



Continental Network of Indigenous Women of the Americas North Region

Collective Statementⁱ

Agenda Item 4 (a)

Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Honorable Madame Chairwoman, Members of the UN Permanent Forum on Indigenous Issues, distinguished representatives, and Indigenous sisters and brothers here today,

The implementation of the UNDRIP is an important issue for Indigenous Women in North America as it is the first international instrument to address the issue of multiple discrimination, which indigenous women experience. Canada and the United States of America, after opposing the *Declaration* for more than four years, have now both endorsed the instrument.

However, in its endorsement of November 2010, and in other statements made since then, the Canadian federal government has rejected the notion that it is under any obligation to review and revise laws and policies to bring them into line with the standards set out in the *Declaration*.

This unacceptable position has put a great toll on Aboriginal women and communities as the paternalist and antiquated *Indian Act*, that rules all aspect of “Indian life”, still contains discriminatory aspect that have not been settled by the recent adoption in December 2010 of Bill C3, an act to promote Gender Equity in Indian Registration. Bill C3 does not recognize the fundamental rights of Indigenous Peoples and nations as supported in international human rights law to define their own nationality, identity and citizenship.

Similarly, the United States government, as reported here at the Permanent Forums 9th Session and earlier this week during this 10th session, regarding the consultative process it operationalized with indigenous peoples that led to its official support for the Declaration, this process has been limited to federally recognized tribes and nations, which in turn exclude the hundreds of unrecognized and unrepresented indigenous peoples in the US included in the Declaration, such as historical tribes.

Thus, in accord with Nation building processes initiated throughout North America we respectfully request that our recommendations be integrated into the final report.

Reaffirming, the recommendations in the State of World Indigenous Peoples Report in Emerging Issues of the UNPFII 2010, Chapter 7; North American Indigenous Peoples Caucus Report 2011 (No. 10 and 11); Preparatory Regional Report of Latin America and Caribe 2011, and Unrepresented Indigenous Peoples Collective Statement under UNPF 2008 4a, which draw attention to the particular situation of unrepresented and unrecognized indigenous peoples,

Noting that all peoples should have the human right to be free from discrimination, unrecognized and unrepresented peoples currently do not have equal rights and protections to land, water, culture, identity, and child welfare protection as recognized indigenous peoples.

Noting that unrepresented and unrecognized tribes have less than equal rights to fair judicial review, unrecognized and unrepresented peoples are more vulnerable to discrimination, especially in exercising

Contact

Rosalee Gonzalez, Co-Coordinator
North Region ENLACE
Rosalee.Gonzalez@asu.edu

their right to land use, practice and preservation of culture, and in turn contributes to the cultural genocide of these peoples.

Acknowledging the importance of the right to equal and fair judicial review, unrecognized and unrepresented peoples can not engage the state in legal address to their specific needs specifically related to land, natural resources, cultural custodianship, and their economic sustainability. Further noting that unrepresented and unrecognized Indigenous women experience greater levels of discrimination due to the compound affect of ethnicity, gender, class, language, and, in particular, non- represented and unrecognized status.

We request that the UNPFII call upon Canada and the US to:

1. Explicitly recognize the situation of unrepresented indigenous peoples and their diversity on a global scale.
2. Establish a task force on unrepresented and unrecognized Indigenous Peoples, including but not limited to unrepresented historical tribes and migrant indigenous peoples and their descendents in the United States.
3. Create mechanisms for the collection of desegregated data on unrepresented indigenous peoples, including but not limited to environmental concerns.
4. To fully implement the UNDRIP in a unqualified manner as it is the first international instrument to address the issue of multiple discrimination;
5. To begin effective and all inclusive consultations in good faith with Indigenous peoples on how they intend to implement the UNDRIP;
6. To implement Article 3 of the UNDRIP recognizing the inherent right of Indigenous peoples to define their own political status to freely pursue their economic, social and cultural development, allowing Indigenous peoples to move positively towards self-determination;
7. To implement Article 6 of the UNDRIP recognizing the inherent rights of every Indigenous individuals to a nationality;
8. To implement Article 9 of the UNDRIP recognizing the rights of Indigenous peoples, without discrimination, to belong to a indigenous community or nation, in accordance with the traditions and customs.
9. To eradicate all forms of gender discrimination in its administrative and legislative policies.

We request that the UNPFII:

1. Include the Preparatory Regional Report of Latin America and Caribe 2011 in your final report, drawing specific attention to its recommendations on UNWOMEN.

ⁱ Abstention by ENLACE member organization, Pauktuutit in Canada