



Expert Mechanism on the Rights of Indigenous Peoples
14th Session (Virtual)
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North American Regional Meeting

Item 8: Draft Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous Peoples and the Right to Self-Determination

Joint Statement from the Coalition for the Human Rights of Indigenous Peoples*

Speaker: Chief Willie Littlechild

We appreciate the opportunity to provide input into the EMRIP study on self-determination.

We wish to share with you the recent achievement of federal legislation to implement the UN Declaration. On June 21, 2021, the Parliament of Canada adopted “**An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples**”. We hope this can be included in your work.

This historic piece of legislation has the potential to significantly change the landscape of Indigenous and government relations in Canada, based on Indigenous peoples’ right of **self-determination**.

The key purposes of the law are to:

- 1) affirm the Declaration as a universal international human rights instrument with application in Canadian law and
- 2) provide a framework for the Government of Canada’s implementation of the Declaration.

An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples, establishes a clear and ongoing legal commitment for the federal government to ensure that its laws, policies, and programs are consistent with the global human rights standards affirmed in the 2007 *UN Declaration*.

The law also requires that a National Action Plan to implement the *Declaration* through law, policy and programs be developed in consultation and cooperation with Indigenous peoples and adopted within two years.

This new Act also includes the following highlights in its Preamble:

- the Government of Canada recognizes that **all relations with Indigenous peoples must be based on the recognition and implementation of the inherent right to self-determination**, including the right of self-government;

- the Government of Canada **rejects all forms of colonialism** and is committed to advancing relations with Indigenous peoples that are based on good faith and on the principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights;
- implementation of the *Declaration* must include concrete measures to **address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination**, including systemic racism and discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons;
- implementation of the Declaration can contribute to **supporting sustainable development and responding to growing concerns relating to climate change** and its impacts on Indigenous peoples;
- the **protection of Aboriginal and treaty rights** – recognized and affirmed by section 35 of the *Constitution Act, 1982* – is an underlying principle and value of the Constitution of Canada, and Canadian courts have stated that such rights are **not frozen and are capable of evolution and growth**;
- there is an urgent need to respect and promote the rights of Indigenous peoples affirmed in **treaties, agreements and other constructive arrangements**, and those treaties, agreements and arrangements can contribute to the implementation of the Declaration;
- all doctrines, policies and practices based on or advocating the **superiority** of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the **doctrines of discovery and terra nullius, are racist**, scientifically false, legally invalid, morally condemnable and socially unjust.

In conclusion, all of the above provisions will reinforce Indigenous peoples' **well-being and self-determination** now and in the future. For further reference, we have many resources on the legislation on our website: declarationcoalition.ca

Thank you.

*Joint Statement from the Coalition for the Human Rights of Indigenous Peoples including: Chief Wilton Littlechild, former member of EMRIP; Assembly of First Nations; Amnistie internationale Canada francophone; Association Tinhinan Canada; BC Assembly of First Nations; BC Treaty Commission; Canadian Friends Service Committee (Quakers); First Nations Summit; Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government; Union of BC Indian Chiefs; Cheryl Knockwood, Chair, Nova Scotia Human Rights Commission; Lea Nicholas MacKenzie, former Special Advisor on Indigenous Issues at the Canadian Mission to the UN; Dr. Mariam Wallet Aboubakrine,