

Joint statement on implementation of UN Declaration on the Rights of Indigenous Peoples

UN Permanent Forum on Indigenous Issues
Sixteenth Session
Tuesday April 25, 2017
Agenda Item 8

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

We have come together today to celebrate the upcoming 10th anniversary of the adoption of the *UN Declaration on the Rights of Indigenous Peoples*. The adoption of the *Declaration* was the culmination of incredible efforts by Indigenous Peoples, our allies, and member States. We should all feel inspired in the next decade to make substantive progress on implementation. Internationally, significant progress on the *Declaration* is ongoing. Notably, this includes the establishment of the Expert Mechanism on the Rights of Indigenous Peoples and the high level session known as the World Conference on Indigenous Peoples (WCIP) and its resulting Outcome Document. To date, the General Assembly has re-confirmed the *UN Declaration* three times and that, too, is something to celebrate.

Indigenous Peoples are actively implementing the *Declaration* including our right to self-determination. As Indigenous Peoples, we have our own systems of governance, institutions, lands, languages, and laws. We use the *Declaration* in governance, in negotiations, and in litigation. Human rights education is growing and many Indigenous Peoples have translated the *Declaration* into some of our own languages. Globally, Indigenous Peoples and States are learning about the *Declaration* and how to use it to promote peaceful relations, mutual respect, understanding, and shared prosperity.

However, the full and effective implementation of the *UN Declaration* within States remains very challenging. In the World Conference Outcome Document, States strongly re-committed themselves by consensus to the *UN Declaration* and to developing and implementing national action plans, together with Indigenous Peoples. How many States today can report that such plans have been developed? In Canada, the national government has made repeated, high profile commitments to implementation. We applaud the statement yesterday from Canada, formally withdrawing past concerns to the WCIP Outcome Document with regard to free, prior, and informed consent.

Canada's Truth and Reconciliation Commission (TRC) called on federal and other governments to adopt the *Declaration* as "the framework for reconciliation." The TRC made 94 "Calls to Action" to address its major finding of "Truth"- that Canada's laws, policies and actions towards Indigenous peoples amounted to cultural genocide and genocide. As well, the TRC called for a coordinated and collaborative approach to implementation through a national action plan developed in partnership with Indigenous Peoples. At last year's session of the Permanent Forum, Canada stated its commitment to full implementation of the *UN Declaration*, without qualification, in full partnership with Indigenous Peoples. Canada recently established a Working Group of Ministers to review federal laws, policies and practices that includes ensuring consistency with the *Declaration*.

While these are potentially positive measures, it is important to note that a year later, no concrete or substantive actions taken in partnership with Indigenous Peoples have yet been realized to fulfill this promise. How principles, objectives, and work plans will be developed together with Indigenous Peoples to launch a joint law and policy review is not clear.

Furthermore, we have not seen any concrete changes in critical government decisions while these proposed reform initiatives are pending. Major development projects continue to be approved without meeting the criteria for sustainable development or the standard of free, prior and informed consent. Such projects are being approved despite the opposition by Indigenous Peoples, and despite affirmation of Indigenous self-determination at the heart of the *UN Declaration*. Environmental assessment processes reviewing development projects that impact Indigenous Peoples' lands, territories, and resources need to be consistent with the *Declaration* and the commitments in the WCIP Outcome Document. This would include protection of human rights in sustainable development.

Last year, opposition member of parliament, Romeo Saganash introduced a private members bill to establish a legislative framework for implementation of the *UN Declaration*. There is an opportunity for Canada to work with Indigenous Peoples to build on this work. Consistent with Article 19 of the *Declaration* and operative paragraph 3 of the Outcome Document of the World Conference on Indigenous peoples, such a legislative framework is crucial to ensure future governments do not reverse any positive advances including any administrative, legislative or constitutional measures. We urge all governments to work in full partnership with Indigenous Peoples to create legislative frameworks for full and effective implementation of the *Declaration* and in priority areas identified by Indigenous Peoples (such as legislative measures to support the revitalization of Indigenous languages).

Recommendations:

1. Implementation of the *Declaration* requires both political and technical cooperation between Indigenous Peoples and States. Indigenous Peoples and States should be encouraged to work together to co-develop National Action Plans including legislative frameworks for the full and effective implementation of the *Declaration*.
2. The Permanent Forum should call on States to work in partnership with Indigenous Peoples, as self-determining peoples, in decision-making processes that impact Indigenous Peoples' rights. The applicable international standard is free, prior, and informed consent; and States should not proceed with unilateral actions.
3. Consistent with Article 19 of the *Declaration* and Paragraph 3 of the Outcome Document of the World Conference on Indigenous Peoples, we call on Canada and other States to work with Indigenous Peoples to build a solid framework to ensure future governments do not reverse any constructive advances - including legislative, administrative, and constitutional measures to which Indigenous peoples have consented. Such measures should include co-development of Indigenous languages legislation.