

18th Session EMRIP

Agenda Item 6: Country engagement

Monday 14 July, 2025

Joint Statement from the Coalition for the Human Rights of Indigenous Peoples, Canada including:

Laurie Buffalo, Grand Chief Edward John, Cheryl Knockwood, Chief Wilton Littlechild, Kirby Muldoe, Lea Nicholas-MacKenzie

Assembly of First Nations, British Columbia Treaty Commission, Canadian Friends Service Committee, Giganawenimaanig (We All Take Care of Them), Ermineskin Cree Nation, Grand Council of the Crees (Eeyou Istchee) / Cree Nation Government, Indigenous World Association, National Family and Survivors Circle Inc., Samson Cree Nation, Tl'azt'en Nation (Canada), Tsilhqot'in National Government, Union of British Columbia Indian Chiefs, WIN Sports International

We are pleased to present the following Joint Statement on behalf of a number of Indigenous Nations and organizations, civil society organizations, and individual advocates who work together as part of a human rights network in Canada.

The Coalition for the Human Rights of Indigenous Peoples welcomes the Expert Mechanism's Technical Advisory Note on its Country Engagement to Norway.

In our experience, this analysis is relevant to many other states, including Canada.

Therefore, the Coalition presents three recommendations for the EMRIP to call on all states to:

- 1) Adopt national implementation legislation setting out clear and explicit commitments to fully implement the *UN Declaration on the Rights of Indigenous Peoples* in law, regulation, and policy, similar to the national legislation adopted in Canada in 2021.
- 2) Work in consultation and cooperation with Indigenous Peoples to develop and carry out ongoing training on the *Declaration* for civil servants and to make such training available to other state mechanisms including officers of the court.
- 3) Establish competent, independent Tribunals for adjudication and redress for disputes related to *Declaration* implementation, consistent with Articles 8, 27, and 40.

The Advisory Notes sets out a careful analysis of the gap between the Government of Norway's public commitments to uphold the *UN Declaration on the Rights of Indigenous Peoples* and the state's unfortunate failure to effectively ensure free, prior and informed consent in law and practice.

The Expert Mechanism notes that the combined term "consult and cooperate", used repeatedly in the *Declaration*, clearly recognizes a minimum requirement that is much more than mere consultation.

All states should work in consultation and cooperation with Indigenous Peoples to establish mutually agreed decision-making processes. Consistent with Article 37, any agreements reached with Indigenous Peoples, including existing Treaties, should be respected and enforced. Consistent with Articles 8, 27 and 40, states must establish effective and independent dispute resolution mechanisms, in consultation and cooperation with Indigenous Peoples, that are empowered to give due consideration to the Indigenous Peoples' own legal traditions. If decisions are made without free, prior and informed consent, Indigenous Peoples' right to access to justice must include access to mechanisms with the power to review and potentially revoke these decisions, and provide effective compensation.

The Expert Mechanism's technical advice to the Government of Norway helpfully notes that free, prior, and informed consent is a necessary element of the foundational right to self-determination. The right to self-determination is affirmed in Article 3 of the *UN Declaration* and elaborated throughout the *Declaration* in Articles cited by the Expert Mechanism such as Article 18 ("the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures...") and Article 23 ("the right to determine and develop priorities and strategies for exercising their right to development").

Respecting and upholding Indigenous Peoples' right to self-determination requires states to recognize and collaborate with Indigenous Peoples as distinct orders of government with their own legitimate decision-making authority – including in areas where the states have long exercised exclusive jurisdiction. To carry out such a fundamental change in the relationship between states and Indigenous Peoples, there must be clarity and accountability on the responsibility to uphold the *Declaration* in all decisions undertaken by the state.