

Permanent Forum on Indigenous Issues

Tenth session

New York, 16-27 May 2011

Agenda Item 4(a): Implementation of the UN Declaration on the Rights of Indigenous Peoples

Speaker: National Chief Shawn A-in-chut Atleo

Joint Statement of Assembly of First Nations, Chiefs of Ontario, First Nations Summit, Grand Council of the Crees (Eeyou Istchee), Haudenosaunee of Kanehsatà:ke, Indigenous World Association, International Organization of Indigenous Resource Development (IOIRD), Louis Bull Cree Nation, Montana Cree Nation, Native Women's Association of Canada, National Association of Friendship Centres, Samson Cree Nation, Union of BC Indian Chiefs, Amnesty International, First Peoples Human Rights Coalition, Canadian Friends Service Committee (Quakers), Amnistie Internationale Canada, Hawai'i Institute for Human Rights, KAIROS: Canadian Ecumenical Justice Initiatives

Implementation of UN Declaration on the Rights of Indigenous Peoples

As a consensus international human rights instrument, the realization of the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) is crucial to the survival, dignity and well-being of Indigenous peoples worldwide. UN Special Rapporteur on the rights of indigenous peoples, James Anaya, concluded in his August 2010 report to the UN General Assembly (A/65/264):

Implementation of the Declaration should be regarded as a political, moral and legal imperative without qualification, within the framework of the human rights objectives of the Charter of the United Nations.

Our organizations strongly agree. In view of the rampant and persistent human rights violations globally, the full and effective implementation of the *Declaration* is urgently needed.

We welcome the fact that the *Declaration* is being used by UN treaty bodies to interpret Indigenous peoples' rights and related state obligations under international treaties. Use of the *Declaration* is also being made by UN specialized agencies and the Human Rights Council's special rapporteurs and independent experts. The *Declaration* is increasingly being relied upon by domestic human rights commissions and courts.

Some States, such as Canada and the United States, are dishonouring their endorsements of the *Declaration* at home and abroad. They are interpreting UNDRIP in a manner that contradicts its terms and adversely affects Indigenous peoples worldwide. They are reneging on their international obligations to respect, protect and fulfil Indigenous peoples' human rights.

We recommend the following measures to the Permanent Forum on Indigenous Issues (PFII) as a means to promote and systematize the implementation of the *Declaration* at the national, regional and international levels. These recommendations include that the PFII:

1. Recommend that the Human Rights Council (HRC) authorize the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to conduct an annual review on the manner in which UNDRIP is being interpreted and implemented at all levels (EMRIP, 26 August 2010 Report to the HRC (A/HRC/15/36), Proposals 4 and 5).
2. Create a searchable database of specific measures, including best practices, taken to implement the *Declaration* (as proposed by the North American Indigenous Peoples Caucus).
3. Make recommendations regarding states that undermine UNDRIP, domestically or internationally, through actions that run counter to its provisions.
4. Urge states, in conjunction with Indigenous peoples, to establish national plans of work to implement the *Declaration* with clear timelines and priorities. States should report regularly on the progress and shortcomings in implementing UNDRIP to their national legislatures and to the PFII.
5. Urge states, in conjunction with Indigenous peoples, to undertake a review of existing laws and policies to ensure compliance with UNDRIP (as called for in the UN Special Rapporteur's Interim Report of 9 August 2010).
6. Urge states to uphold the international human rights standards in UNDRIP so as to ensure full respect and implementation of all Indigenous peoples' rights, including those in Treaties with such peoples.
7. Urge all levels of government and all multilateral agencies to ensure that all relevant staff are familiar with the *Declaration* and provided clear direction and support to uphold its provisions.
8. Urge states, in conjunction with Indigenous peoples, to promote broader public awareness of and human rights education on the *Declaration* as a principled, universal framework for justice and reconciliation. States must fulfil their international obligations to uphold the human rights of all.