

## **Fifth anniversary of *United Nations Declaration on the Rights of Indigenous Peoples*: protection of Indigenous peoples' rights to lands, territories and resources more urgent than ever**

September 12, 2012

There is urgent need to uphold international human rights standards in response to intensive resource development activities affecting the lands of Indigenous peoples at home and abroad.

Five years ago, on 13 September 2007, the United Nations adopted the *Declaration on the Rights of Indigenous Peoples* as the minimum standard for the “survival, dignity and well-being” of Indigenous peoples worldwide. As a universal human rights instrument, the *Declaration* is a beacon of hope and a blueprint for justice and reconciliation.

The rights affirmed in the *UN Declaration* include the right of Indigenous peoples to determine for themselves when, and under what conditions, resource development will be carried out on their lands and territories.

Canada officially endorsed the *Declaration* in November 2010. The federal government, however, has not collaborated with Indigenous peoples to implement the rights and related government obligations affirmed in the *Declaration*. To date the government has failed to ensure that Indigenous peoples are meaningfully involved in decisions regarding resource development. Government practice and policy, as well as new legislation brought forward by the federal government, continue to undermine Indigenous peoples' rights.

A proposed pipeline to export oil sands crude to Asia has become a flashpoint for Indigenous peoples whose territories would be crossed. Before public hearings into the proposed Northern Gateway pipeline began, government ministers declared that increased export of oil sands crude was a matter of national interest. The federal government then limited the scope of environmental impact assessments, as well as the instances in which resource development projects would be subject to federal assessment.

Reliable identification and disclosure of risks is important for protection of Indigenous peoples' rights, including the right to meaningful participation in the decision-making process. Reliance on the often perfunctory reviews carried out at the provincial level is an abdication of the federal government's responsibilities to Indigenous peoples and of its obligations to ensure that all levels of government comply with international human rights standards.

The federal government has also played a key role in opening doors for Canadian resource companies to operate in other countries. Canadian corporations account for a significant proportion of extractive activities in the global South and are especially active in the territories of Indigenous peoples. The UN Committee on the Elimination of Racial Discrimination has twice urged Canada to implement measures to hold Canadian corporations accountable for violations of the rights of Indigenous peoples. The federal government has failed to establish a mechanism with real power to hold corporations accountable or protect the rights of victims. The government has instead relied on voluntary measures and the poorly enforced weak laws of the host countries.

The Colombian Constitutional Court has concluded that at least one in three distinct Indigenous nations are in imminent danger of physical or cultural “extermination” as the consequence of armed conflict and forced displacement from their lands. Widespread human rights violations have been committed by all the warring parties as they fight over the resource-rich territories of Indigenous peoples. It was in this context that Canada negotiated a free trade agreement to promote Canadian investment in Colombia. Despite the crisis situation facing Indigenous peoples, Canada has yet to carry out a proper assessment of the impact such investment will have on human rights. The UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, has called for an independent assessment of the emergency situation facing Indigenous peoples in Colombia, including a visit by the UN Special Advisor for the Prevention of Genocide.

In his most recent report to the United Nations, James Anaya has drawn attention to the grave risks that resource development activities pose to Indigenous peoples throughout the world. The Special Rapporteur has said consultation and consent are necessary safeguards to ensure that government and corporate activities don’t compromise rights essential to the well-being and physical and cultural survival of Indigenous peoples. The Special Rapporteur also criticized the colonial nature of the current model of resource development in which any benefits to Indigenous peoples “typically pale in economic value in comparison to the profits gained by the corporation.”

Today, as celebrate the 5<sup>th</sup> anniversary of the UN Declaration and the promise that it holds, we draw attention to the need for good faith implementation in partnership with Indigenous peoples.

In regard to Indigenous peoples’ lands, territories and resources, our organizations are calling on governments in Canada to:

- Ensure that all processes to review and license resource development activities in Canada are consistent with the constitutional obligation to protect inherent Aboriginal and Treaty rights and with international human rights standards, including the *UN Declaration on the Rights of Indigenous Peoples*.
- Recognize free, prior and informed consent as an essential human rights safeguard, consistent with Indigenous peoples’ rights under Canadian constitutional and international human rights law.
- Implement measures, consistent with the recommendations of the UN Committee on the Elimination of Racial Discrimination, to ensure the accountability of Canadian corporations operating on the lands of Indigenous peoples in other countries.
- Support the calls for the UN Special Advisor for the Prevention of Genocide to visit Colombia as part of an independent assessment of the emergency situation facing Indigenous peoples in that country.

**Amnesty International  
Canada**

**Canadian Friends Service  
Committee (Quakers)**

**Chiefs of Ontario**

**First Nations Women  
Advocating Responsible  
Mining**

**First Nations Summit**

**KAIROS: Canadian  
Ecumenical Justice  
Initiatives**

**MiningWatch Canada**

**Native Women's  
Association of Canada**

**The Treaty Four First  
Nations**

**Union of British  
Columbia Indian Chiefs**