

United Nations Expert Mechanism on the Rights of Indigenous Peoples
July 20 – 24, 2015
Geneva, Switzerland

July 23, 2015

Ochapowace Nation
Wes George – Spokesperson

Agenda Item 8 – United Nations Declaration on the Rights of Indigenous Peoples

The Ochapowace Nation welcomes this opportunity to speak on this important agenda item number 8 - United Nations Declaration on the Rights of Indigenous Peoples. At the outset, I would like to state the following: The Ochapowace Nation is of the firm belief and principle that as Indigenous Peoples and Indigenous Nations our existences, rights and all that we are and what we possess are universal and global in scope, definition, application, coverage and enforcement and as Indigenous Peoples we are a critical and integral component of the Universal Family of Peoples and Humanity.

Mr. Chairman, the Ochapowace Nation has worked diligently in our territory to inform and share information on the UNDRIP and its application, relevancy and use. Having adopted the UNDRIP for application into our internal operations, developments and planning, it is absolutely clear that there exists a cloud of ignorance and denial within the programming and legislation of the colonizer governments that hinders, violates and ignores our planning, developments, laws, law-making, decisions and decision-making authority. In addition, the intended relationship of Treaty and the Treaty itself has been breached at every opportunity by the colonizer government of Canada to the detriment of guaranteed nation-to-nation relationships and rights confirmed by our Treaties. We make these observations in relation to the Agenda item we are discussing to highlight the failure of the Government of Canada to accept, apply and enforce the universal standard that UNDRIP represents. It is our fundamental belief that the UNDRIP is legally binding and is a reality for implementation in accordance with the Ochapowace Nation Constitution 2015

The adoption vote of September 13, 2007 and the related and equally applicable decisions made later, by the various UN Bodies have confirmed the principles enunciated in the UNDRIP.

Mr. Chairman we state for the record the following principles of the World Conference of Indigenous People Outcome Document to preface our recommendations:

Operational Paragraphs:

3. We reaffirm our support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007,

4. We reaffirm our solemn commitment to respect, promote and advance and in no way diminish the rights of indigenous peoples and to uphold the principles of the Declaration.

28. We invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism so that it can more effectively promote respect for the Declaration,

In this context, we flag Article 7 (1) and (2) of the UNDRIP regarding Genocide as a legitimate and outstanding article requiring immediate attention and immediate action.

Members of the Expert Mechanism on the Rights of Indigenous Peoples, from initial contact to modern times the application of genocidal methodologies on Indigenous Peoples has been routine without global observance or punishment. Legislation, laws and policies have been deliberately constructed to rob the indigenous peoples of identities, to eliminate languages and cultures, to forcibly remove and transfer our children, displace/destroy/assimilate of assimilate whole tribes, the killing of children and women, incarceration rates that disproportionately create a higher population of imprisoned peoples than mainstream society, and the continual onslaught of legislation that maintains all of the above, qualify as acts of genocide and crimes of genocide.

Of particular reference and support for our statement, Mr. Chairman, Chief Justice McLachlin in reading into the record her perspective of Canada's treatment of Indigenous Peoples in May of this year and as a representative of Canada's top court recognized and compared the record of Canada and the Church to the atrocities committed on other peoples by governments and dictators through genocide. Even Canada's Truth and Reconciliation Commission referenced that Genocide of the Indigenous Peoples of Canada has occurred. Canada's ill-treatment of the original peoples fit the universal description, definition and utility of the UN Convention on the Prevention Punishment of the Crime of Genocide.

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

1. That a study on Genocide and Indigenous Peoples be approved at this session of the UNEMRIP.
2. That the study include recommendations for full implementation on combatting genocide.
3. That an agenda item for the UNEMRIP 9th Session – Genocide and Indigenous Peoples be identified and held in 2016.
4. That the Special Advisor on Genocide be invited to the 9th Session of the UNEMRIP to provide advice and direction with the view that UN-CPPCG is applicable for the crimes committed against Indigenous Peoples.
5. That the process of applying to and having the Convention on Prevention and Punishment of the Crime of Genocide be opened to Indigenous Peoples applications free of influence and interference.

On behalf of the Government of the Ochapowace Nation we thank you for the opportunity to make this statement. Hiy Hiy.