



## **BELFAST ASSEMBLY 2022**

SECURITY COMMISSION  
ADOPTED RESOLUTION

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**RESOLVED:** The Congress of Nations and States shall create, promote, and utilize mechanisms centering the primary stakeholders' responsibilities as stewards of lands in question, including biodiversity, when Nations, States, and corporations express an interest, in theory or in practice, in extracting resources from a particular area and to enhance consultation and facilitate obtaining consent from all people with current or historical roots to the land in question.

**FURTHER RESOLVED:** The Congress of Nations and States shall encourage review of key existing mechanisms, for example ILO 169 (1989), UNDRIP (2007), etc., to determine whether they meet fairness requirements to ensure that consultation processes are respected, and free and informed consent is secured for projects.

**FURTHER RESOLVED:** CNS will recognize the right to self-defense on territories and lands.

**FURTHER RESOLVED:** The Congress of Nations and States Assembly shall mandate the Environmental Commission review the relationship between extractivism and climate change and establish pathways for nations and states to avoid further environmental catastrophes and destruction of land and heritage.

**FURTHER RESOLVED:** The Congress of Nations and States Assembly shall mandate that the Justice Commission undertake a comprehensive review of national and state laws that preclude control of Indigenous lands, leading to the perpetration of human rights violations.

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## **BELFAST ASSEMBLY 2022 BACKGROUND REPORT**

### SECURITY COMMISSION

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The 2020-2022 Security Commission, which has a substantial amount of experience related to security issues, determined that one of the chief security concerns for stateless peoples was the threat that corporations and states pose through extraction of natural resources. The commission then solicited feedback from participating organizations within the Congress of Nations and States (CNS) to gauge the impact and importance of this threat.

We sent out two surveys and checklists where participants could prioritize their concerns and received over 30 responses from CNS participating organizations. Their words gave us a glimpse into their lived experiences and helped our committee formulate this protocol to reiterate their concerns accurately. The 2020- 2022 Security Commission adopts the definition of some terms (consultation, consent, etc.) defined by the United Nations in their Free, Prior, and Informed Consent Doctrine and the Congress of Nations and States Charter.

Our goal as CNS Security Commissioners is to echo participants' concerns rather than speak for them. Using our participants' testimonials as evidence, it is our objective to bear witness to their experiences and represent their realities faithfully. Accordingly, in the text that follows, we quote directly from their responses. For instance, one CNS participant responded that, *"The state takes lands, and the excuse is for national development.... For example, the right to life depends on the right to clean water and sanitation, housing, and access to health care. These [rights] must be available without discrimination based on wealth, race, ethnicity, gender, age, sexual identity and orientation, political affiliation, or immigration status."*

Several CNS participating organizations also emphasized Indigenous stewardship of resources as an important facet to protecting their ways of life and ensuring their security. Among the testimonies, one CNS participant wrote, *"We underscore the need for land ownership by Indigenous people for the promotion and protection of human rights, as well as the rights of Indigenous refugees both domestically and abroad. This [goal] should include ensuring refugees have rights as citizens to their lands and the right to justice."*

With regards to stewardship, another participant testified how, *“The lack of sufficient access to our own sites is partially the result of the governing state's antipathy toward Indigenous peoples, the historical relationship of Indigenous peoples to those sites, and their rights of ownership over those sites.”*

References to climate change was another recurring theme, especially as it intersected with questions of sovereignty. For example, one participating organization noted how: *“The issue of climate change can no longer be left to interested countries and corporations. Indigenous nations must take their own future into their hands and begin to legislate laws designed to save the planet and Indigenous nations with it.”*

Climate change appeared again in the statement of another participating who recommended that, *“Returning the control of Indigenous lands and granting consent to development on their own terms to Indigenous people are among important ways that the Commission can [...mitigate] climate change as well as [influence] social behavior.”*

Participants also raised concerns about the future climate threats posed by extractive industries, noting that: *“The long-term consequences of extractive policies that have no bounds are visible today. If before they only resulted in drought in the [global] South, today the adverse effects of these short-sighted policies are felt everywhere. The North is becoming warmer and warmer, snow is not falling anymore in the North, and the water levels rise to inundate islands in the South. Flooding is felt in the North as well; fires are felt in the North as well, [and] all this [occurs] with devastating effects on us all.”*

Lastly, surveys revealed the necessity to tackle the issues legally and address the lack of [Indigenous] control over their lands. For instance, one member declared, *“Indigenous people must have legal say over states exploiting Indigenous lands and companies' authority to lease lands and [extract] resources [on] Indigenous people lands. The creation of such laws [should] focus... on Indigenous ownership given that a dedicated mandate would enable the Indigenous [...communities] to elevate ... work on controlling [land use in] a systematic and sustainable way.”*

This recommendation was similar to other participants who suggested, *“It is vital that new international laws be adopted dealing with Indigenous nations rights over lands and resources that will allow Indigenous control.”* Another noted that, *“We have undertaken processes of autonomy for self-determination over our lands in order to stop exploration of our resources.”*

We furthermore respond to feedback from CNS participants to our initial protocol and background paper, with the following additions:

- The concern for protecting biodiversity must be highlighted and emphasized as an essential role of Indigenous Peoples in addressing climate change and biodiversity loss.
- Maintaining access to waterways and water resources, including access to fishing is very important.
- Competing claims to lands grounded in diverging occupational timeframes, complex histories, and legal paradigms should be acknowledged.

- Studying the impact of the project on the environment from an accredited and independent body, while guaranteeing the population’s right to counter-study and international arbitration is very important.
- The importance of longstanding international mechanisms, along with the existing constitutional frameworks of many states, that address these concerns and must be enforced, such as:
  - ILO 169 (1989): State signatories to International Labor Organization Convention 169 on Indigenous and Tribal Peoples (1989) shall be held accountable for failing to abide by their commitment to respecting the integrity of Native lands per Part II of the Convention, and particularly Article 15, Number 1: “The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.”
  - UNDRIP (2007): State signatories to the UN Declaration on the Rights of Indigenous Peoples (2007) shall be held accountable for failing to abide by their commitment to respecting the integrity of Native lands per articles 26, 27, and 32, which establishes that: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources...”).

We would like to close with the words of one participant who declared: *“It is clear that there is a need for a global code of conduct for the extractive industry, which is part of what is called ‘sustainable development.’”*

It is our hope that our Resolution is one small step in starting a conversation as to why a global code regarding these issues is necessary.

**Commissioners:**

**Thoreau Redcrow, Lorraine Bayard de Volo, Tracy Devine Guzman, Elias Offor, Bernard C.Perley**

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