

United Nations Expert Mechanism on the Rights of Indigenous Peoples
July 12 - 16, 2010
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July 15, 2010

Ochapowace First Nation
Wes George - Spokesperson

Agenda Item 4 - the United Nations Declaration on the Rights of Indigenous Peoples.

Indigenous Peoples belong to and are an integral component of the Universal Family of Peoples.

Thank you Mr Chairman, Ochapowace fully supports the report of the United Nations Seminar on treaties held at Maskwacis in 2006. For the record we endorse the presentation of the Co-Rapporteurs and our esteemed friend Mr. Devasish Roy, further we would like to thank the Maskwacis Cree for hosting a successful event. Hy Hy

This is a summary of a written statement submitted yesterday.

Mr. Chairman, the Ochapowace Cree Nation wishes to express its perspective on the UNDRIP as a key human rights instrument that offers a profound opportunity of change. Change that fully recognizes the Indigenous Peoples full-range of rights: to control their natural resources that were never given-up to the colonizers, to inherent rights of self-government and self-determination and to Treaty and Treaty rights. These rights that are enshrined in the UN Declaration on the Rights of Indigenous Peoples mark the starting point of a new relationship with the colonizers and their governments. A relationship that recognizes our legitimacy as the original governments and original nations

In Treaty 4 Territory, we have accepted and started the implementation of the UNDRIP into our governance systems and law-making. At all levels locally, regionally, nationally and internationally the minimum standard - the UN Declaration on the Rights of Indigenous Peoples has been adopted everywhere except at the Canadian government level. This extreme act of isolation has centred out Canada and the USA as perpetrators of out-moded and out-dated methodologies and ideologies of superiority. With this backdrop framing the remaining dissenters positions of not fully accepting, endorsing and passing the UNDRIP ; and to bring itself in line with their nation-state counterparts, Canada has no further recourse but to finally respond to the calls of the World to finally and fully endorse, accept and implement the UNDRIP without qualifications.

Without full endorsement and implementation we will continue to experience substandard laws and policies that have serious negative impacts on our existences and inherent and Treaty rights. This imposed denial by the state of Canada of International Standards and Laws creates an imbalance of power in decision-making that detracts all aspects of the existences of Indigenous Peoples. A situation that only benefits the colonizer and not the original-inhabitants and original owners of the land and resources. Canada will continue to shirk its international and treaty duty through its own law-making and policy development that are immersed in the colonial myths that Indigenous Peoples do not possess International Rights.

Contrary to Canada's assertion that it "may have statutory, contractual or common law obligations to consult with Aboriginal Peoples" is a demonstration of non-recognition of the principles contained in the UNDRIP and for the minimum international standard of free prior and informed consent. We must point out that the consultation process which Canada is referring to in their statement of 13-07-2010 is not decision making in accordance with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples.

The Preliminary Study on the Doctrine of Discovery presented at the Permanent Forum in New York at the 9th Session, demonstrated beyond any doubt of the colonizers legislation law and policy are founded and rooted in the doctrine of discovery. The uncovering of the truth of the false foundation of Canadian law in this landmark study underscores the rationale and ideology of Canada to maintain their opposition to the UN

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The Doctrine of Discovery is reflected in Canada's Constitution which establishes the Federal Indian Act and furthermore establishes the division of federal and provincial powers, excluding Indigenous Peoples authority and inherent rights to traditional governance. The Natural Resource Transfer Agreement is an example of the federal and provincial government agreeing that the province shall have decision making authority and ownership over all natural resources. In addition, Canada's duty to consult and accommodate is another prime example of the application of the doctrine of discovery principles and misguided beliefs. Having indicated numerous examples of the application of the doctrine of discovery that Canada routinely and regularly espouses at the United Nations; it is clear that the messages contained in Canadas statements are intended to perpetuate the very myths of the Doctrine of Discovery .

In the UNDRIP preambular statement: "Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust"; was intended to address all false Doctrines.

Doctrines generated and promoted by colonial governments and their partners are genuine acts of genocide and promote unjust relationships, contrary to Treaty. These Doctrines have provided a legally contrived rationale for the Canadian government and jurisprudence to deny involvement of Indigenous Peoples in decision making of the State. This exclusionary process has detrimented and curtailed effective participation of Indigenous Peoples into any and all decision making processes where meaningful change can occur. Change that is based on World Standards and our Natural Law.

Having mentioned the foregoing position of our Indigenous Governments we would like to make the following recommendations to encourage the full and complete implementation of the United Nations Declaration on the Rights of Indigenous Peoples in Canada.

- 1. That the Canadian Government adopt the UNDRIP without qualifications.*
- 2. That Canada must begin at once the reform of all laws, policies and relationships to reflect the UNDRIP and Treaty.*
- 3. Canada must engage with Indigenous Peoples in the law reform process as full participants and decision makers and accept decisions and decision-making principles of the Indigenous Peoples including the adherence to Free Prior and Informed Consent principles of International Law Standards including the United Nations Declaration on the Rights of Indigenous Peoples.*
- 4. That Indigenous Peoples and their political and service organizations adopt and adhere to : where they haven't done so - the Universal Standard the UN Declaration on the Rights of Indigenous Peoples*
- 5. That the report of the United Nations seminar on treaties, agreements and other constructive arrangements between States and Indigenous Peoples; second seminar held in 2006 at the Maskwacis Territory as presented be acted upon immediately.*

Thank you Mr. Chairman and members of the Expert Mechanism.

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