



United Nations Special Rapporteur
on the rights of indigenous peoples



AGENDA

Mining and Indigenous Peoples

*A Dialogue to Advance Common Understanding of
Indigenous Peoples' Rights in the Context of Mining*

Monday, 12 November 2012

5:30 pm – Social Hour

6:30 pm – Dinner

Marriott Tucson University Park Hotel – 880 E. 2nd Street
Canyons Room

Tuesday, 13 November, 2012

7:30 am – Continental Breakfast

8:30 am – Dialogue Meeting

Marriott Tucson University Park Hotel – 880 E. 2nd Street
Madera Room

Professor James Anaya, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, and Dr. Mary M. Poulton, Director of the Lowell Institute for Mineral Resources at the University of Arizona, have organized this invitational dialogue with representatives of the mining industry and consultants to share experiences and insights about the rights of indigenous peoples in the context of mineral development. The dialogue will focus on developing a shared understanding of relevant international human rights standards and strategies for operationalizing these in the context of mining projects.

The meeting will consist of several sessions, each with suggested discussion points focusing on practical concerns and issues mining companies encounter when working within or close to the lands or territories of indigenous communities.

TUESDAY, NOVEMBER 13

8:30 – 9:00 am	<p>Welcome & Introductions</p> <ul style="list-style-type: none"> • Review goals and agenda • Introduction of Participants
9:00 – 10:15	<p>Opening Remarks by the Conveners</p> <ul style="list-style-type: none"> • Mary Poulton – Director, J. David Lowell Institute for Mineral Resources and Department Head, University of Arizona Department of Mining and Geological Engineering <i>Welcome and overview of Lowell’s mission and programs.</i> • James Anaya – UN Special Rapporteur on the Rights of Indigenous Peoples <i>Observations and insights from Professor Anaya’s ongoing work concerning the promotion and protection of the rights of indigenous peoples in the context of extractive industry projects.</i> <p>Feedback, Q & A</p>
10:15 – 10:30	BREAK
10:30 – 12 noon	<p>Panel & Open Discussion: Company Policies Relating to Indigenous Peoples</p> <p>How are companies addressing/managing issues concerning indigenous peoples that relate to their projects?</p> <ul style="list-style-type: none"> • <i>What policies are being developed/adopted, and how effective are they?</i> • <i>What is, or should be, the relationship between international standards concerning the rights of indigenous peoples and company policies?</i> • <i>What are the main challenges?</i> • <i>What is needed to address and resolve the challenges?</i> <p>Feedback / Q & A</p>
12:00 – 1:00	LUNCH
1:00 – 2:45	<p>Policy to Practice Breakout Groups</p> <p><i>Objective – Shared learning on approaches and challenges.</i></p> <ol style="list-style-type: none"> 1. When working with indigenous communities: <ul style="list-style-type: none"> ✓ To whom do/should you first reach out, and how? ✓ When do you begin a process of engagement? ✓ What are the key steps in your engagement process? ✓ What is or should be the role of the government? <p><i>[continued]</i></p>

	<p><i>[Policy to Practice Breakout Groups, Continued]</i></p> <p>2. In your experience, what factors have hindered efforts to engage or negotiate effectively with indigenous communities?</p> <p>3. How do you treat monetary costs associated with implementing policies or negotiating agreements (i.e., compliance costs, negotiation/mediation, risk management, benefit sharing etc.)?</p> <p>Report-back / Q & A</p>
2:45 – 3:00	BREAK
3:00 – 4:30	<p>Negotiating with Indigenous Communities</p> <p><i>Selected Case Examples</i></p> <ul style="list-style-type: none"> • What was the approach to negotiation or agreement-seeking? • What were the most difficult issues, and how were they overcome? • What was the outcome? <p>Discussion</p> <p><i>What are key elements of a robust, implementable agreement?</i></p> <p><i>What are the practical concerns?</i></p>
4:30 – 5:45	<p>Panel & Open Discussion: Dialogue to Action</p> <ul style="list-style-type: none"> • What are the main concerns or areas of tension in the extractive industries with respect to current and emerging standards / practices relating to indigenous peoples? • How can those concerns best be addressed? • What needs to happen to improve the way industry and indigenous communities negotiate agreements? • What can the academic and research community contribute toward a more common understanding of issues associated with indigenous peoples' rights and interests? • What can the UN human rights system contribute in this context?
5:45-6:00	<p>Wrap up & Next Steps</p> <p><i>Feedback from the conveners and participants</i></p>

Meeting facilitators:

Kate Kopischke
RESOLVE
kkopischke@resolv.org

Cecilia Dalupan
Sustainable Development Strategies Group
cdalupan@sdsd.org