

P. Littlechild

United Nation Permanent Forum on Indigenous Issues Tenth Session
UN Headquarters, New York, May 16 to 27, 2011
AGENDA ITEM 8: Future Work of the Permanent Forum, including emerging
issues – May 23, 2011
Statement presented by Commissioner Wilton Littlechild, Truth and Reconciliation
Commission of Canada

I would like to support the call for a preparatory meeting leading up to the World Conference on Indigenous Peoples as proposed by the Saami Parliament and add our voice to the North American Indigenous Peoples Caucus statement urging full and equal participation of Indigenous Peoples at all stages of the World Conference on Indigenous Peoples.

As a former residential school student and as a Commissioner of the Truth and Reconciliation Commission of Canada (the TRC of Canada), I have lived and witnessed the legacy of the Residential School System. Through my journey, I have identified five critical elements of resolving the legacy and restoring respectful relationships. These elements are truth, forgiveness, healing, justice and reconciliation. My proposals today are aimed at achieving all five elements, resulting in "...a strengthened partnership between indigenous peoples and States" consistent with Treaty relationships. (preamble paragraph 15, *UN Declaration on the Rights of Indigenous Peoples* [the *UN Declaration*]).

The first proposal is to support:

An International Expert Seminar on Truth and Reconciliation Processes

In the third session of the Expert Mechanism on the Rights of Indigenous Peoples, it was proposed that the High Commissioner on Human Rights, Ms. Navanethem Pillay, be encouraged to hold an International Expert Seminar on Truth and Reconciliation Processes. The proposal states:

"Proposal 8. International expert seminar on truth and reconciliation processes

11. The Expert Mechanism on the Rights of Indigenous Peoples

(a) Recognizes that national truth and reconciliation processes provide an important model and mechanism for improved relations between States and indigenous peoples, and that such processes have the potential to facilitate strengthened recognition and implementation of the rights of indigenous peoples;

(b) Encourages the Office of the High Commissioner to consider the possibility of preparing an international expert group seminar on the relevance of national truth and reconciliation processes as a mechanism for conflict resolution and reconciliation between States and indigenous peoples."¹

¹ Human Rights Council, *Report of the Expert Mechanism on the Rights of Indigenous Peoples on its third session, Geneva, 12-16 July 2010*, UN Doc. No. A/HRC/15/36, 23 August 2010, page 6.

It is requested that the Permanent Forum on Indigenous Issues support this proposal and request the High Commissioner on Human Rights to hold an International Expert Seminar on Truth and Reconciliation Processes by 2013.

It is further requested that the Permanent Forum be fully engaged in the International Expert Seminar in order to promote reconciliation between Indigenous peoples, States, the UN system as a whole and other citizens.

A Doctrine of Reconciliation

The second proposal relates to the ongoing development of a Doctrine of Reconciliation.

The time is now for the international community to consider a new chapter in the world history of relations between Indigenous Peoples, States and the Churches. There has been considerable high-level attention to the role of the UN *Declaration* in reconciliation.

For instance, the Secretary-General Ban Ki-moon in August 2008 identified the UN *Declaration* as itself an historic act of reconciliation. His Excellency stated:

“The result of more than two decades of negotiations, [the Declaration] provides a momentous opportunity for states and indigenous peoples to strengthen their relationships, promote reconciliation, and ensure that the past is not repeated.”

Recently, on April 5, 2011, the Special Rapporteur Professor James Anaya characterized the UN *Declaration* as an instrument of reparation and reconciliation, stating that, “The Declaration is fundamentally a remedial instrument, aimed at overcoming the marginalization and discrimination that indigenous peoples systematically have faced across the world as a result of historical processes of colonization, conquest and dispossession.”

In this spirit, the UN *Declaration* provides a framework for reconciliation to restore respectful relationships. On this basis, as a Commissioner of the TRC of Canada, I respectfully suggest that a new Doctrine of Reconciliation be pursued. This follows up to the International Year of Reconciliation in 2009 and is without prejudice, and indeed compliments the Permanent Forum’s work on the Doctrine of Discovery. We support the call that an international expert group meeting be convened in January 2012 to discuss the findings and implications of the preliminary study of the Doctrine of Discovery, and to present its findings to the UNPFII 11th session.

I suggest that the Doctrine of Reconciliation be an agenda item at the upcoming World Conference on Indigenous Peoples given its significance to peaceful co-existence for our future generations.

Hai Hai, Madame Chair.