

**UN Permanent Forum on Indigenous Issues
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Speaker: Grand Chief Wilton Littlechild

Joint Statement by: Confederacy of Treaty No. 6; Amnesty International; Assembly of First Nations; Assemblée des Premières Nations du Québec et Labrador/Assembly of First Nations of Quebec and Labrador; Grand Council of the Crees (Eeyou Istchee); First Nations Summit; BC Assembly of First Nations; Canadian Friends Service Committee (Quakers); Union of BC Indian Chiefs; KAIROS: Canadian Ecumenical Justice Initiatives

The *UN Declaration on the Rights of Indigenous Peoples* constitutes a social, political, legal, and historical reality. The *Declaration* recognizes that “respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment”.

The new *American Declaration on the Rights of Indigenous Peoples*, adopted in June 2015, affirms in Article XIX:

1. Indigenous peoples have the right to live in harmony with nature and to a healthy, safe, and sustainable environment, essential conditions for the full enjoyment of the rights to life and to their spirituality, cosmivision, and collective well-being.
2. Indigenous peoples have the right to conserve, restore, and protect the environment and to manage their lands, territories and resources in a sustainable way.

The international community has taken the lead in crafting sustainable development strategies and approaches that have gained widespread support. The UN has adopted by consensus key instruments that have contributed to a more robust strategy for sustainable development. The most significant instrument to date is *Transforming Our World: The 2030 Agenda for Sustainable Development*.

Sustainable development – as defined in international law – should prove highly beneficial to Indigenous peoples. Yet sustainable development has largely not taken place, despite the severe and ongoing impacts of resource development in regard to Indigenous peoples.

There are real opportunities to make significant progress in safeguarding the human rights of Indigenous peoples in Canada and implementing the *UN Declaration*, in light of the diverse commitments made by the federal government. The government has also

made commitments, both at home and internationally, to implement global sustainable development strategies. All such actions are urgent and long overdue.

Justice for present and future generations can be achieved. However, all key steps taken by the governments should only be taken in conjunction with Indigenous peoples, whenever their human rights and interests may be affected.

Sustainable development must ensure the protection of Indigenous peoples' human rights including those of Indigenous women and families. In view of their heightened vulnerability, Canada and other States must meet a higher standard and certainly not impoverish those concerned. Proposed development projects that undermine Indigenous peoples' own means of subsistence or otherwise adversely affect their right of self-determination would severely violate their human rights. Such developments are not sustainable.

The 2017 Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment concludes: Although the global failure to protect biodiversity ultimately affects everyone, it is already having *catastrophic consequences for indigenous peoples* and others who depend directly on ecosystems for their food, water, fuel and culture.

Call to Action 92 of the Truth and Reconciliation Commission calls upon the corporate sector to “adopt the *United Nations Declaration* ... as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.” This would include, *inter alia*: “Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.”

The federal government must encourage provincial and territorial governments to adhere, and require corporations to meet the standards of meaningful consultation and free, prior and informed consent. The federal government should uphold Canada's constitutional and international commitments, even if other levels of government should assume a lesser role. At home and internationally, Canada can and must assume a leadership role.

Recommendations:

In regard to sustainable development in international law, the Permanent Forum should remind States of their international commitments “to end poverty and hunger everywhere; ... to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources”. All resource development projects should adhere to these critical elements.

The Permanent Forum should emphasize to States that poverty represents a denial of human rights and human dignity. As repeatedly stressed by the General Assembly, there

is “the need to ensure that no one is left behind, including indigenous peoples, who will benefit from and participate in the implementation of the 2030 Agenda” for sustainable development.

The Permanent Forum should underline to States that impacts of poverty are interrelated and compounded by unsustainable development. In particular, Indigenous women and children that are deprived of their collective and individual right to security, cultural identity, adequate housing and other essential services face situations that enhance vulnerabilities. Such situations often result in violence against women and girls.

The Permanent Forum should reiterate that States must honour and respect Treaties with Indigenous peoples, as self-determining peoples, and safeguard Mother Earth for present and future generations. Upholding and protecting the human rights of Indigenous peoples, including Treaty rights, is a matter of legal responsibility. States and corporations must be held accountable for ensuring that resource development does not violate these rights.

In the context of sustainable development, the Permanent Forum should remind States that Indigenous peoples have the “right to determine and develop priorities and strategies for exercising their right to development” (art. 23) and that Indigenous peoples’ right to development is an integral part of their right to self-determination. Indigenous peoples are entitled to benefit from, and make decisions concerning, their territories.