

**A Canadian Perspective on the United Nations Declaration
on the Rights of Indigenous Peoples and the Permanent
Forum on Indigenous Issues**

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Contemporary Questions of the People's Rights in the Modern World

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Origins of the Permanent Forum on Indigenous Issues:

- When the *Permanent Forum on Indigenous Issues* met at the UN for the first time in May 2002 it was a historical moment for many who had worked for years to make the Forum a reality.
- The vision was long sought after so that Indigenous peoples could speak for themselves in a new way, to present their views as full-fledged members of the UN body.



Cayuga Chief Deskaheh

- He was the first Indigenous ambassador to formally approach the international community.
- He went to the League of Nations in 1923.
- He went to Geneva representing the Six Nations of the Iroquois to fight for the rights of his people. The League would not hear his case.

Chronology of the Forum

- 1924 - T.W. Ratana a Maori leader wanted to protest the breaking of the Treaty of Waitangi NZ. He was sent to Geneva and he too was denied access to the League of Nations in 1925
- 1957 the ILO adopted the Indigenous legal instrument concerning Indigenous peoples and their rights
- 1970-71 the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities recommended a study on the situation of Indigenous peoples.
- 1977 - 200 Indigenous delegates from around the world went to Geneva to attend a conference of NGO's on discrimination against Indigenous peoples - they were not allowed entry
- 1981-1984 The Martinez Cobo Study consisting of 5 volumes appealed to the international community to act decisively on behalf of Indigenous peoples
- 1982 a Working Group on Indigenous Populations was established by ECOSOC

80 Years Later Indigenous Voices Are Heard at the Podium of an Official UN Mtg.

- 1993 the UN proclaimed the International Year of the World's Indigenous People
- 1994 the International decade of the World's Indigenous Peoples (1995-2004) was proclaimed by the UN General Assembly and the establishment of a permanent forum on Indigenous peoples was included as one of 2 major goals
- 1995 a working group was established to draft the Declaration on the Rights of Indigenous Peoples
- 2001 - the Commission of Human Rights est. the role of Special Rapporteur on the human rights and fundamental freedoms of Indigenous people
- 2004-2005 The UN General Assembly adopted the Second International Decade of the World's Indigenous People (2005-2015)
- 2006 the UN Declaration on the Rights of Indigenous Peoples was adopted by the Human Rights Council and submitted to the General Assembly at the 61st session and adopted on Sept. 13, 2007.

**There are 370 Million Indigenous People World Wide in 70 Countries
representing over 5,000 Languages and Cultures on Every Continent**



The Role of the Permanent Forum

- To discuss Indigenous issues within the UN Economic and Social Council's mandate, including economic, social development, culture, environment, education, health and human rights.
- Provide expert advice and recommendations to the Council and to programmes, funds and agencies of the UN.
- Raise awareness about Indigenous issues and help to integrate and coordinate activities in the UN system.

Membership of the UN Permanent Forum on Indigenous Issues

- The PFI is comprised of 16 independent experts, functioning in their personal capacity, who serve for 3 yrs. as members and may be re-elected or reappointed for one additional term. Eight of the members are nominated by governments and eight are nominated directly by Indigenous organizations in their regions.
- The members nominated by governments are elected by ECOSOC based on 5 regional groupings of state normally used by the UN (Africa; Asia, Eastern Europe; Latin America and the Caribbean; and Western Europe and other States)
- The members nominated by Indigenous organizations are appointed by the President of ECOSOC and represent 7 socio-cultural regions.

The Agenda for the 7th Session of the PFII:

Climate Change, Bio-Cultural Diversity and Livelihoods: The Stewardship Role of Indigenous Peoples and New challenges



- Opening of the session, election of officers
- Dialogue with Indigenous people and gov'ts
- Half day session on the Pacific
- Millennium Dev. Goals implementation
- Half day discussion on Indigenous languages
- Human Rights
- Future work of the forum - Indigenous Children and Youth
- The agenda for the 8th session of the forum

Outcomes of the 7th Session of the UN PFII

- Indigenous peoples must have a say in decision making processes
- The Declaration on the Rights of Indigenous Peoples must be implemented
- The UN PFII has a leading role in the promotion of the Declaration
- The Pacific Region is at risk due to rising sea levels
- 90% of Indigenous languages will be extinct in the next 100 yrs. - they must be supported & protected



The Declaration on the Rights of Indigenous Peoples

- Was adopted by overwhelming vote of 144 yes, 4 no and 11 abstentions on September 13, 2007 by the UN General Assembly.
- Establishes a framework of minimum standards and addresses individual and collective rights.
- Contributes to global understanding and the promotion of human rights.
- Identifies rights to education, health, employment and language
- Emphasizes rights that are indispensable to the survival, dignity and well being of Indigenous peoples as it pertains to land rights and self-determination
- Outlaws discrimination against Indigenous peoples
- Ensures the right to remain distinct, to pursue priorities in economic, social and cultural development

The Right to Self-Determination



- Article 4 - the right to self-government, autonomy and self-determination.
- Article 5 - the right to distinct political, legal, social and cultural institutions
- Article 18 - the right to participate in decision making in matters affecting Indigenous rights

Culture, Language and Education

- Article 11 - the right to practice and revitalize culture, traditions and customs
- Article 12 - the right to practice spiritual, religious customs and ceremonies
- Article 13 - the right to languages, writing systems, literatures
- Article 14 - the right to control education systems
- Article 15 - the right to dignity and diversity in cultures



Indigenous Political Rights

- Article 19 the right to be consulted and free, prior and informed consent
- Article 20 - the right to develop and maintain political, economic and social systems
- Article 21 the right to improve economic and social conditions
- Article 33 - the right to determine membership and identity
- Article 34 - the right to institutional structure and distinct customs



Land Rights and Environment

- Article 25-26 - the right to relationship with traditionally owned lands, territories, waters
- Article 28 - the right to restitution when possible for lands, territories, resources
- Article 29- the right to conservation and protection of environment
- Article 28-32 - rights to land, use, control, restitution, compensation, conservation, protection, development...



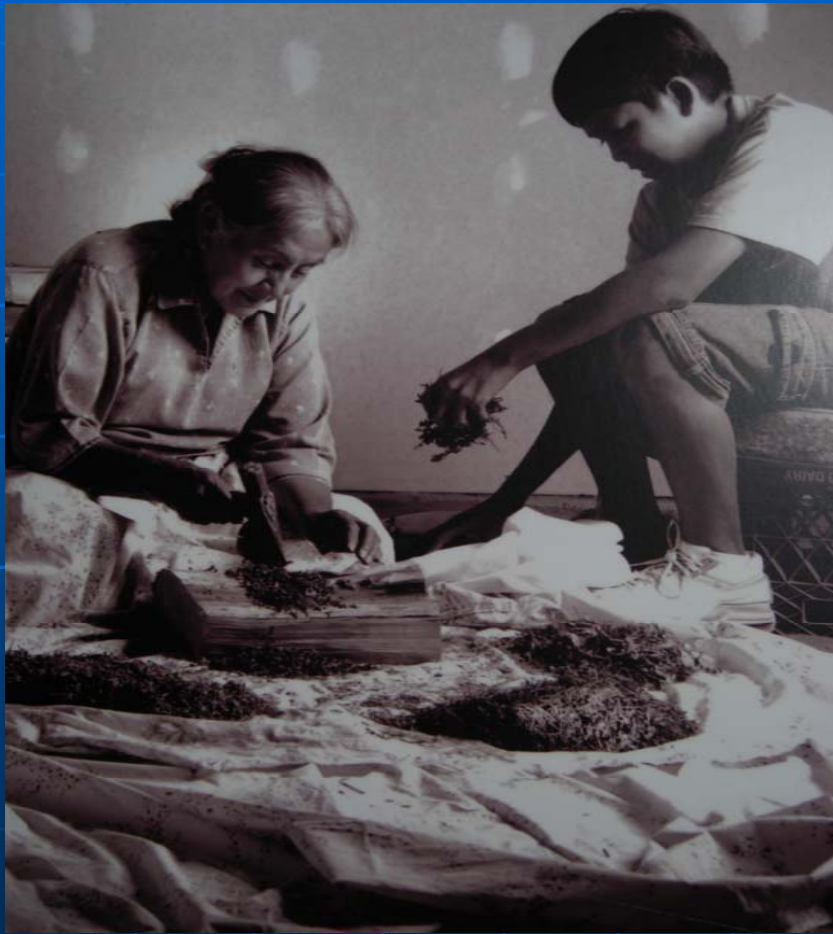
Implementation of the Declaration on the Rights of Indigenous Peoples

- Canada, the USA, Australia and New Zealand voted against adoption of the Declaration on the Rights of Indigenous Peoples.
- Indigenous peoples in Canada are implementing the Declaration through self-government and self-determination activities
- Canada asserted to the UN Human Rights Council that the Declaration should have no legal effect in Canada since the (conservative minority) Government voted against it
- Bolivia and several countries around the world are moving forward to implement the Declaration.
- The former Liberal government had played a major role in prior years and lawyers and senior officials recommended adoption.
- Bolivia adopted the Declaration as the Rights of Indigenous Peoples Law (No. 3760) on Nov. 7, 2007.

Seven Generations: the Future of our Children and Those Unborn

- It took 80 years of persistence and 20 years of advocacy for the Declaration and eventually the Permanent Forum on Indigenous Issues to become a reality.
- Our Indigenous voices are finally being heard and we have a rightful place in the UN system via the UN Permanent Forum on Indigenous Issues.
- The Declaration is a living document and addresses all the pain and cries Indigenous people had brought to the UN for decades.
- There is fertile ground for a tripartite partnership between Indigenous peoples, Member States and the UN system.

We Have to Speak for Those who Can't:



**It is our social responsibility
to speak on behalf of our
Indigenous brothers and
sisters who don't have the
resources or voice to do so
on their own.**

Niawan:kowa

References:

Indigenous Peoples, Indigenous Voices, United Nations Permanent Forum on Indigenous Issues, NY 2007 (photo credits slide 3 and 6)

Handbook for Participants, United Nations Permanent Forum on Indigenous Issues, NY 2007

Declaration on the Rights of Indigenous Peoples, United Nations, NY 2007

Photo Credit: Navajo Nation Museum, Navajo Nation, AZ 2007 (slide 18)