



**STATEMENT BY
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CONGRESS OF ABORIGINAL PEOPLES**

**Future Work of the Permanent Forum, Including Issues
Considered by the Economic & Social Council and
Emerging Issues**

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**United Nations Permanent Forum on Indigenous Issues
NEW YORK**

Mr. Chairman, Members of the Permanent Forum, Representatives of Indigenous Peoples' Organizations, Distinguished guests and colleagues, ladies and gentlemen.

My name is Dwight Dorey and I am the National Chief for the Congress of Aboriginal Peoples, located in Ottawa, Canada. I am a Mi'kmaq from the Millbrook First Nation in the Province of Nova Scotia.

The Congress of Aboriginal Peoples (CAP) is one of the five National Indigenous Organizations that is recognized by the Government of Canada and by the Provincial and Territorial Governments including the International Community.

Since 1971, CAP – formerly known as the Native Council of Canada (NCC) - has represented the interests of the Métis, off-reserve status Indians and non-status Indigenous peoples living in urban, rural, remote, and isolated areas throughout Canada including the Inuit of Southern Labrador. Fundamentally, CAP seeks to ensure that all Indigenous people have equal access to programs and services across the country and that our Aboriginal and treaty rights, as guaranteed in Canada's Constitution, are given equal protection regardless of residence or *Indian Act* status.

I also want to say that as the former National Leader of the then Native Council of Canada, my good friend, Harry Daniels, was one of the founding members of The World Council of Indigenous Peoples (WCIP).

Mr. Chairman! At the beginning of this Permanent Forum, the Government of Canada has stated that:

"...we are now a full supporter of the Declaration without qualification. We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution."

The Government also believes that their constitutional obligations are to fulfill all of the principles of the Declaration, including free, prior and informed consent. But how will such a declaration be implemented? Indigenous peoples must be in the decision-making process as partners from the beginning. If there is no consent, then governments and Indigenous Peoples cannot engage in concrete and meaningful reconciliation.

That being said, we would like to commend Canada for fulfilling a number of their platform commitments including setting up an Inquiry into Murdered and Missing Indigenous Women and the implementation of the Truth and Reconciliation Commission of Canada's (TRC) *Calls for Action*.

Mr. Chairman! Over the course of this Forum you have heard from other Indigenous leaders who have stated that despite their respective governments having chosen to adopt the UN Declaration, there are still recurring cases where rights continue to be violated; whether it is by being arrested for conducting peaceful protests or for not being allotted free, prior and

informed consent. ~~With this in mind, it is the Congress' hope that Canada will not choose to follow a similar path.~~

Canada's Federal, Provincial and Territorial including municipal governments **must** use the Declaration in combination with the consultation of all Indigenous peoples as a basis for reviewing and reforming laws and policies, to ensure that all indigenous people's rights are upheld without discrimination. This includes initiatives that will respect and promote the rights of Indigenous Peoples.

There is also a need for governments to acknowledge that if they are to honour the duty to consult and work with Indigenous Peoples, those people must be given both financial and human capacity and resources so that they may be able to fully participate in open and fair consultation.

Mr. Chairman and Members of the Permanent Forum! The UN Declaration has a direct connection to a recent landmark decision in **Canada's highest court** which was initiated by myself and my good friend Harry Daniels on behalf of the Congress of Aboriginal Peoples seventeen years ago - ***Daniels v. Canada***.

In 1999, the late Harry Daniels and the Congress of Aboriginal Peoples, including myself, launched the Daniels case in court.

The case was based on 3 key points:

- Métis and Non-Status Indians are Indians under subsection 91(24) of the *Constitution Act, 1867*;
- The Crown owes to Métis and Non-Status Indians a fiduciary duty as Aboriginal peoples; and,
- Canada must negotiate and consult with the Métis and Non-Status Indians, on a collective basis through representatives of their choice, with respect to their rights, interests and needs as Aboriginal peoples.

The Supreme Court of Canada unequivocally agreed. This means that the Government of Canada can no longer disclaim responsibility and continue playing a political game with the provinces over jurisdiction and thus can initiate a framework for reconciliation for all Indigenous Peoples of Canada. This now allows CAP to advocate more effectively for federal policies and programs for all Métis and non-status Indians.

~~The ruling is a game changer for the people that the Congress represents. It is our belief they will now have access to the equal rights that First Nations people living in on-reserve communities have.~~

Mr. Chairman! The Right Hon. Justin Trudeau, Prime Minister of Canada, has stated that Canada respects the Supreme Court's decision on *Daniels v. Canada*, welcomes the clarity that the ruling brings, and that Canada will be engaging with Indigenous leadership to ensure that it is following the Supreme Court's directions going forward. It is well that the Prime Minister has chosen for the Government of Canada to take this position as the Supreme Court has made it abundantly clear that the necessity to do so is a well-settled matter of law.

In closing! I would like to inform you and Members of the Permanent forum, that we are currently developing ^{our} ~~its~~ own Government to Government building strategy: a Political Accord with the federal government, and a "Road Map for Renewal and Reconciliation."

This Accord & Road Map has been submitted to the Prime Minister of Canada, the Minister of Indigenous & Northern Affairs Canada and the Minister of Justice & Attorney General of Canada. With this Accord we are looking forward to renewing a process and begin **real reconciliation** to rectify the years of neglect that our people have suffered as a result of not being recognized as rights bearing Indigenous Peoples. Now is the time for Canada and our Indigenous Peoples to create a synergic relationship based on fairness, equality and reconciliation.

Finally, I conclude by saying that the Prime Minister of Canada also promised an **OPEN AND TRANSPARENT GOVERNMENT! We will hold him to this commitment!!**

That being said, The Congress of Aboriginal Peoples cannot be excluded in any ^{future} ~~further~~ First Minister's Meetings or conferences!!! **ON INDIGENOUS ISSUES**

Thank you Mr. Chairman.