

UNITED NATIONS  
PERMANENT FORUM ON INDIGENOUS ISSUES  
UN HEADQUARTERS, NEW YORK, NY, USA  
09 – 20 May, 2016

**AGENDA ITEM 4: Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.**

Thank you for the opportunity to address the Permanent Forum. I make this statement on behalf of the Ochapowace Nation, the Federation of Saskatchewan Indian Nations and the North American Indigenous Peoples Caucus.

Mr. Chairman, the Ochapowace Nation possesses a Treaty with the Crown of Great Britain and according to international legal opinion contained in the 1999 United Nations Study on Treaties<sup>1</sup> which provided important recommendations that clearly and with authority, states evidence which supports the International Status of our Treaties a necessary fact to establish correct relations with states.

Ochapowace Nation is interested in a nation-to-nation relationship, we are dedicated to a mutually beneficial co-existence and Canada the successor status – nation, needs to honor its Treaty obligations accordingly and in partnership with us the original governments.

Mr. Chairman, regarding the Canadian Government announcement made last week, and I quote: ***“full supporter of the Declaration without qualification, We intend nothing less than to adopt and implement the Declaration in accordance with the Canadian Constitution.”***

It was made absolutely clear that Canada intends to redefine and alter the UNDRIP status and principles to comply with the Canadian Constitution.

This approach will downgrade and lower the UNDRIP to a standard less than it was intended. In addition, the nation-to-nation relationship of Treaty and the Treaty itself will remain in a breached state should the Canadian Constitution remain as the standard to which the UNDRIP must comply, and the assimilation policies and legislation of Canada will occur and Genocide will continue unabated.

In this context, we flag Article 7 of the UNDRIP regarding Genocide as a legitimate and outstanding article requiring immediate attention and action.

Members of the Permanent Forum, from initial contact to modern times the application of genocidal acts on Indigenous Peoples has been routine without global observance or punishment. Legislation, laws and policies have been deliberately constructed to rob the

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<sup>1</sup> United Nations, Economic and Social Council E/CN.4/Sub.2/1999/20, 22 June 1999 HUMAN RIGHTS OF INDIGENOUS PEOPLES “Study on treaties, agreements and other constructive arrangements between States and indigenous populations – final report by Miguel Alfonso Martinez, Special Rapporteur.”

indigenous peoples of identities, the elimination of languages and cultures, the forcible removal and transferring of children, assimilation of whole tribes, killing of children and women, and the continual onslaught of legislation, policies and developments that maintains all of the above, qualify as acts of genocide and crimes of genocide.

Canada's ill-treatment of the original peoples fit the universal description, definition and utility of the UN Convention on the Prevention and Punishment of the Crime of Genocide.

Mr. Chairman, we make the following recommendations to assist in combatting genocide against Indigenous Peoples:

1. That the United Nations Permanent Forum on Indigenous Issues decide to identify the theme for a future UNPFII Session "Genocide and its Effects on Indigenous Peoples" in accordance with Article 7 of the UNDRIP.
2. That an expert seminar on genocide and indigenous peoples be identified and held prior to the UNPFII session that is identified for that purpose.
3. That the UN Special Advisor on Genocide be invited to attend the proposed UNPFII as a presenter and how his office – program and services have integrated the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations World Conference on Indigenous Peoples Outcome Document together with other standards into his scope of work and mandate.
4. That the United Nations permanent Forum authorize a study on Genocide and its Effects on Indigenous Peoples at the most immediate opportunity and be presented at the proposed UNPFII Session.
5. That the UNPFII develop an appropriate ongoing education program on Genocide and its application and Impacts on Indigenous Peoples. For use and utility in a system wide programme of action including at the national level.
6. That Genocide of Indigenous Peoples has occurred and a declaration be issued by the United Nations to recognize and take measures to effectively address and combat.
7. That the Doctrine of Discovery be immediately denounced as it is the foundation and genesis of Genocide on Indigenous Peoples.
8. That the unfinished business of the UN Study on Treaties agreements and other constructive arrangements between states and indigenous peoples be completed.

And finally Mr. Chair we implore the UNPFII to consider the inclusion of the 2016 North American Indigenous Peoples Caucus Report as an official document of these proceedings.

Thank you,

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