

United Nations Expert Mechanism on the Rights of Indigenous Peoples
July 11 – 15, 2011
Geneva, Switzerland

July 13, 2011

Ochapowace First Nation
Wes George – Spokesperson

Joint Submission on behalf of:

Cowessess First Nation; Star Blanket First Nation; Ermineskin Cree Nation; Native Women's Association of Canada;

and on behalf of:

Committee in solidarity with Indigenous peoples of the Americas (CSIA-Nitassinan, France); International Committee on the Indigenous Peoples of the Americas (INCOMINDIOS Switzerland); Working Circle Indians of North America (AKIN, Austria); GLOBAL 2000 - Friends of the Earth (Austria); Aktionsgruppe Indianer und Menschenrechte (Germany)

Agenda Item 5 – United Nations Declaration on the Rights of Indigenous Peoples

Mr. Chairman, congratulations on your appointment as the new Chairman of this EMRIP; we foresee that your involvement is not only timely but pertinent. We also congratulate the Co-Chair in her appointment and we look forward to working with you over the next year as your presence and capabilities assist in the completion of the assignments and work from this the EMRIP 4th Session.

Before I begin, I would like to state the following: The Ochapowace First Nation, Kakisiwew Treaty Council and supporters of this statement are 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.

Mr Chairman, the Ochapowace First Nation has worked diligently in our territory and surrounding territories to inform and share information on the UNDRIP and its application, relevancy and use. Having adopted the UNDRIP for application and enforcement into our internal operations, developments and planning, it is absolutely clear that there exists a void 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 capacities. 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 and conclusions in relation to the Agenda item we are discussing to highlight the inadequacies of acceptance, application and enforcement of the universal standard the UNDRIP stands for and is recognized by all parties.

While nation-states at times provide a country report regarding activities and strategies that respond to their obligations in other UN processes such as the Universal Periodic Review and Treaty bodies as examples. The contents of these country reports are devoid of obligations that the UNDRIP confers on nation-states and thus the accurate situation of relationships with Indigenous Peoples is avoided and escaped. For that matter Mr. Chairman, Indigenous Nations, groups, agencies and bodies representing Indigenous Peoples currently have no formal process to monitor the application and implementation of the UNDRIP.

The value of tracking the adoption, integration and enforcement of the UNDRIP through a “Review of progress and assessment of the implementation of the UNDRIP” would encourage greater participation, increase the level of awareness and gain lasting solutions in the full implementation of the UNDRIP by and for Indigenous Peoples and Nation-states.

In accordance with the application of commonly accepted processes enacted in other areas of the UN directly affecting and relating to Indigenous Peoples concerning “Good Practices” we make the following recommendations:

1. A “Review of progress and assessment of the implementation of the UNDRIP” be accepted as a legitimate process to ensure the fulfillments of obligations arising from the adoption of the UNDRIP are achieved.
2. That this review is applicable and enforceable on all parties.
3. That the Expert Mechanism in conjunction with other UN Bodies relating to Indigenous Peoples along with Indigenous Peoples themselves identify appropriate authorities within the UN system to undertake this responsibility.
4. That sufficient resources, including human and financial, be allocated to undertake this project.
5. That measures be identified where “parties” are not in conformance or compliance be enacted.
6. That an interim progress report be submitted to the UN-EMRIP 6th Session.
7. That the “Review” be completed prior to and submitted accordingly to the UN World Conference on Indigenous Peoples in 2014.
8. That the UN Declaration on the Rights of Indigenous Peoples be further promoted to achieve Covenant Status, obligation and duty in a timely efficient manner.

Thank you