



**CHECK AGAINST DELIVERY
VÉRIFIER AU PRONONCÉ**

**STATEMENT BY
THE HONOURABLE JODY WILSON-RAYBOULD, P.C., M.P.
MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA**

TO

**THE FIFTEENTH SESSION OF THE UNITED NATIONS
PERMANENT FORUM ON INDIGENOUS ISSUES**

NEW YORK, 9 MAY 2016

**DÉCLARATION DE
L'HONORABLE JODY WILSON-RAYBOULD, DÉPUTÉE
MINISTRE DE LA JUSTICE ET PROCUREURE GÉNÉRALE DU CANADA
À LA**

**LA QUINZIÈME SESSION DE L'INSTANCE PERMANENTE
SUR LES QUESTIONS AUTOCHTONES DES NATIONS UNIES**

NEW YORK, LE 9 MAI 2016

Gilakas'la.

Chief Hill, Mr. Chairman and Members of the Permanent Forum, esteemed representatives of the United Nations, UN Permanent Forum delegates.

I acknowledge our Indigenous hosts and thank them for the welcome onto their ancestral lands.

My traditional name is Puglaas. I come from the Musgamagw Tsawatineuk and Laich-Kwil-Tach people from the westcoast of Canada. I am part of the Eagle clan and my father, Hemas Kla-Lee-Lee-Kla, is our hereditary chief.

I would like to thank you for inviting me to be part of the opening of the 15th session of the Permanent Forum and I am pleased to bring you greetings from our Prime Minister, The Right Honourable Justin Trudeau.

Today I stand before you as the Minister of Justice and Attorney General of Canada – an appointment that speaks volumes to how far our country has come but also how far we intend to go.

I am also honoured to be among a record number of Indigenous Members of Parliament elected last October. I believe that this represents a real change from the time when most Indigenous people were actively discouraged from participating fully in society. This past election saw Indigenous peoples vote in record numbers.

Further, I am extremely proud to be part of a government whose leader has made a solemn commitment to fundamental change... with a vision for true reconciliation with Indigenous peoples.

To this end, our Prime Minister has tasked all of his Ministers to work towards rebuilding the relationship, which is set out in each of our public mandate letters – letters that state, and I quote: “No relationship is more important to me and to Canada than the one with Indigenous peoples. It is time for a renewed, nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, co-operation and partnership.”

That said, this is perhaps, the most challenging area of public policy our Government's priorities seek to address – but this work is necessary and long overdue. We must complete the unfinished business of Confederation. Rebuilding the Nation-to-Nation relationship and achieving reconciliation lies at the heart of a strong Canada.

We need to find long-term solutions to decades old problems as we seek to deconstruct our colonial legacy. Important to this work will be implementing the Calls to Action set out in the recent report of the Truth and Reconciliation Commission which considered the legacy of the Indian Residential schools.

One of the significant challenges to this work is that although strengthening the nation-to-nation relationship is the goal, practically speaking the administration of Indigenous affairs in Canada is not organized around Indigenous Nations. For the most part, it is organized around an imposed system of governance. With respect to Indians this is through “bands”, which are creatures of federal statute under the *Indian Act*. The *Indian Act* being the antithesis of self-government as an expression of self-determination.

Simply put we need to move beyond the system of imposed governance.

And I am confident that we have the legal tools to do so. That for Indian, Inuit and Metis peoples we can and will breathe life into section 35 of Canada's Constitution, which recognizes and affirms existing Aboriginal and treaty rights, by embracing the principles or minimum standards articulated in the United Nations Declaration on the Rights of Indigenous peoples and guided by the dozens of court decisions that provide instruction. My colleague and friend, the Honourable Carolyn Bennett, will be making a statement tomorrow about the Declaration.

The challenge moving forward, I submit, is not to fight battles already won, but rather to translate these hard fought for rights into practical and meaningful benefits on the ground in our communities.

But as any person who has worked in Indigenous communities in Canada knows, it is not easy to decolonize – it is not easy to throw off the shackles of 140 years of the *Indian Act* system, as an example. Indigenous communities are clearly in a period of transition – of Nation building and rebuilding. Our job as the Government of Canada is to support this transition.

Tied to the fundamental work of Nation rebuilding and implementing the UNDRIP, one of the biggest legal questions we need to unpack is how to implement the concept of “free, prior and informed consent.”

The Declaration recognizes that Indigenous peoples have both individual and collective rights. Participation in real decision-making is at the heart of the Declaration’s concept of free, prior and informed consent – that Indigenous peoples must be able to participate in making decisions that affect their lives.

There are many facets to the question, differing perspectives, and a number of options. All require a new nation-to-nation relationship – reflected in our unique Constitutional requirements.

So how do we move forward? As the late Nelson Mandela taught us – beyond the necessary truth telling and healing, reconciliation requires laws to change and policies to be rewritten. We intend to do so in full partnership.

There is a need for a national action plan in Canada, something our government has been referring to as a Reconciliation Framework.

In accordance with the Reconciliation Framework, we need more effective and clear ways of recognizing Indigenous Nations and for providing supports in the transition for those Nations that are ready, willing, and able to move beyond the status quo. At the same time, we need to ensure that communities continue to receive necessary programs and services during the period of transition. This work also necessarily includes developing a new fiscal relationship with Indigenous governments.

And we do not need to re-invent the wheel completely. It is important to understand what has worked and why and to build on the success. There are already many positive steps that have been taken. Within Canada, there are modern treaties and examples of self-government – both comprehensive and sectoral. There are regional and national Indigenous institutions that support Nation rebuilding – for example in land management and financial administration.

The time is right for meaningful and systemic change, to respect and acknowledge the place of Indigenous Nations.

Legitimate and strong Indigenous Nations are, and will increasingly, change the way Canada is governed and for the better. There is room in our country for different legal traditions and ways of governing. An approach that respects diversity and supports the social and economic advancement of Indigenous peoples as part of our evolving system of cooperative federalism and multi-level governance.

For this vision to be realized, Indigenous peoples need to be empowered to take back control of their own lives in partnership and with the full support of all Canadians. For change to occur, communities must go through their own processes of empowerment and local transformation, through healing, rebuilding and capacity development. In doing so, we can continue to make real progress.

And this is not just true for Indigenous peoples in Canada. There are common challenges and opportunities for Indigenous Nations no matter where they exist in the world. And that is why the UN Permanent Forum is such an important mechanism. The bringing together of States and Indigenous peoples to address issues of fundamental importance over the past 15 years has made an immense impact with respect to the recognition of the rights of Indigenous peoples.

There have been two official international decades of the world's Indigenous peoples. I say let us make this the century of the world's Indigenous peoples, one where Indigenous peoples, no matter where they live, deconstruct their colonial legacy and rebuild their communities. Let us make it a century where Nation States and Indigenous peoples work in partnership towards true reconciliation that supports strong and healthy Indigenous peoples

that are in charge of and in control of their own destinies. This, my friends, is our objective. Where the UNDRIP and the work of this place is a means to end and not the end in itself... The end being an improved quality of life for Indigenous peoples with practicing and thriving cultures.

I wish you all the best in your deliberations.

Gilakas'la.