

UN Permanent Forum on Issues

Seventeenth Session

Tuesday April 17, 2018

Agenda Item 8: Discussion on the theme “Indigenous peoples’ collective rights to lands, territories and natural resources”

Statement of the Union of BC Indian Chiefs

Speaker: Kukpi7 Judy Wilson, Secretary-Treasurer of the Union of BC Indian Chiefs and Chief of the Neskonalith Indian Band

My name is Kukpi7 Judy Wilson, and I am Secretary-Treasurer for the Union of BC Indian Chiefs and Chief of the Neskonalith Indian Band. It is my honour and responsibility to present the following statement on behalf of the UBCIC which represents over a hundred First Nations in British Columbia, Canada. This statement addresses Indigenous peoples’ lands, territories and natural resources, with a particular focus on sustainable development.

Recommendations:

1. That the Permanent Forum call on Member States, alongside their provincial, territorial, and municipal governments to engage with Indigenous Peoples through a meaningful and substantive process to co-develop and implement a legislative framework for the unqualified implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*. Such a framework must have particular focus on:
 - a. Reforming laws, regulations and policies to ensure that the free, prior and informed consent of Indigenous Peoples is required for any decisions that have the potential to impact on Indigenous Title and Rights, and Treaty Rights.
 - b. Providing Indigenous Peoples the necessary resources and capacity to fully participate in the review of laws and policies;
 - c. The development of an independent oversight body to review and report on the implementation process; and
 - d. A public education component providing information and knowledge of Human Rights as they pertain to Indigenous peoples to Public Service Employees and the public at large.
2. That the Permanent Forum call on states and extractive-resource companies to respect the inherent Rights and authorities of Indigenous communities to protect against any and all threats to our peoples, especially to our women, our two-spirits, our children, our lands, the wildlife, the salmon and the waterways. States and private companies must respect the requirement of Indigenous Peoples free, prior and informed consent for the operation and expansion of extractive-resource projects and the related hyper-masculine man-camps (workers camps) which can contribute to an increased level of risk to our Indigenous communities.

3. That the Permanent Forum call on States to necessitate the mandatory inclusion and full engagement of impacted Indigenous Nations in any and all discussions pertaining to their Indigenous Title and Rights.

It is a guiding principle of the UBCIC that our Indigenous Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities.

The UBCIC's trust in the Federal Government of Canada has been sorely shaken. Despite election commitments and recent promises to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, to enact the Calls to Action of the Truth and Reconciliation Commission and the commitment to establish a true nation-to-nation relationship with Indigenous Peoples, when push comes to shove, the Canadian government is failing to live up to its promises.

The UBCIC, though initially encouraged by the Government of Canada's actioning of its commitments to reconciliation, is discouraged and disappointed that Canada continues to breach and violate the principles and standards affirmed in the *UN Declaration*.

When the Title and Rights of Indigenous Peoples are perceived to be in conflict with the assumed "National Interest" and the agenda and priorities of Crown Governments, the Title and Rights of Indigenous Peoples are continuously and repeatedly infringed and violated.

In defiance of the opposition of numerous Indigenous Nations, impacted by both the Kinder-Morgan Trans Mountain Pipeline Expansion (KM-TMX) and the Site C Dam project, the Federal Government has repeatedly stated their intention to push such environmentally destructive projects through to completion. Projects such as the KM-TMX and the Site C Dam are fundamentally in conflict with the standards of the *UN Declaration* and Canada's commitments to reconciliation and a nation-to-nation relationship.

Further, Canada has stated its intention to use tax-payer dollars to finance this environmentally destructive and economically irresponsible industry, placing at threat the health, culture and ways of life of numerous Indigenous communities.

Despite Canada's endorsement of Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, Prime Minister Trudeau has committed his government to pursuing legislative options to assert and reinforce the government of Canada's jurisdiction to see the destructive KM-TMX project to completion. These pieces of legislation are fundamentally at odds with each other.

Indigenous Women and communities in Canada are facing a crisis. The epidemic of murdered and missing Indigenous women and girls has spread to Indigenous communities across Canada. The loss of our women and girls is intrinsically connected to the violence perpetuated against our homelands. Canada's resource projects, not only fly in the face of the standards and principles necessary to a true nation-to-nation

relationship, but the construction of such projects is reliant on the imposition of hyper-masculine man-camps on our territories and our communities. These man-camps harbour a hyper-masculine mentality which will violently target our most vulnerable populations.

In their opposition to these projects, First Nations in BC have been relegated to fighting for the recognition and implementation of their Title and Rights in the Courts and on the streets. This is fundamentally unacceptable and in complete violation of the *UN Declaration*.

The UBCIC maintains that it is not the responsibility of Indigenous peoples to conform with the colonial systems imposed on us. It is for colonial governments to conform and reform their legal systems, their governance systems and their assumed jurisdiction to work with the traditional governance and legal systems of Indigenous Nations. Thus, the UBCIC requests that the Permanent Forum to call on States to fully implement the *UN Declaration* and to co-develop and implement an independent compliance monitoring system.

In Canada, the decisions on major projects impacting the Title and Rights of Indigenous Peoples are occurring without the full and meaningful participation of those facing the most serious of impacts. These projects threaten the foundations of our Indigenous Nations, our health, wellness, culture and livelihoods.

The UBCIC affirms Indigenous Rights to own, use, develop and control our lands, waters and resources, according to our own laws and jurisdictional authority, and we emphasize the requirement of States to give legal recognition and protection to these Rights.