

**Expert Mechanism on the Rights of Indigenous Peoples  
Sixteenth Session, 17 - 21 July 2023**

**Item 9: Report Establishing Effective Monitoring Mechanisms for the Implementation of  
the United Nations Declaration on the Rights of Indigenous Peoples**

**Thursday, 20 July 2023**

**Joint Statement of the Coalition for the Human Rights of Indigenous Peoples (Canada):**

Grand Council of the Crees (Eeyou Istchee) Cree Nation Government; Amnistie Internationale Canada Francophone; British Columbia Treaty Commission; Canadian Friends Service Committee (Quakers); First Nations Summit; KAIROS (Canada); Union of British Columbia Indian Chiefs; Cheryl Knockwood, Chair, Nova Scotia Human Rights Commission; Ellen Gabriel, Kanehsatake Land Defender; Hup-Wil-Lax-A, Kirby Muldoe, Grassroots Human Rights Defender; Lea Nicholas-MacKenzie; Dr. Willie Littlechild, KC, IPC (International Chief for Treaties 6,7and 8)

Thank you for this opportunity to share our work in Canada on monitoring the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*. We wish to thank the Expert Mechanism for the focus on this important issue through its substantive draft report and we encourage States to fully engage with this timely draft report.

We recommend that:

EMRIP urge States to centre Indigenous Peoples in the drafting and implementation of any National Action Plans in accordance with the standards of the *Declaration*.

Enhanced collaboration between civil society, academia, UN bodies, governments and Indigenous Peoples be supported to advance the implementation of the *Declaration*.

We were pleased to support the Expert Mechanism's Seminar in Canada at the University of British Columbia this winter on the subject of Monitoring Mechanisms, and are grateful for the many informative and thoughtful contributions made during that seminar.

***National Action Plan***

After years of opposition to the *Declaration*, in 2021 Canada became one of the first Member States to pass national legislation to fully implement the *Declaration*, which included the requirement of a national action plan. The significance of this cannot be understated.

The release of this national action plan marks a promising – but flawed – beginning to Canada's implementation of the *Declaration*.

This is the first action plan to be created under the implementation act and commits to numerous, important reforms and initiatives brought forward by Indigenous Peoples.

However, the plan also includes significant inconsistencies, from section to section and in respect to the actual requirements of the *Declaration* itself.

One of the most concerning of these is the repeated reference to “seeking the consent” of Indigenous Peoples. As noted in paragraph 15 of EMRIP’s draft report, the *Declaration* affirms Indigenous Peoples’ right to self-determination, including the right to grant or withhold consent to proposals that may have significant impact on their rights. Expert interpretation of the *Declaration* is clear that states must do more than “seek consent”: states must respect the decisions that Indigenous Peoples make for themselves, including when that decision is to say “no”. States cannot develop action plans with lower standards than the *Declaration* itself.

Current inconsistencies in the federal action plan reflect the misunderstanding and resistance to the *Declaration* that still linger inside many corners of government. This is why it is critical that strong oversight and accountability systems be put in place as soon as possible to ensure meaningful, ongoing involvement of Indigenous Peoples in bringing this action plan to life.

We recognize Canada’s efforts in releasing this National Action Plan, and indeed Canada is the first country to release such a plan. The Province of British Columbia also recently released their third annual report on the implementation of the *Declaration*.

As stated in EMRIP’s draft report, “To achieve the ends of the *Declaration*, it is important to view monitoring as a collaborative effort involving States, Indigenous Peoples, national human rights institutions, academia and international organizations.” As a diverse Coalition of civil-society organizations and Indigenous Peoples, we are honoured to assist in awareness-raising, lobbying and advocacy for the implementation of the *Declaration*.

### ***Network Project***

As noted in Section V of EMRIP’s draft report, “the kind of systemic changes required to operationalize the *Declaration* at the local level cannot ultimately be achieved without involvement of society at large.” Our Coalition is pleased to be advancing this work in Canada and globally by assisting in a global research project. This project is aimed at bringing together the resources of activists, community organizations, and academics to hear the views of Indigenous Nations and individuals on the *Declaration*.

Thus far, research engagements have been held in Haida Gwaii, Kahnawake, Kanehsàtà:ke, and Samson Cree Nation. Soon this project will hear from Indigenous Peoples in Sápmi and Aotearoa.

Building on the relationships of Coalition members, this research has allowed the Coalition to gain greater insight into how the *Declaration* can be implemented directly in community, in accordance with the language, laws, and culture of Indigenous nations.

As a Coalition, we have many resources and other ongoing projects on monitoring the implementation of the *Declaration* in Canada, for further reference please see our many resources on implementation on our website: [declarationcoalition.ca](http://declarationcoalition.ca)