



**United Nations Permanent Forum on Indigenous Issues
Twelfth Session
UN Headquarters, New York, 20, May, 2013**

**AGENDA ITEM 7 (a) Implementing the United Nations
Declaration on the Rights of Indigenous Peoples**

Statement presented by the Assembly of First Nations

(Traditional greeting)

I am honoured to be joining you here today. I offer my congratulations to all members of the Permanent Forum for your important work on matters effecting Indigenous Peoples around the globe, In Canada, the overarching goal for First Nations is to achieve reconciliation of the pre-existing sovereignties of First Nations with the claimed sovereignty of Canada. We underscore the social and economic imperative and opportunity for First Nations as well as all Canadians in achieving such reconciliation.

The United Nations Declaration on the Rights of Indigenous Peoples provides a basis for recognition of indigenous peoples by states and of states by indigenous peoples. It is the starting point for a relationship, rather than an end point for defining our rights. Canada currently lacks a mechanism or strategy to oversee or monitor efforts towards implementation and consistent action yet such a strategy could form the basis to achieve reconciliation itself.

Reconciliation requires recognition. This includes, but is not limited to, recognition of indigenous peoples as peoples. Reconciliation requires recognition of inherent rights and requires proper and meaningful implementation of treaty relationships.

First Nations are still fighting for recognition and implementation of our rights to lands, territories and resources. On the 250th Anniversary of the Royal Proclamation, intended to secure First Nations rights to our territories, Chief Roger William and the Tsilhqot'in Nation will argue for recognition and affirmation of their territorial rights. This landmark case seeks recognition for the un-extinguished territorial rights of the Tsilhqot'in Nation. It may mark the first time that Canadian law recognizes the pre-existing land rights of First Nations.

The Tsilhqot'in are fighting the application of the legal fiction of terra nullius and the remnants of the Doctrine of Discovery. If the reasoning of the lower courts stand, Canadian law will continue to discriminate against the pre-existing property rights of indigenous peoples under a fiction that First Nations were once too nomadic to be able to claim property rights to territories.

Optional Protocol

The Assembly of First Nations supports a study on developing an international mechanism to implement the UNDRIP. First Nations need to be engaged in this study and need to consider the potential impact of an Optional Protocol in terms of recognition and reconciliation strategies for their own rights, as well as the potential impact of an Optional Protocol in the broader Canadian context.

The Declaration is a unique document because it was drafted jointly by indigenous peoples and by states. As a consequence, development of any international mechanism

must proceed with the full and effective participation of indigenous peoples. Indigenous peoples must have access to the same level of resources as states in development of an Optional Protocol, including any study to explore the possibility of an Optional Protocol.

Indigenous peoples should consider the potential impact of one or more countries refusing to participate in an Optional Protocol, in terms of their specific national contexts, but also in terms of their own recognition and reconciliation strategies, for example in the context of treaty implementation.

The UNDRIP is not an aspirational ceiling, but rather a solid foundation. As a result, all peoples have a vested interest in its full implementation.

Canada visit of United Nations Special Rapporteur – Mr. James Anaya

I would like to end with some brief remarks about the upcoming visit by UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya to Canada.

The announcement of the visit last month has been welcomed news to First Nations across Canada.

We will be seeking to bring to light many of the issues facing First Nations that we have brought here: the ongoing and tragic legacy of murdered and missing Indigenous women; the unacceptable gaps in education and health outcomes, and the grinding poverty and socio-economic conditions facing our people.

At the same time, we will be seeking to demonstrate the path forward through treaty implementation, comprehensive claims reform and recognizing First Nations rights and interests in economic development projects, education systems and all other areas.

First Nations must be full and equal partners in the planning, confirmation of scheduling and execution of all aspects of this visit with Canada. We insist on fully meaningful engagement with First Nations across Canada through this visit.

The UN Special Rapporteur must be free to visit all parts of Canada, and visit with First Nations from coast-to-coast-to-coast.

The international community will be watching to ensure that the Special Rapporteur is provided free and unfettered access to fully examine and report on the situation facing First Nations in Canada.

Closing

In closing, let me re-iterate the important role of the United Nations Permanent Forum on Indigenous Issues as a key mechanism to bring to light the urgent and essential voices, interests and rights of all Indigenous Peoples. The future of our global community and that of our shared planet is tied to the realities, the experiences and the knowledge of Indigenous peoples the world over. The world needs to hear our voices and States must be encouraged and compelled to work with us in recognition and mutual respect. On behalf of the Assembly of First Nations I thank the members of the

Permanent Forum for the important role you play in this effort.

Kleco, Kleco