

SHAREHOLDER STRATEGIES FOR ADDRESSING INDIGENOUS ISSUES IN THE AMERICAS

The Investors & Indigenous Peoples Working Group would like to invite you, your organization or your Tribal Nation to join them to advocate for responsible practices by corporations and government policy makers to benefit Indian Country and Native Peoples. Our group's Native name: <Yethiya>wihe yeah-tee-ya-wee-hay) "We all give/We all invest". Investors since the 1990s have used shareholder strategies to address Indigenous Issues in the Americas and elsewhere. As investors, we seek to consider environmental, social and corporate governance criteria to generate long-term competitive financial returns and positive societal impact. One common term is sustainable and responsible investing (SRI). Some of us are members of organizations such as US SIF: The Forum for Sustainable and Responsible Investment, the Interfaith Center on Corporate Responsibility and/or the UN-supported Principles for Responsible Investment. We hold monthly conference calls to serve as a clearinghouse for joint action and news. Also, we organize educational activities that bridge and bring together Native and Non-Native communities in the area of sustainable and responsible investing. Please join us!

Advocacy Main Issues:

- Ø Indigenous Peoples' free, prior & informed consent (FPIC);
- Ø Extractives industries impact on the environment and communities of Indigenous Peoples;
- Ø Racist images, stereotypes, and cultural appropriation;
- Ø Corporate and investor support for Indian Country.

Contact us if you'd like to get involved:

- * Susan White, swhite@oneidanation.org (Co-Chair)
- * Jan Bryan, jbryan@janbryanSRI.com (Co-Chair)
- * Steven Heim, sheim@bostoncommonasset.com (Chair, Advocacy Committee)

Advocacy Agenda for 2017 – 2018 (flexible and responsive to new needs)

Indigenous Peoples' Free, Prior & Informed Consent (FPIC)

- * Build investor, corporate and US Government support for the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and use it in corporate engagements and with multinational agencies
- * Push for companies to adopt FPIC policies and avoid negative impacts on Indigenous Peoples and resources

Extractives industries impacts on the environment and communities of Indigenous Peoples

- * Encourage FPIC for resource intensive development (oil & gas, tar sands, pipelines, mining, uranium wastes)
- * Encourage protection of Sacred Places

Racist images, stereotypes and cultural appropriation

- * Eliminate the use of racist, offensive images and stereotypes: encourage investor support for legal strategies as well as engage corporate sponsors of the Washington D.C. NFL football franchise regarding its disparaging name
- * Challenge companies appropriating or stereotyping Native culture, symbols, Peoples or cultural property.

Corporate/investor support for Indian Country

- * Develop strategic partnerships with other organizations working in Indian Country or with Indigenous Peoples
- * Find opportunities to empower/assist Indigenous Community Economic Development Institutions
- * Work with National Congress of American Indians to implement its SRI resolution

Highlights

- Over 160 investors, including CalPERS, the NY City and the NY State Comptrollers, call on the 17 banks financing Dakota Access Pipeline to support the Standing Rock Sioux Tribe's request to reroute DAPL. See full list, <http://news.bostoncommonasset.com/banks-dapl/> Over 38% vote in favor of DAPL shareholder proposal to Marathon Petroleum, filed by New York State Comptroller's Office. (2017)
- *Green Money Journal* published a special August 2015 issue on Indigenous Peoples and Impact Investing with contributions from several investors. See <http://greenmoneyjournal.com//category/august-2015/>
- Oneida Tribe of Wisconsin won an Honoring Nations award from the Harvard Kennedy School of Government for their management of tribal assets using a sustainable and responsible investment (SRI) strategy (2010).
- The National Congress of American Indians (NCAI) in 2010 adopted a resolution encouraging Tribal Governments to adopt a SRI policy with regards to their investable assets. In 2011, the first panel on SRI was held at the NCAI conference. See www.ncai.org/fileadmin/resolutions/ABQfinal/ABQ-10-018_rev.pdf
- In 2013 Oneida Trust co-hosted the Tribal Trust and Investment Workshop for Native American leaders and SRI practitioners and in 2010 Oneida Trust hosted the first *SRI in Oneida* conference
- Institutional investors signed letters (1) urging the U.S. to endorse the UN Declaration on the Rights of Indigenous Peoples (2010) The U.S. later supported the UN Declaration in December 2010; (2) supporting HR 1278 Non-

- Disparagement of Native American Persons and Peoples in Trademark Registration Act (2013); (3) encouraging the World Bank to strengthen protection of rights of Indigenous Peoples in new standards (2015)
- Members of the Indigenous Peoples Working Group of US SIF Foundation provided a scholarship for a Native American student to prepare for and take the Certified Financial Planner exam.
- The Native American Finance Officers Association has had panels including SRI and shareholder advocacy at NAFOA conferences since 2009.
- US SIF Foundation published *Creating a Sustainable World: A Guide to Responsible Stewardship of Tribal Assets*, a Tribal Investor SRI handbook – see <http://www.ussif.org/files/Publications/TribalAssets.pdf>

Examples of related shareowner engagement regarding Indigenous Peoples

Apache Corp. – Issued Indigenous Peoples Statement referencing UN Declaration and ILO 169. Lead: Boston Common.

ConocoPhillips – Revised its human rights position to specifically reference the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169. Leads: Boston Common and Church of the Brethren Benefit Trust.

Dakota Access Pipeline (DAPL) – Over 160 investors with \$1.7 trillion assets under management endorsed call to the 17 banks financing DAPL to support the Standing Rock Sioux Tribe’s request to reroute the pipeline and address their concerns. Lead: Boston Common. 38% voted in favor of shareholder proposal to Marathon Petroleum re DAPL. Lead: New York State Common Retirement Fund. 31% voted in favor of shareholder proposal to Enbridge re DAPL. Leads: SHARE, Sisters of Charity of Halifax.

FedEx – One hundred institutional investors and Native organizations in 2013 petitioned the FedEx board of directors regarding the company’s corporate sponsorship of the Washington D.C. NFL football franchise and its disparaging name. Oneida and other investors presented shareholder proposals multiple years starting in 2009. Lead: Oneida Trust.

Repsol – Adopted an Indigenous Communities policy that references ILO 169. Lead: Boston Common. Advocated for Indigenous Peoples Living in Voluntary Isolation and Repsol later exited Peru’s Block 39. Lead: Storebrand.

Talisman – After shareholder engagement, Talisman prepared a report on FPIC and its dealings with Indigenous Peoples. Investors continued to raise concerns and Talisman decided to exit Peru. Leads: Bâtirente and RRSE.

For a fuller timeline of recent investor engagements, see <http://greenmoneyjournal.com/timeline2/>

Five Things Tribal Investors and Others Can Do:

1. **Join the Investors & Indigenous Peoples Working Group** – Contact any of the people listed on first page.
2. **Invest in Native communities** - Certified (Native) Community Development Financial Institutions – https://www.mycdfi.cdfifund.gov/what_we_do/programs_id.asp?programID=3
First Nations Oweesta Corp. serves as an intermediary too, www.oweesta.org
3. **Educate yourself** about Indigenous Peoples issues (not a complete list or an official endorsement):
 - * US SIF Foundation’s guide for tribal investors – www.ussif.org/files/Publications/TribalAssets.pdf
 - * American Indian Sports Teams Mascots – <http://aistm.org/1indexpage.htm> and see ChangetheMascot.org
 - * First Nations Development Institute – www.firstnations.org
 - * First Peoples Corporate Engagement Program – npelosi@firstpeoples.org
 - * Indigenous Environmental Network – www.ienearth.org
 - * International Indian Treaty Council – www.iitc.org
 - * Morning Star Institute, Sacred Places, and Blackhorse, et al v. Pro-Football, Inc. – suzanharjo@mac.com
 - * Native American Rights Fund – www.narf.org
 - * Indian Law Resource Center – www.indianlaw.org
 - * United Nations DSPD - Indigenous Peoples – <https://www.un.org/development/desa/indigenouspeoples/>
4. **Adopt a SRI policy** with regard to your Tribal Government or institution’s investable assets. See the Center for Sustainable Investment Education, <http://www.ussif.org/education>, for other resources on SRI.
5. **Check your portfolios** and consider supporting the company or policy engagements noted above, e.g., asking companies to adopt Indigenous Peoples policies - contact Steven Heim at sheim@bostoncommonasset.com.