



Public statement

June 17, 2021

## **Passage of national *UN Declaration* Implementation Act a milestone for Indigenous rights and reconciliation**

Our Nations and organizations are celebrating the fact that long awaited and hard-fought national legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* has successfully passed the final vote in the Senate.

Bill C-15 *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*.

Cheryl Casimer, First Nations Summit political executive said, “The implementation Act is a welcome and much needed opportunity to finally make a decisive break with Canada’s long history of ignoring and denying the human rights of Indigenous peoples. The Act does not create new rights. What it requires is concrete, meaningful, and timely action to ensure that Canada finally lives up to its obligations under Treaties, the Constitution and international law.”

The implementation Act requires the federal government to “take all measures necessary” to ensure that the laws of Canada are consistent with the provisions of the *UN Declaration*. The Act also requires that a National Action Plan to implement the *Declaration* through law, policy and programs be developed and adopted within two years.

BC Regional Chief Terry Teegee emphasized, “There is a lot of hard work ahead to fulfill the promise of this legislation. Passing this Act is an important victory for the human rights of Indigenous peoples. Our ultimate goal, however, is to see our inherent rights recognized, respected, protected and fulfilled.”

The implementation measures required by the implementation Act must all be taken “in consultation and cooperation” with Indigenous peoples. The Act also requires regular public reporting on the progress, as well as accountability measures developed in collaboration with Indigenous peoples.

Romeo Saganash said, “The *UN Declaration* is a powerful human rights instrument precisely because Indigenous peoples were full partners in its development. The new implementation Act brings this same spirit of cooperation to the vital work of turning the *Declaration’s* provisions into action.”

Since the global adoption of the *UN Declaration*, Canadian courts and tribunals have increasingly turned to its provisions to help guide the interpretation and application of federal, provincial, and territorial laws and regulations. The Act affirms the reality that the *Declaration* already has legal effect in Canada. However, instead of leaving interpretation solely in the hands of the courts, the Act requires the federal government to take active measures, in consultation and cooperation with Indigenous peoples, to reform its laws.

Ellen Gabriel said, “Indigenous peoples have been forced to go to Canada’s courts over and over again because our rights have been denied and the exercise of our rights has been criminalized. All governments have the obligation to uphold the highest standard of human rights protection, without discrimination. The new Act is an opportunity to create an open dialogue with all rights holders, including traditional governments, something that is sorely lacking in the lopsided relationship Canada has with Indigenous peoples today.”

Professor Brenda Gunn noted, “Indigenous peoples have won many important victories in the courts. This Bill is not about making a choice between this existing jurisprudence and international law. The two must work together. The point is to adopt a more cooperative, proactive and cooperated approach so that Indigenous peoples don’t need to rely on the courts to uphold rights that should be recognized and respected in the first place.”

The *UN Declaration* affirms Indigenous peoples’ inherent right to self-determination, including the right of Indigenous peoples to make their own decisions about how their lands will be used and protected and how their cultures and traditions will be maintained. The *Declaration* prohibits racial discrimination, requiring special measures to address the needs and safety of those at greatest risk of human rights violations, and calls on states to respect and enforce the Treaties and other agreements they have entered into with Indigenous peoples.

Cheryl Knockwood, Nova Scotia Human Rights Commission Chair, emphasized, “First Nations, Inuit and Métis Nation leaders and activists fought for the *Declaration* at the United Nations so that its provisions could be implemented here at home. Today, more than ever, the framework of the *UN Declaration* is urgently needed so that the continuing history of profound human rights violations against Indigenous peoples in Canada can finally be addressed.”

The implementation Act explicitly rejects colonialism and the doctrines of racial superiority, including *Terra Nullius* and the doctrine of discovery, long used to deny Indigenous peoples’ fundamental rights. The Act states that “all relations with Indigenous peoples must be based on the recognition and implementation of the inherent right to self-determination.” The Act also calls for “concrete” measures to “address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination.”

UBCIC President, Grand Chief Stewart Phillip said, “Sooner or later, Canada had to come to terms with the fact the *UN Declaration* is part of our legal reality. While I regret the fact that it

has taken so long to pass national implementation legislation, I am encouraged by the strong foundation for action set out in this Act.”

Chief Wilton Littlechild said, “The implementation Act was adopted with the support of the vast majority of Parliamentarians, across party lines. It will be crucial to maintain this momentum and the political will to embrace change as we move ahead with the vital work of reforming laws and developing a National Action Plan.”

The Act is closely modeled on Bill C-262, a private Member’s Bill that was passed by the House of Commons in 2018 but was prevented from becoming law by a filibuster in the Senate. In 2019, the province of British Columbia adopted provincial implementation legislation based on this same model.

Jennifer Preston, Canadian Friends Service Committee General Secretary said, “Canada now has an implementation model that is both principled and pragmatic. The support for Bill C-15 across party lines is an important foundation to move ahead with concrete, meaningful action. I encourage all provincial and territorial governments to work with Indigenous peoples and follow the examples of both BC and the federal implementation Act to explore the potential for similar implementation measures within their own jurisdictions.”

The Truth and Reconciliation Commission called for implementation of the *UN Declaration*, as well as for government officials, lawyers, corporations and others to educate themselves on provisions.

Laurie Buffalo, Councilwoman Samson Cree Nation, declared, “Treaty Nations across Turtle Island played a crucial role in creation and global adoption of the UN Declaration. Their hard work and perseverance lead to the first global human rights instrument to truly protect our Treaty rights and uphold their original spirit and intent of mutual respect and peaceful co-existence. Now, through national implementation, we have the chance to bring this vision to life in really concrete ways that will benefit our communities and future generations.”

Grand Council of the Crees / Cree Nation Government Grand Chief Abel Bosum said, “Indigenous peoples have worked, over the course of many decades, to advance the *UN Declaration*. It will be crucial going forward that we set aside myths and misrepresentations about the *Declaration* and its implications and instead draw on the considerable expertise that has been developed over these long years of advocacy.”

The *UN Declaration* was adopted by the UN General Assembly more than 13 years ago, on September 13, 2007, as the global minimum standards for the “survival, dignity and well-being” of Indigenous peoples.

Dr. Sheryl Lightfoot concluded, “From an international perspective, Canada’s implementation legislation is a landmark achievement. Since the global adoption of the *Declaration*, the UN

General Assembly has repeatedly re-affirmed the obligation of all states to fully implement its provisions. This Act provides an important example to the international community of how to fulfill this obligation in way that is concrete, practical, and wholly consistent with the rights framework of the *Declaration* itself.”

***The Coalition for the Human Rights of Indigenous Peoples*** ([www.declarationcoaliton.ca](http://www.declarationcoaliton.ca))

This statement was endorsed by the following organizations and individuals:

Amnistie internationale Canada francophone

BC Assembly of First Nations

Canadian Friends Service Committee (Quakers)

First Nations Summit

Grand Council of the Crees (Eeyou Istchee)/Cree  
Nation Government

KAIROS: Canadian Ecumenical Justice Initiatives

Union of BC Indian Chiefs

Romeo Saganash

Chief Wilton Littlechild, former TRC  
Commissioner

Ellen Gabriel, Kanien'kehá:ka Activist

Cheryl Knockwood, Chair, Nova Scotia Human  
Rights Commission

Dr. Sheryl Lightfoot, Canada Research Chair of  
Global Indigenous Rights and Politics, University  
of British Columbia

Lea Nicholas MacKenzie, former Special Advisor  
on Indigenous Issues at the Canadian Mission to  
the UN

Laurie Buffalo, Councilwoman, Samson Cree  
Nation

Brenda Gunn, Professor, Robson Hall Faculty of  
Law, University of Manitoba

Bobbi Herrera, Centennial Ambassador  
(Alberta)

