacity. It has been recognized that in order for the progress to be sustained, the growth in capacity must be multi-dimensional, encompassing economic, environmental and social aspects.

² Information sourced from P. Jerry Asp, Chief of the Tahltan Nation at the creation of the TNDC. P. Jerry Asp is co-founder and Chairman of Global Indigenous Development Trust.

Land claim settlements with Aboriginal peoples and the implementation of the Mackenzie Valley Resource Management Act in 1998 resulted in the creation of new northern decision-making bodies to govern and oversee land, water and resource use and extraction. The transfer of decision-making authority resulted in the emergence of seven new local Boards with the NWT – all with Aboriginal representation – to deal with land, water, and the environment. Through this, the interests of northern peoples are better reflected through the northern decision-making processes. For example, incorporating both traditional and scientific knowledge is key to the economic, social and environmental decisions that are reached.

During the 1990s, the Aboriginal population made strides in developing partnerships with industry and improving their economic situation. Many Aboriginal communities put in place appropriate business structures in a move to become more self-reliant. This entrepreneurial spirit allowed the overall economy to stretch and build capacity for a sustainable future. A significant trend in support of Aboriginal participation in mining has been business partnerships and joint ventures between Aboriginal organizations, mining and mining service companies. Aboriginal leaders have built a solid understanding of where opportunities exist or are likely to emerge that align with the aspirations and potential of the community. A number of government programs are also available to assist Aboriginal organizations to capitalize on opportunities presented by the mining industry. The relationships that have been forged between Aboriginal people and the private sector are based on a common vision of what sustainable development means at the community level, a respect for the legitimate interests of each of the parties and a shared belief that there will be mutual benefit in both the short and longer term.

Today, the NWT Aboriginal business directory lists over 200 Aboriginal owned businesses. Aboriginal businesses and joint ventures have expanded in the food services, construction, trucking, transportation services, communications and businesses to support the diamond mining sector. It is estimated that upwards of 1000 Aboriginal persons are employed within these newly created companies, with company revenues in excess of \$100 million. From 1996-2011, the three mining companies spent a total of \$12.8 billion to build and operate the mines. Of this, \$9.25 billion (72%) was spent with northern companies and joint ventures, including \$4.2 billion or 33% with Aboriginal companies (“Measuring Success: The Positive Impacts of Diamond Mining in the NWT 1998-2012”, BHP Billiton/Debeers/Rio Tinto Report). Combined, the three companies have directly contributed \$102.8 million to local communities over the past 15 years and have generated an estimated \$1.6 million for the Territorial Government in 2013, with about \$23 million expected between 2013 and 2030 (“Measuring Success”). As we have seen in Canada’s North, the integration of social, environmental and economic considerations requires that people are well-informed, their cultural values are respected and they are able to influence the decisions respecting their future and that of future generations. This will be further developed through the Northwest Territories Mineral Development Strategy developed in collaboration with industry, communities and government in 2013.

While both examples have differences in history, experience and land rights, the connecting link can be seen as each of these communities being empowered as active participants and equal partners in their development, leveraging resource development for sustainable growth.

6. OPPORTUNITY FOR LATIN AMERICA

These models and approaches can be applied and further enhanced in the Latin American context. We can see in Peru communities beginning to engage in real equitable partnerships with service suppliers, and in Belize where communities have recently won their land rights and are working to create a new model for sustainable development of their territories. We are also seeing successful methods of sharing knowledge and experiences with successes in Canada through North/South learning exchanges and partnerships³.

³ Global Indigenous Development Trust leads learning exchanges with Indigenous leaders from Peru to Canada to exchange learnings with Canadian First Nations communities and the Canadian mining industry.

6.1 Peru: Chumbivilcas

Investment in Peru's mining sector has grown exponentially in recent years, helping the Peruvian economy grow at an average of 6.4% annually over the past decade (The Economist, March 29, 2014). Yet significant numbers of Peruvians continue to live in poverty and, as a result, the sector has been a catalyst for conflict. Chumbivilcas is in the center of Peru's "copper belt", with more than US\$5 billion of investment having flowed to the Province by 2012, and more than US\$1,173,000 in 2014 alone, ranking it among the highest for foreign investment in the Region (Peru Ministry of Mines and Energy, Mining Statistics Bulletin, September 2014). With a population of 72,000, Chumbivilcas is also one of the poorest Provinces in Peru. Yet it is in the same Region as Machu Picchu – the number one tourist destination in the world, which brings in millions of tourists and tourist dollars each year to the local economy. In 2013, the regional poverty rate of Cusco was 18.78%, with extreme poverty at 2.70%; Chumbivilcas had a poverty rate of 85.7%, with extreme poverty at 56%; 59% of people are living without water and 82% without electricity; 42% of women are illiterate and 53% of children are suffering from malnutrition (Government of Peru, MIDIS, 2014). Distance made services unreachable and these communities existed very much in isolation from the rest of the country.

When Hudbay Minerals came to Chumbivilcas in 2011, strong partnerships began being forged between the mining company, local governments of Chumbivilcas, NGOs and academic institutions to capitalize on a multitude of regional initiatives. It was a slow journey wrought with differing views and ideals. Today, through collaboration, health and education are being strengthened and local capacity is being built. Communities are learning about good governance and beginning to negotiate Peru's first ever joint venture partnerships with service suppliers in the mining sector. These communities are taking their territorial disadvantage and turning it into a competitive advantage. Hudbay has realized the importance of collaboration and partnerships, knowledge exchange and capacity building. These groups have begun participating in learning exchanges to Canada to learn and share about mitigation of risks and implementation of best practices. Peruvian community leaders have come back to Chumbivilcas and are beginning to create organizations for the implementation of sustainable milk production initiatives, renewable energy projects, international standards of education and environmental stewardship. By empowering the communities with knowledge, capacity building and a voice in the decision-making process, the communities are empowered to be the drivers of their own development.

6.2 Belize: Toledo, Southern Belize

The Maya people of Belize have inhabited the Toledo District of Southern Belize and the surrounding region long before the arrival of the Europeans and the colonial institutions that gave way to the modern State of Belize. The Maya society in Southern Belize is made up of 39 Maya villages, composed of two linguistic subgroups, the Q'eqchi and Mopan. For more than two decades, the Maya people have been actively engaged in the struggle for the recognition and protection of their rights to the land and natural resources which they traditionally own and occupy. In 2015, both international human rights bodies and the domestic courts of Belize have recognized and affirmed the Maya peoples' rights to their land and natural resources based on customary use and occupancy. In furtherance of their developmental agenda, the Maya people resolved, among other things, to:

- Enhance Maya governance capacity, by developing the necessary governance structures, and skills training of members of the Maya communities in order to drive and sustain their development agenda; and
- Engage in sustainable development on Maya lands and to seek partnership with state and non-state entities committed to a respectful relationship and responsible development of their lands and resources.

Maya leaders are exploring opportunities for collaboration and equal partnership with businesses and relevant organizations in order to develop appropriate business models to advance the development

agenda of Maya communities. There are opportunities on Maya lands for eco-tourism, health and wellness and food businesses such as cocoa, as well as natural resource development (oil and gas, mining). The Maya people are prepared and ready to be authors of what the development of their lands looks like. With their land rights victory, they are chartering a new path forward, setting the course for development of their lands in an equitable and sustainable manner. This will involve a slew of territorial development programs such as: capacity building, education and skills training, long-term development planning, good corporate governance and business structuring, environmental and resource management, building strategic partnerships for development, supporting innovation and social enterprise, access to credit and managing social and cultural risk that comes with economic development, to cultivate the desired socio-cultural and economic development of Maya communities. While the programs are supported by project partners, they are driven entirely by the Maya communities themselves.

7. CONCLUDING THOUGHTS

Empowering communities as equal partners in development will lead to more equal and sustainable development. These examples demonstrate parties who come to the table to work together as partners and share a common vision for the future economic prosperity of a region. Resource development can in fact be a catalyst for territorial equality of remote rural regions where little other opportunity exists for communities to thrive. Particularly in the case of Indigenous Peoples who have a special connection to their lands and are less likely to leave their traditional lands in search for more opportunities elsewhere. Indigenous Peoples too have a lot to contribute to the sustainable development of their territories. While the word empowerment still generates some level of fear amongst resource developers and governments, it is the missing link to bridging the poverty gap in these marginalized communities. Empowerment means not only providing knowledge and capacity exchange (both ways), but also a platform to be heard – a seat at the table as equal partners and decision-makers. Empowering communities will ultimately enable a positive course forward for sustainable resource development and sustainable territorial economic development.

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