



## Defenders of the Land & Idle No More Networks



### PRESS RELEASE

#### **10<sup>th</sup> ANNIVERSARY OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES - NO REASON FOR CANADA TO CELEBRATE!**

(Turtle Island/Tuesday September 12, 2017) September 13<sup>th</sup> 2017 marks the 10<sup>th</sup> anniversary of the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**, a universal legal framework, which acknowledges the inherent collective human rights of the approximately 370 million Indigenous Peoples worldwide. Whilst a few celebrations of this anniversary are taking place in Canada organized together with establishment organizations who do not represent the grassroots Indigenous Peoples who are the proper title and rights holders, it is questionable, if the country has anything to celebrate about. According to the latest periodic report of the **UN Committee on the Elimination of all Forms of Racial Discrimination (UN CERD)**, Indigenous Peoples in Canada are still facing systematic racial discrimination in the enjoyment of their inherent rights.

Thirty years after Indigenous representatives first came to the United Nations in 1977, the General Assembly finally adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) on September 13<sup>th</sup>, 2007. Indigenous Peoples around the world celebrated this event as a milestone of their continuous efforts to have their rights acknowledged on an international level.

The UNDRIP is the first UN document which entitles Indigenous Peoples not only to general human rights but also specific collective rights as Peoples, particularly concerning their right to self-determination, identity, culture as well as their Indigenous lands and resources.

Today Indigenous Peoples are an ever-growing presence at the international level and 10 years after its adoption, some countries have incorporated the declaration into their national law to set minimum standards for their relationship with Indigenous Peoples.

Regrettably so far, Canada has not appropriately implemented its obligations and duties towards Indigenous Peoples as laid down in the UNDRIP, which has already been criticized by many UN bodies and Committees, most recently by the UN CERD in August 2017.

In fact, Canada was one of only four countries that actually voted against the UNDRIP at the General Assembly in 2007. Only after immense international political pressure did the Canadian government endorse the declaration in 2010, but with severe reservations.

In May 2016, Canadian federal Minister of Indian Affairs and Northern Development, Carolyn Bennett, announced the full support of the Declaration “*without qualification*” at the UN Permanent Forum on Indigenous Issues. However, she immediately contradicted this in her next sentence by stating that the government intends to “*adopt and implement the declaration in accordance with the Canadian Constitution.*” She therefore tried to subjugate international law to lesser national standards. This is in clear violation of any understanding of international law, according to which national laws and policies should only be passed if they conform with international law and not *vice versa*.

The recent periodic report from the *United Nations Committee on the Elimination of Racial Discrimination* (CERD), condemned racism and rights violations encountered by Aboriginal Peoples in Canada, echoing Indigenous Nations who made submissions to the committee on their experiences of racial discrimination since the past 150 years of colonial policy and law.

The UN CERD committee is “*deeply concerned*” by Canada’s continuous violations of the land rights of Indigenous Peoples “*in particular environmentally destructive decisions for resource development which affect their lives and territories continue to be undertaken without the free, prior and informed consent of the Indigenous Peoples, resulting in breaches of treaty obligations and international human rights law.*”

Collective land rights of Indigenous Peoples present a cornerstone of the UNDRIP, according to which Indigenous Peoples enjoy the right to own, use, develop and control their traditional lands, territories and resources as key aspect of their culture and identity.

The CERD report criticizes that for Indigenous Peoples in Canada “*costly, time consuming and ineffective litigation is often the only remedy in place of seeking free, prior and informed consent*” and is highly concerned that “*permits have been issued and construction has commenced at the Site C dam, despite vigorous opposition of Indigenous Peoples affected by this project*”. The Committee urges Canada to “*immediately suspend all permits and approvals for the construction of the Site C dam*” in British Columbia and to “*incorporate the free, prior and informed consent principle in the Canadian regulatory system*”.

Additionally, the Committee is alarmed at the continued high rates of violence against Indigenous women and girls, urging Canada to take immediate action. The report also found that despite its previous recommendations and multiple decisions by the Canadian Human Rights Tribunal, “*less money is reportedly provided for child and family services to Indigenous children than in other communities, and that this gap continues to grow*”. According to the UNDRIP, states must “*take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.*” However, systematic discrimination of Indigenous women and children remains and Canada has failed so far in addressing root causes of this ongoing violation.

As part of Montréal's 375th anniversary, a three-day event is organized in collaboration with the Montreal city government to celebrate the 10<sup>th</sup> anniversary of the UNDRIP, Indigenous cultures and diversities in collaboration with establishment organizations which do not represent grassroots Indigenous Peoples who are the proper title and rights holders. While Indigenous Peoples, their rights, cultures and artists should be promoted and celebrated, cocktail receptions, acknowledging talks and free concerts are by far not enough. The UN CERD report clearly shows that Canada needs to do much more to address its long history of racial discrimination against Indigenous Peoples and to acknowledge their inherent, internationally recognized rights as Peoples.

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