

# Divest McGill

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## THE SOCIAL INJURY FROM THE PLAN NORD AND NON-CONSENSUAL RESOURCE EXTRACTION

By Divest McGill<sup>1</sup>

### Summary

The students, alumni, faculty, and staff of McGill University have made clear their strong desire to see responsible investment practices be adopted by this University. McGill must divest its holdings in companies lobbying for the Plan Nord and in companies doing business on native land without the permission of the native communities who own the land.

*The university is in a privileged position to lead on such issues, and therefore has a responsibility to preserve that position whenever possible by ensuring that the university is not tied to destructive industries or initiatives.*

-Joseph Sannicandro

The Plan Nord is a massive project that will occur on the land of the First Nations and Inuit peoples of Northern Quebec without their permission. McGill maintains investments in companies lobbying for the Plan.

Similar projects exist across Canada, including in Alberta and British Columbia. Across the world, many corporations do business on the traditional, protected land of native communities without their free and prior consent.

The significant legal protections afforded aboriginal peoples and communities are often violated and willfully ignored.

We require significant action from the Board of Governors to redress this situation. It is clear that action is needed to ensure that this University's investments are in line with this community's values.

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<sup>1</sup> All box quotes come from community members who signed the petitions.

## Legal Backing

Indigenous communities are protected by the United Nations Declaration on the Rights of Indigenous Peoples,<sup>2</sup> which provides for the collective and individual rights needed to safeguard native peoples' cultures and religions, lands and territory, and self-determination and consensual governance. Canada is a signatory to the Declaration.

In particular, the Declaration protects the rights of indigenous peoples to their land, which may not be taken or put to uses without free, prior, and informed consent of the communities, and more specifically the rights of aboriginal peoples to maintain their cultural, spiritual, economic, and conservation practices on their traditional land.<sup>3</sup>

*I will never donate money to McGill if my money will end up in these places.*

-Sarah Fiorito

First Nations and Inuit peoples in Canada are afforded additional enumerated protections by the Charter of Rights and Freedoms,<sup>4</sup> through sections 35 and 35.1 of the Charter,<sup>5</sup> which reaffirms the government's commitment to existing aboriginal and treaty rights, including the Declaration on the Rights of Indigenous Peoples.

Despite the significant legal protections of aboriginal peoples, those protections are often ignored and willfully violated by states and corporations. In particular, the traditional territories of First Nations communities in North America often lie over mineral or fossil fuel reserves and huge infrastructure projects often pass over their land; in Alberta, native peoples live overtop of and around tar sands reserves,<sup>6</sup> while in Quebec native peoples live overtop of and around significant mineral deposits, rivers with hydroelectric potential, and areas with high wind energy potential. In British Columbia, native peoples live in the path of planned pipelines transporting oil from the Tar Sands,<sup>7</sup> and similarly in Quebec

<sup>2</sup> United Nations. "United Nations Declaration on the Rights of Indigenous Peoples" (New York: 107<sup>th</sup> Plenary Meeting, 13 Sept 2007). <<[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)>>.

<sup>3</sup> Appendix 1 fully enumerates the relevant articles of the Declaration.

<sup>4</sup> Government of Canada. *Constitution Acts, 1867 to 1982: The Canadian Charter of Rights and Freedoms* Government of Canada: 1982. <<<http://laws-lois.justice.gc.ca/eng/Const/>>>.

<sup>5</sup> Appendix 2 fully enumerates the relevant articles of the Charter.

<sup>6</sup> See Divest McGill's brief, "The Social Injury of Tar Sands and Fossil Fuels."

<sup>7</sup> Mickleburgh, Rod. "B.C. Natives Willing to 'Go to the Wall' Against Enbridge Pipeline" (Vancouver: The Globe and Mail, 30 July 2012). <<<http://www.theglobeandmail.com/news/british-columbia/bc-natives-willing-to-go-to-the-wall-against-enbridge-pipeline/article4449911/>>>.

proposed highways and high-capacity electric lines traverse the lands of Northern aboriginal communities.<sup>8</sup>

## Plan Nord

Quebec's Plan Nord involves some of the largest, dirtiest companies on the planet and provides for extraordinary environmental destruction across huge swaths of Northern Quebec. Much of this will occur on native land, as the voices of indigenous peoples fall on the deaf ears of politicians.

*Plan Nord represents further environmental damage to our country. Surely any good and beneficial development in the north can be made with the consent of those that live and own the land?*

-Emily Martin

The Plan Nord is a plan proposed by the government of Quebec to exploit Northern Quebec. Called "the project of a generation," this 25-year project will incorporate \$80 billion in public and private funding.<sup>9</sup> It covers over 72% of Quebec, most of the land north of 49<sup>th</sup> Parallel.<sup>10</sup> Almost 1 in 4 of the 120,000 people in the region are of aboriginal descent; this includes 16,000 members of the Cree Nation, 16,000 members of the Innu Nation, 1,000 members of the Naskapi Nation, and 10,000 Inuit people living mainly in 14 northern villages.<sup>11 12</sup> If the Plan is imposed on the North, corporations, including Hydro-Quebec, and the Province will build hydroelectric dams, log the forests, construct poisonous mines, and construct a tremendous network of roads, ports, and airports to support the colonial project.

Despite intense opposition by many of the native peoples of Northern Quebec, environmentalists, and students, the new Parti Quebec government seems unwilling to

<sup>8</sup> Gouvernement du Québec. Ministère des Ressources naturelles et de la Faune. "Plan Nord: Building Northern Quebec Together: The Project of a Generation" (Quebec, 2011). <<<http://plannord.gouv.qc.ca/english/documents/action-plan.pdf>>>.

<sup>9</sup> Brandon, Jaqueline. "Still We Colonize" (McGill Daily, 25 Oct 2012). <<<http://www.mcgilldaily.com/2012/10/still-we-colonize/>>>.

<sup>10</sup> Gouvernement du Québec. Ministère des Ressources naturelles et de la Faune. "Plan Nord: Building Northern Quebec Together: The Project of a Generation" (Quebec, 2011). 8. <<<http://plannord.gouv.qc.ca/english/documents/action-plan.pdf>>>.

<sup>11</sup> Gouvernement du Québec. Ministère des Ressources naturelles et de la Faune. "Plan Nord: Building Northern Quebec Together: The Project of a Generation" (Quebec, 2011). 10. <<<http://plannord.gouv.qc.ca/english/documents/action-plan.pdf>>>.

<sup>12</sup> Consult Appendix 3 to see the location of First Nation and Inuit Communities in Northern Quebec.

change course. The sovereign nations of Quebec have been largely shut out of the discussion. According to a representative of the Innu Nation,<sup>13</sup>

Malheureusement, pour l'instant, nous ne sentons pas que nous ne sommes partie prenante de façon pleine et entière avec le gouvernement du Québec

## Dispossession and Destruction

Plan Nord has been described as the “Tar Sands of the East: dispossession of indigenous communities and destruction of the environment in one”.<sup>14</sup> Indeed, Denise

Jourdain, an Innu language teacher, explained her opposition to the Plan, saying, “I am fighting for the recognition of our rights and to protect our land, the Nitassinan. We say no to Plan Nord because it would mean our destruction.”<sup>15</sup> Jourdain walked 900 kilometres from Sept-Iles to Montreal to draw attention to the environmental destruction caused by the infrastructure projects and was one of twelve women jailed by the state for blockading Highway 138 to stop Hydro-Quebec from installing a high-power transmission line across their land.

The Plan involves opening up the North to some of the dirtiest industries on the planet, to tremendous localized destruction. The North produces all of Quebec’s platinum, nickel, and zinc, and most of its gold; mining could be expanded to exploit reserves of uranium, lithium, diamonds, and rare-earth metals.<sup>16</sup> While the government nominally designated select regions for environmental protection, the Environmental Minister of the ousted Charest government suggested that the protection offered would not preclude

*Investment in Plan Nord and the tar sands does not follow McGill's stated intentions. Your integrity is only as strong and as truthful as your word.*

-Justin Chisholm

<sup>13</sup> Meteopolitique. “Plan Nord du Quebec: Contre, Pour, entre les deux ou sans opinion”.

<<[http://meteopolitique.com/plan/fiches/finance/plan\\_nord/opinions/Plan\\_Nord\\_pour\\_ou\\_contre\\_sans\\_nuances.htm#Com](http://meteopolitique.com/plan/fiches/finance/plan_nord/opinions/Plan_Nord_pour_ou_contre_sans_nuances.htm#Com)>>.

<sup>14</sup> Brandon, Jaqueline. “Still We Colonize” (McGill Daily, 25 Oct 2012).

<<<http://www.mcgilldaily.com/2012/10/still-we-colonize/>>>.

<sup>15</sup> Indigenous Solidarity Montreal. “Press Release: Leading Indigenous Opponents of Plan Nord to Hold Press Conference to Challenge Business Convention” (Forum Anti-Colonial Contre le Plan Nord: 28 Sept 2012).

<<<http://www.indigenoussolidaritymontreal.net/press-release-leading-indigenous-opponents-of-plan-nord-to-hold-press-conference-to-challenge-business-convention>>>.

<sup>16</sup> Gouvernement du Québec. Ministère des Ressources naturelles et de la Faune. “Plan Nord: Building Northern Quebec Together: The Project of a Generation” (Quebec, 2011). 58.

<<<http://plannord.gouv.qc.ca/english/documents/action-plan.pdf>>>.

mining.<sup>17</sup> The process to extract many of these minerals creates extraordinary environmental damage that can persist for years, including the leaching of heavy metals into the soil and groundwater, deforestation, destruction of animal habitats, and the release of mercury into the air and water.<sup>18</sup>

Many of the traditional hunting and fishing practices of native communities are threatened by the Plan. A confidential report from the Ministère des Ressources naturelles et de la Faune obtained by *Le Devoir*<sup>19</sup> warns that all development on forested Cree land must stop for the threatened population of caribou to reestablish itself, and many indigenous peoples have expressed concern that Hydro-Quebec's proposed dams will do irreparable harm to river ecosystems.

Elyse Vollant, an Innushku woman from Maliotenam, decried the Plan Nord,<sup>20</sup> saying, "Plan Nord it will destroy the Nitassinan land and Hydro Quebec will damage the rivers."

### **McGill University's Investments in the Plan Nord**

**I**dentifying the companies that lobby for or will participate in the Plan Nord is difficult, as the Plan is not yet implemented and most corporations are not public with their interest.

The December 2011 report on the [Publicly Traded Equity Holdings](#) of the University is the most recent data available on McGill's current investments, and all information on the composition of McGill's investments comes from that list.

McGill invests in 645 publicly traded corporations. 15 are involved in the Plan Nord, 2.3% of the University's unique holdings. The number of shares in each is not publicly available at this time, although Access to Information requests filed under the *Act*

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<sup>17</sup> Squires, Jessica. "Jean Charest's Destructive Plan Nord" (Rabble, 2 Apr 2012). <<<http://rabble.ca/news/2012/04/jean-charests-destructive-plan-nord>>>.

<sup>18</sup> Larmer, Brook. "The Real Price of Gold" (National Geographic, Jan 2009). <<<http://ngm.nationalgeographic.com/2009/01/gold/larmer-text/1>>>.

<sup>19</sup> Nadeau, Jessica. "Plan Nord — Nouvelle menace pour le caribou forestier: Les coupes forestières et le prolongement de la route 167 accentuent le déclin de la harde » (*Le Devoir*, 30 Aug 2012). <<<http://www.ledevoir.com/environnement/actualites-sur-l-environnement/358063/nouvelle-menace-pour-le-caribou-forestier>>>.

<sup>20</sup> Dangl, Benjamin. "Connecting the Struggles: Regional Activists Greet New England Governors' Conference with Protests" (*Toward Freedom*, 30 July 2012). <<<http://www.towardfreedom.com/americas/2916-connecting-the-struggles-regional-activists-greet-new-england-governors-conference-with-protests>>>.

respecting access to documents held by public bodies AND the protection of personal information will hopefully provide further insight to members of the McGill community.

The companies identified are members of Quebec professional associations that are lobbying for the plan, including the AEMQ, the ACRGTQ, the Association des Ingenieurs-conseils du Quebec, the AQME, and the AQPER, which have publicly participated in conferences promoting the Plan.

The complete list of companies identified is available in Appendix 4.

## Stolen Native Land

Development without consent happens across the world. In Canada, native communities from the West Coast to the East Coast are resisting projects of tremendous scale and destructive potential.

British Columbia faces its own challenges, as Enbridge builds a pipeline from Alberta's Tar Sands to the coast. Grand Chief Phillip, President of the Union of B.C. Indian Chiefs, urged federal and provincial ministers to reject the project, saying,<sup>21</sup>

Our people are prepared to go to the wall against this. There is no doubt about that. There is absolutely no way we will tolerate a project that would violate the environmental integrity of our traditional territories along the pipeline route and along the B.C. coast.

*Let us dare to be wise  
and respectful, I no  
longer wish to stand for  
anything otherwise.*

-Marilyne Tovar

The environmental integrity of the land of native communities is a right guaranteed by the Declaration and therefore by the Charter, but Chief Jackie Thomas, of the Saik'uz First Nation, decried the federal "bully tactics" being used to push through the pipeline.<sup>22</sup>

Development that occurs without the consent of the communities involved is theft. The right to self-determination over the use of traditional land is protected in Canada and across the world, and violations of those basic collective rights cannot be endorsed.

<sup>21</sup> Mickleburgh, Rod. "B.C. Natives Willing to 'Go to the Wall' Against Enbridge Pipeline" (Vancouver: The Globe and Mail, 30 July 2012). <<<http://www.theglobeandmail.com/news/british-columbia/bc-natives-willing-to-go-to-the-wall-against-enbridge-pipeline/article4449911/>>>.

<sup>22</sup> McCarthy, Shawn. "Decrying Federal 'Bully Tactics,' B.C. Natives Vow to Block Pipeline" (Ottawa: The Globe and Mail, 13 Mar 2012). <<<http://www.theglobeandmail.com/news/politics/decraying-federal-bully-tactics-bc-natives-vow-to-block-pipeline/article534873/>>>.

## Financial Institutions

Quebec's Plan Nord would marshal tens of billions in public and private capital investments, the tar sands are the world's largest capital project, and development on native land the world over is often capital intensive. Those investments come directly from financial institutions, endowments, and pension funds. These financial institutions enable everyday exploitation of native communities, facilitating the extraction of resources, pollution of the air and water, and destruction of cultural and spiritual spaces. The participation of financial institutions in the localized destruction caused by these companies is willful and irresponsible, and they are equally culpable for the damage caused by these practices.

## Our Responsibility

McGill University invests in companies that violate international treaties and the basic rights of indigenous peoples across the world. We, the students, alumni, faculty, and staff of McGill University, demand:

- That the Investment Committee immediately begin to dispose, in an orderly and responsible fashion, of the University's holdings in corporations that profit from, lobby for, or are members of professional organizations or interest groups that lobby for Quebec's Plan Nord project, as determined by the Committee to Advise on Matters of Social Responsibility.
- That the Investment Committee dispose, in an orderly and responsible fashion in no longer than three years, of the University's holdings in corporations that do business on native land against the wishes of the native peoples of that land as determined by the Committee to Advise on Matters of Social Responsibility.
- That the Investment Committee dispose, in an orderly and responsible fashion in no longer than three years, of the University's holdings in financial institutions which have not adopted, as determined by the Committee to Advise on Matters of Social Responsibility, a policy of making no further loans to corporations that do business on native land against the wishes of the native peoples of that land.

*I call on McGill University, as a responsible and leading organization in education, to divest its holdings in fossil fuels companies and companies that lobby for the Plan Nord.*

-Hossai Majid

## APPENDIX 1: RELEVANT ARTICLES OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES<sup>23</sup>

### *Article 8*

2. States shall provide for effective mechanisms for prevention of, and redress for:

- (b) Any action which has the aim or effect of dispossessing them of their lands, territories, or resources.

### *Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

### *Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.

### *Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

### *Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

### *Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

### *Article 29*

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<sup>23</sup> United Nations. "United Nations Declaration on the Rights of Indigenous Peoples" (New York: 107<sup>th</sup> plenary meeting, 13 Sept 2007). <<[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)>>.



1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

APPENDIX 2: RELEVANT ARTICLES OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS<sup>24</sup>

**Recognition of existing aboriginal and treaty rights**

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "*aboriginal peoples of Canada*"

(2) In this Act, "*aboriginal peoples of Canada*" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "*treaty rights*" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

**Commitment to participation in constitutional conference**

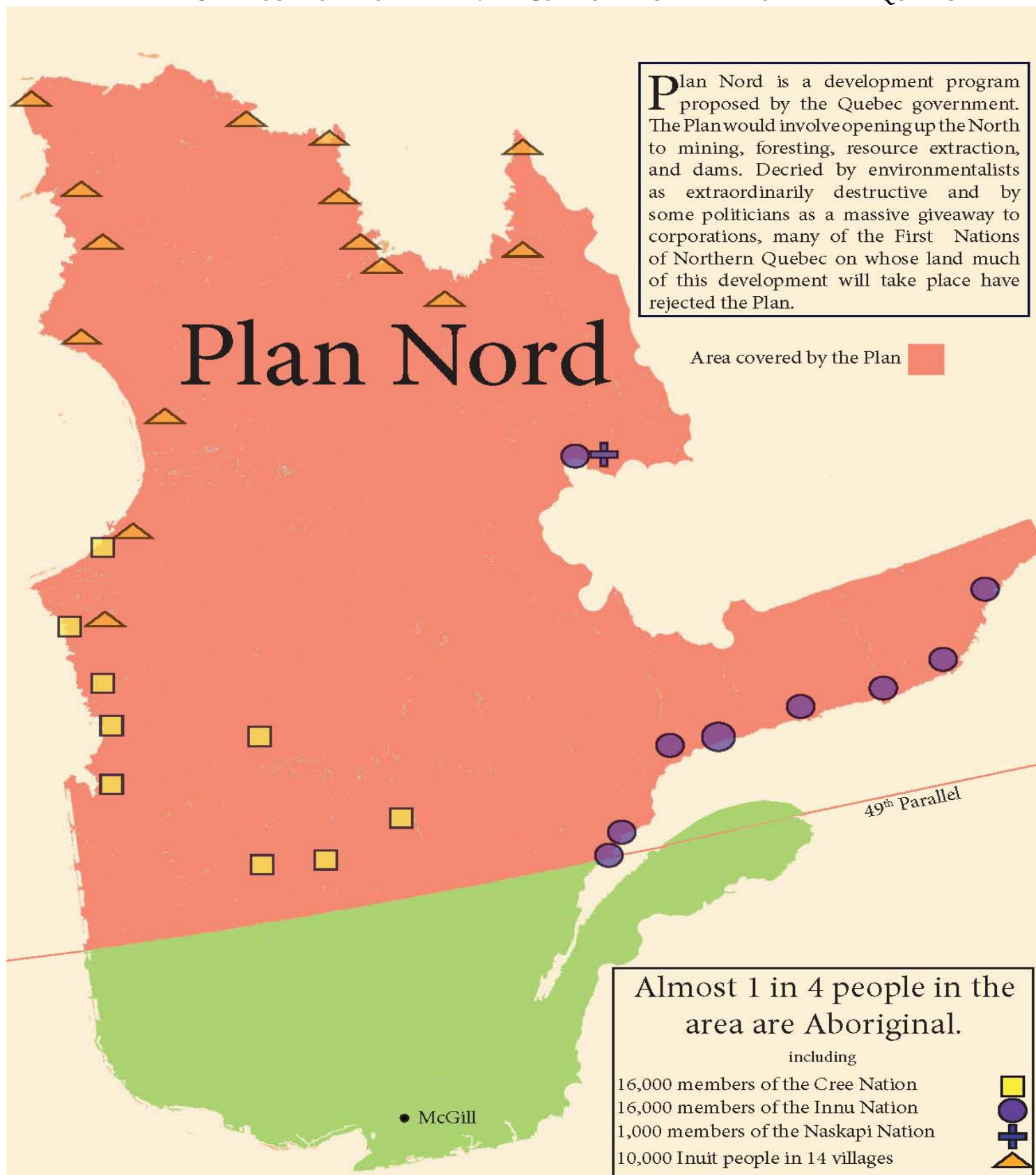
35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the "*Constitution Act, 1867*", to section 25 of this Act or to this Part,

- (a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and
- (b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item.

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<sup>24</sup> Government of Canada. *Canadian Charter of Rights and Freedoms: Part II Rights of the Aboriginal Peoples of Canada* (Government of Canada: 1982). << <http://laws-lois.justice.gc.ca/eng/Const/page-16.html#h-52>>>.

APPENDIX 3: LOCATION OF NATIVE COMMUNITIES IN NORTHERN QUEBEC



#### APPENDIX 4: COMPANIES INVOLVED IN THE PLAN NORD

The following companies are members of professional organizations actively lobbying for the Plan Nord.

- Anglo American
- Arcelor-Mittal
- Atlas COPCO
- AVIVA
- CAMECO
- GE\*
- Goldcorp Inc
- Holcim
- Iamgold
- Sandvik
- SGS
- SNC-Lavalin
- Suncor Energy
- Xstrata
- Zurich Financial Services\*

\*Its Canadian subsidiary is involved in the Plan Nord.

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