

UN Permanent Forum on Issues

Seventeenth Session

Tuesday April 17, 2018

Agenda Item 8: Discussion on the theme “Indigenous peoples’ collective rights to lands, territories and natural resources”

Speaker: Grand Chief Abel Bosum, Grand Council of the Crees (Eeyou Istchee)

Joint Statement of Grand Council of the Crees (Eeyou Istchee); Amnesty International; Assembly of First Nations; Assembly of First Nations of Quebec and Labrador; BC Assembly of First Nations; Canadian Friends Service Committee (Quakers); First Nations Summit; Indigenous World Association; KAIROS: Canadian Ecumenical Justice Initiatives; Union of BC Indian Chiefs.

My name is Grand Chief Abel Bosum. I am pleased to present the following Joint Statement on behalf of a number of Indigenous nations and organizations, as well as human rights organizations in Canada. This statement addresses Indigenous peoples’ lands, territories and natural resources, with a particular focus on sustainable development.

Recommendations for the Permanent Forum on Indigenous Issues:

1. THAT consistent with their international human rights obligations, it is crucial for States to adopt a legislative framework to implement fully the *United Nations Declaration on the Rights of Indigenous Peoples*. Such legislation must be formulated and adopted in partnership with Indigenous peoples, in a manner consistent with article 19 of the *UN Declaration* and paragraph 3 of the World Conference on Indigenous Peoples.
2. THAT in addition to such a legislative framework, it is essential for States to integrate the *UN Declaration* in other relevant domestic legislation as well as relevant international agreements such as investment and trade.
3. THAT in partnership with Indigenous peoples, States take measures to fully implement their commitments in *Transforming our world: The 2030 Agenda for Sustainable Development*, including through integration of these commitment in relevant legislation and reform of policies and regulations.

Madam Chair - As Indigenous peoples, we have a profound relationship with our lands, territories and resources. This dynamic relationship is always evolving and it includes political, economic, social, cultural, environmental and spiritual dimensions. Our lands, territories and resources are crucial to our peace, security and well-being **as distinct peoples**.

The *United Nations Declaration on the Rights of Indigenous Peoples* affirms: “Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples”. This article 7(2), when read together with other provisions in the *UN Declaration*, includes cultural security, food security, environmental security, human security and territorial security.

Indigenous peoples in Canada and other regions of the world are highly vulnerable to ongoing climate change, land and resource dispossession, and unsustainable or imposed development. For present and future generations, there is a great deal at stake.

In order to ensure harmonious and cooperative relations, it is important for States to respect our right to **self-determination** and our right to determine **our own priorities for development** within our traditional territories. Both these rights are affirmed in the *UN Declaration* and the wider body of international law. In the two international human rights Covenants, States – including Canada – have an affirmative obligation to promote and respect our right to self-determination.

Our diverse Indigenous identities and languages are also linked to our land, territories and resources. In the *Action Plan for organizing the 2019 International Year of Indigenous Languages*, it is emphasized: “Language is a core component of human rights ... and is essential to realizing **sustainable development**, good governance, peace and reconciliation.”¹

Madam Chair, we wish to positively acknowledge Canada’s ongoing support for Bill C-262 – the *United Nations Declaration on the Rights of Indigenous Peoples Act*. Last December, the government of Canada announced that it would “guarantee” support for its adoption. In early February 2018, Bill C-262 passed second reading. The Bill is currently in a parliamentary committee, where proposed amendments to further enhance this legislation will hopefully be considered. We believe this legislation can provide a concrete example for other States to assist in fulfilling their commitments to the *Declaration*.

However, in federal Bills being brought forward for adoption – such as the *Impact Assessment Act* (Bill C-69) and *An Act to amend the Federal Sustainable Development Act* (Bill C-57) – no mention is made of the *UN Declaration*. Nor has the government of Canada indicated that it would include appropriate references to Bill C-262 once it is adopted in Parliament. Further, Bills C-57 and C-69 make no specific reference to *Transforming our world: The 2030 Agenda for Sustainable Development*. This key resolution, which includes protection for human rights and the environment, as well as eradication of poverty,² has been reaffirmed by the General Assembly repeatedly by consensus.

Such key omissions are inconsistent with Canada’s declaration at the Permanent Forum in May 2016 that it endorsed the *UN Declaration* “without qualification”. In *The future we want* – which

¹ Permanent Forum on Indigenous Issues, *Action plan for organizing the 2019 International Year of Indigenous Languages: Note by the Secretariat*, UN Doc. E/C.19/2018/8 (21 February 2018), para. 2.

² General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN Doc. A/RES/70/1 (25 September 2015) (adopted without a vote), at 3 (Declaration), para. 3: “We resolve, between now and 2030, 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.”

was endorsed by the UN General Assembly in July 2012 by consensus – the “importance” of the *UN Declaration* was recognized “in the context of global, regional, national and subnational implementation of sustainable development strategies.”³

It is also worth noting that, in February 2002, my people, the Crees in Québec, entered into a nation-to-nation Agreement with the Québec government.⁴ As affirmed in its Preamble, this Agreement “is based on a development model which relies on the principles of sustainable development, partnership and respect for the traditional way of life of the Crees”. To incorporate sustainable development, our Treaty – the *James Bay and Northern Québec Agreement* – was also amended.

Based on all of these precedents, we expect Canada and other States to fulfill their international and domestic commitments to Indigenous peoples. In particular, sustainable development based on international standards is essential in safeguarding our lands, territories and resources.

Thank you.

³ Rio+20 United Nations Commission on Sustainable Development, *The future we want*, Rio de Janeiro, Brazil, 20-22 June 2012, UN Doc. A/CONF.216/L.1 (19 June 2012), para. 49. Endorsed by General Assembly, UN Doc. A/RES/66/288 (27 July 2012) (adopted without vote).

⁴ *Agreement Concerning a New Relationship Between Le Gouvernement du Québec and The Crees of Québec* [“La Paix des Braves”], entered into in Waskaganish, Québec, 7 February 2002, preamble.