

THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES AND THE UN SUSTAINABLE DEVELOPMENT GOALS

FACTSHEET TWO

COALITION FOR THE HUMAN RIGHTS OF
INDIGENOUS PEOPLES
DECLARATIONCOALITION.CA

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.

- from the preamble to the *United Nations Declaration on the Rights of Indigenous Peoples*

The *United Nations Declaration on the Rights of Indigenous Peoples* is a global minimum standard requiring all governments to recognize, respect, and implement the inherent rights and title of Indigenous peoples and honour the Treaties. The UN has also adopted Sustainable Development Goals or SDGs that call on states to take urgent action to address economic inequalities, protect the environment, and respond to the climate crisis. These and other dimensions of the SDGs are crucial to Indigenous peoples. It is vital that all measures to implement the SDGs also uphold the rights affirmed in the *UN Declaration*.

This factsheet is part of a series of resources being developed by the Coalition for the Human Rights of Indigenous Peoples to help make connections between Canada's commitments to sustainability and the implementation of international human rights standards, including the *UN Declaration on the Rights of Indigenous Peoples*.

The SDGs and Canada's commitments and obligations are examined in greater detail in a separate factsheet.





WHAT ARE THE SUSTAINABLE DEVELOPMENT GOALS?

The Sustainable Development Goals are part of an international framework called the 2030 Agenda for Sustainable Development. The Agenda emphasizes that sustainable growth, fulfillment of human rights, and protection of the environment can only be achieved through an integrated and comprehensive approach. The Agenda commits all members of the United Nations to ensure that “no one will be left behind” in the implementation of sustainable development and that all states will work “to reach the furthest behind first.”

The 2030 Agenda sets out 17 Sustainable Development Goals or SDGs including: ending poverty and hunger; equal access to health, education, and clean water; affordable, clean energy; and decent work; and protection of the lands and waters. Goal 13 is climate action. The 2030 Agenda reinforces the better-known Paris Agreement as a framework for responding to the global climate crisis.

For each SDG there are specific targets. Many of these refer specifically to development benefitting Indigenous peoples.

The 2030 Agenda was adopted by the United Nations in 2015 through a consensus process. All states are expected to do as much as they can to advance the goals. The Agenda states that this framework is “accepted by all countries and is applicable to all.”

Canada has made numerous commitments to implement the SDGs. These commitments potentially affect a wide range of economic and social policy, including decisions about resource development.

In 2021, the federal government adopted a national strategy for advancing the SDGs called *Moving Forward Together*. That national strategy commits to working in partnership with Indigenous peoples and to taking actions consistent with the *UN Declaration*.

IMPORTANCE OF THE *UN DECLARATION*

The 2030 Agenda is explicit that sustainable development must “respect, protect and promote human rights and fundamental freedoms for all.” The Agenda repeatedly states that implementation of the SDGs must fully respect international law. The Agenda explicitly refers to the human rights declarations adopted by the UN General Assembly.

The *UN Declaration on the Rights of Indigenous Peoples* was adopted in September 2007 after more than two decades of intensive debate and negotiation within the UN. Indigenous peoples played an active and leading role in development of the *Declaration*, working to ensure that its provisions reflected the values and most urgent needs of Indigenous peoples around the world.

The *UN Declaration* brings together a wide range of standards that were previously established within the international human rights system. The *Declaration* is considered highly authoritative and there is a clear expectation that all states will respect and implement its provisions. In Canada, courts and human rights tribunals are increasingly using the *Declaration*

to help interpret federal, provincial, and territorial laws.

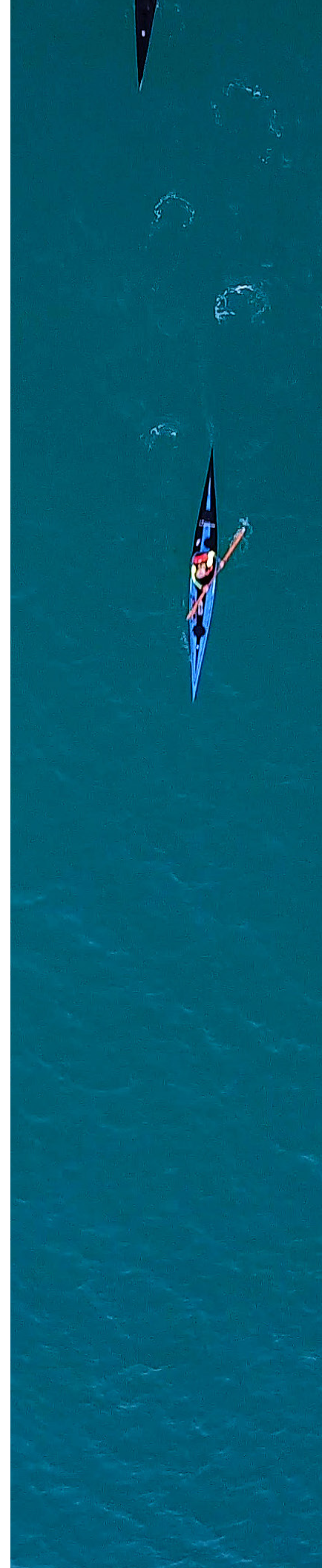
Take all measures necessary to ensure that the laws of Canada are consistent with the Declaration

In June 2021, the federal government adopted national legislation to implement the *UN Declaration*. An Act respecting the

UN Declaration on the Rights of Indigenous Peoples states that the *Declaration* is “a universal international human rights instrument with application in Canadian law.” The Act requires the federal government to work with Indigenous peoples to develop a national implementation plan and to “take all measures necessary to ensure that the laws of Canada are consistent with the *Declaration*.”

Implementation legislation has also been adopted at the provincial level in British Columbia. It is hoped that other provinces and territories will also work with Indigenous peoples to adopt implementation legislation and action plans.

Canada’s commitments and obligations to uphold and fully implement the *UN Declaration* are a crucial context for all measures to implement the 2030 Agenda and the Sustainable Development Goals.



SUSTAINABILITY & THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

"THE DECLARATION"

SUSTAINABLE DEVELOPMENT MUST RESPECT HUMAN RIGHTS

20+ YEARS

OF ADVOCACY LED BY INDIGENOUS PEOPLES RESULTED IN THE DECLARATION BEING ADOPTED BY THE UN IN 2007



2021

THE GOVERNMENT OF CANADA PASSED NATIONAL LEGISLATION COMMITTING TO FULLY IMPLEMENTING THE UN DECLARATION

THE UN DECLARATION IS THE GLOBAL MINIMUM STANDARD FOR UPHOLDING A WIDE RANGE OF RIGHTS, INCLUDING RIGHTS TO LANDS, CULTURE, EDUCATION, HEALTH, NON-DISCRIMINATION AND SAFETY.

THIS INCLUDES THE RIGHT TO...

ARTICLE 3

THE RIGHT TO SELF-DETERMINATION

ARTICLE 21

THE IMPROVEMENT OF THEIR ECONOMIC AND SOCIAL CONDITION

ARTICLE 22

THE RIGHTS AND NEEDS OF INDIGENOUS ELDERS, WOMEN, YOUTH, CHILDREN AND PERSONS WITH DISABILITIES

ARTICLE 29

THE CONSERVATION AND PROTECTION OF THE ENVIRONMENT AND THE PRODUCTIVE CAPACITY OF THEIR LANDS OR TERRITORIES AND RESOURCES

ARTICLE 32

DETERMINE AND DEVELOP PRIORITIES AND STRATEGIES FOR THE DEVELOPMENT OR USE OF THEIR LANDS OR TERRITORIES AND OTHER RESOURCES

ARTICLE 37

ENFORCEMENT OF TREATIES



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THE *UN DECLARATION* AND THE 2030 AGENDA

All the provisions of the *UN Declaration* are relevant to implementation of the 2030 Agenda and the SDGs. The provisions of the *Declaration* work together, reinforcing and lending meaning to each other. The following provisions are worth emphasizing in the context of the SDGs.

The *UN Declaration* explicitly affirms that Indigenous peoples have the right to self-determination (article 3). Self-determination includes the right of Indigenous peoples to make their own decisions through their own institutions and processes (article 18) and to maintain and strengthen their own forms of governance (article 5). Indigenous governance institutions have a vital role in implementing sustainable development. Federal, provincial and territorial governments must respect and cooperate with Indigenous decision-making authorities.”

The *Declaration* affirms the right of Indigenous peoples to “determine and develop priorities and strategies for exercising their right

to development” including in areas such as health and housing and to administer their own programmes and services if they choose (article 23). Indigenous peoples also have the right to “determine and develop priorities and strategies for the development or use of their lands or territories and other resources” (article 32.1).

States must both “consult and cooperate” with Indigenous peoples and obtain their free, prior and informed consent before making decisions affecting their lands, territories and resources (article 32.2) and their rights more broadly (article 19). The phrase “consultation and cooperation” explicitly goes beyond mere consultation and is consistent with recognition of the self-determination of Indigenous peoples.

Indigenous peoples have the right to the continued improvement of living conditions (article 21.1). States must take action to fulfill the right to development, paying particular attention to “the rights and



special needs of Indigenous elders, women, youth, children and persons with disabilities” (article 21.2). Furthermore, states must act, in conjunction with Indigenous peoples, to ensure Indigenous women and children “enjoy the full protection and guarantees against all forms of violence and discrimination” (article 22.2).

Indigenous individuals have the equal right to the “enjoyment of the highest attainable standard of physical and mental health” (article 24.2). This includes the right to traditional medicines and to maintain traditional health practices and to access without discrimination “all social and health services” (article 24.1).

Indigenous peoples have the right to “establish and control” their own educational systems (article 14) and to have the “dignity and diversity of their cultures, traditions, histories and aspirations...appropriately reflected in education and public information” (article 14).

Indigenous peoples “have the right to own, use, develop and control” their lands, territo-

ries and resources (article 26.2). Indigenous peoples have the right to the conservation and protection of the natural environment (article 31). States will provide legal protection to Indigenous land ownership and use, based on “due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned” (article 26.2). Wherever lands, territories and resources have been taken from Indigenous peoples, or have been damaged or contaminated, states will provide redress (article 28) and will establish “fair, independent, impartial, open and transparent” processes to resolve such disputes (article 27).

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples (article 7.2). Read together with other articles in the *Declaration*, article 7.2 should be interpreted as including the right to territorial security and environmental security.

Indigenous peoples have the right to access financial and technical assistance to realize these and other rights set out in the *Declaration* (Article 39).

Consultation, cooperation and consent

THE *UN DECLARATION* IS REINFORCED BY A SIMILAR REGIONAL HUMAN RIGHTS INSTRUMENT

Key provisions of the *UN Declaration* are also found in the *American Declaration on the Rights of Indigenous Peoples*. The *American Declaration* was developed through a similar, lengthy process of negotiation between states and Indigenous representatives. The Organization of American States (OAS) adopted the *American Declaration* by consensus in June 2016. The *American Declaration* is applicable to all states in North, Central and South America, including the Caribbean.

While many of the provisions of the *American Declaration* are similar to the *UN Declaration*, some are unique in their content or wording. For example, the *American Declaration* states:

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, cosmology, and collective well-being.

Because both the *UN Declaration* and the *American Declaration* are explicitly intended to provide minimum – rather than maximum – standards, wherever there is a difference, the higher standard of the two must be applied.

SUSTAINABLE DEVELOPMENT IS A HUMAN RIGHT

THE MEMBER STATES OF THE UNITED NATIONS HAVE AGREED:

SUSTAINABLE DEVELOPMENT MUST RESPECT HUMAN RIGHTS



THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT DIRECTLY INCORPORATES MANY ESTABLISHED HUMAN RIGHTS. THESE INCLUDE:

THE RIGHT TO
DEVELOPMENT, SAFETY & SECURITY, A HEALTHY ENVIRONMENT, HEALTH, & FREEDOM FROM DISCRIMINATION



THESE RIGHTS ARE ALSO PROTECTED IN *THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES*

"RESPECT FOR INDIGENOUS KNOWLEDGE, CULTURES AND TRADITIONAL PRACTICES CONTRIBUTES TO SUSTAINABLE DEVELOPMENT AND PROPER MANAGEMENT OF THE ENVIRONMENT."

- Preamble to the *UN Declaration* -



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CONTRIBUTERS:

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THIS FACTSHEET IS ENDORSED BY:

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BC Assembly of First Nations,
BC Treaty Commission,
Canadian Friends Service Committee (Quakers),
First Nations Summit,
Grand Council of the Crees (Eeyou Istchee)/
Cree Nation Government,
Union of BC Indian Chiefs

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SUSTAINABLE DEVELOPMENT GOALS:

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and quality education for all and promote lifelong learning
5. Achieve gender equality and empower all women and girls
6. Ensure access to water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote inclusive and sustainable economic growth, employment and decent work for all
9. Build resilient infrastructure, promote sustainable industrialization and foster innovation
10. Reduce inequality within and among countries
11. Make cities inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources
15. Sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss
16. Promote just, peaceful and inclusive societies
17. Revitalize the global partnership for sustainable development

