Follow-up to October 18, 2018 meeting – Thierry Rodon, Professor and Northern Sustainable Development Research Chair, Laval University

**Question:** In UNDRIP, it was mentioned a number of times “free, prior and informed consent.” Does that mean a veto? Is that what you think?

**Answer:** The current focus on the veto question obscures more than it enlightens the debate on FPIC implementation. Some politicians, interest group representatives and academics use the fear of veto to restrict their interpretation of FPIC and limit its implementation. An Indigenous veto, they argue, would effectively shut down resource-extraction activities. However, the notion that greater Indigenous control over resource extraction on their traditional territories would be catastrophic to the Canadian economy simply is not borne out by reality. Although Indigenous peoples may uphold extractive industries to different standards (focusing on long term sustainability and the protection of their inherent rights), evidence suggests they are also reluctant to shut down development altogether, especially if they are engaged early in the decision-making process, have influence over it and ultimately stand to benefit.

The focus on the veto question also misconstrues FPIC as a unilateral, negative and decontextualized principle. A veto grows out of an adversarial relationship in which parties find themselves pitted against one another. In contrast, consent is something mutually achieved with legitimate authorities agreeing on the terms of a project’s approval (or disapproval).

The key to FPIC, we suggest, lies less in the notion of a veto than in the recognition of a relationship between mutually consenting and self-determining partners. FPIC should be read in conjunction with article 3 of UNDRIP, which enshrines the right of Indigenous peoples to self-determination.