

**Expert Mechanism on the Rights of Indigenous Peoples**

**Ninth session**

**10-14 July 2017**

**Item 6: *Ten years of implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned.***

**Speaker: Kenneth Deer**

**Joint Statement of: Indigenous World Association; Amnesty International; BC Assembly of First Nations; Canadian Friends Service Committee (Quakers); First Nations Summit; Grand Council of the Crees (Eeyou Istchee); Indigenous Bar Association; KAIROS; Canadian Ecumenical Justice Initiatives; Métis Nation; Union of British Columbia Indian Chiefs;**

We look forward to celebrating the upcoming 10th anniversary of the adoption of the *UN Declaration on the Rights of Indigenous Peoples*. The adoption of the *Declaration* was the culmination of incredible efforts by Indigenous Peoples, allies, and member States. Internationally, significant progress on the *Declaration* is ongoing. To date, the General Assembly has re-confirmed the *UN Declaration* three times and that, too, is something to celebrate.

Indigenous Peoples are actively implementing the *Declaration* in governance, in negotiations, and in litigation. Human rights education is growing and the *Declaration* is being used in diverse ways at the community level. Globally, Indigenous Peoples and States are learning about the *Declaration* and how to use it to promote harmonious and cooperative relations, mutual respect, understanding, and shared prosperity.

Good practices by our Coalition of organizations include organizing and participating in conferences, seminars, and workshops for people to learn about the *UN Declaration*. We have distributed ¼ million copies of the booklet version of the text. We consider it an achievement that Canada has gone from originally opposing to now embracing the *Declaration*. We have developed resources from fact sheets to law papers to increase understanding on the meaning of the *Declaration* and its legal effect.

Lessons learned include the reminder that if Indigenous Peoples are not leading this work, it will not happen. Indigenous Peoples exercising their human rights is how implementation does and will occur. The full and effective implementation of the *UN Declaration* remains very challenging. In the World Conference Outcome Document, States strongly re-committed themselves to the *UN Declaration* and to developing and implementing national action plans, together with Indigenous Peoples. It is concerning that not many States today can report that such plans are being or have been devised.

In Canada, the national government has made repeated, high profile commitments to implementation of the *Declaration*. Canada recently established a Working Group of Ministers

to review federal laws, policies and practices that includes ensuring consistency with the *Declaration*.

While these are positive measures, it is important to note that a year ago in this forum, we reported our concern that no concrete or substantive actions taken in partnership with Indigenous Peoples had yet been realized to fulfill the promises made by government. A year has passed and we do not have much to report as advancements.

Furthermore, we have not seen any concrete changes in critical government decisions while proposed reform initiatives are pending. Major development projects continue to be approved without meeting the global criteria for sustainable development or the standard of free, prior and informed consent. Such projects are being approved despite the opposition by Indigenous Peoples. Environmental assessment processes reviewing development projects that impact Indigenous Peoples' lands, territories, and resources need to be consistent with the *Declaration* and the commitments in the WCIP Outcome Document. This would include safeguarding Indigenous peoples' human rights in the context of sustainable development.

Last year, opposition member of parliament, Romeo Saganash introduced a private members bill to establish a legislative framework for implementation of the *UN Declaration*. Canada has an essential opportunity to work with Indigenous Peoples to build on this work. Such a legislative framework is crucial to ensure future governments do not reverse any positive advances including any administrative, legislative or constitutional measures. We urge all governments to work in full partnership with Indigenous Peoples to create legislative frameworks for full and effective implementation of the *Declaration*.

**Recommendations:**

- 1) THAT EMRIP urge States to work together with Indigenous Peoples and co-develop National Action Plans, including legislative frameworks for the full and effective implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*. In particular, such actions must be consistent with article 19 of the *Declaration* and paragraphs 3 and 4 of the Outcome Document of the World Conference on Indigenous Peoples.
- 2) THAT EMRIP emphasize the urgent need for States to include in such legislative frameworks the unequivocal repudiation of doctrines of superiority, as well as colonialism in all its forms and manifestations.
- 3) THAT EMRIP call upon States to work in partnership with Indigenous Peoples in environmental, resource development and other processes that impact Indigenous Peoples' rights. The applicable international standard is free, prior, and informed consent, and States should not proceed with unilateral actions.