

United Nations Declaration on the Rights of Indigenous Peoples

Discussion Guide

Question 1:

The UN Declaration does not create new or special rights just for Indigenous peoples. Rather, the UN Declaration is necessary to rectify the ongoing denial and violation of Indigenous peoples' existing and inherent human rights. Why do you think the declaration is necessary?

Considerations/Prompts:

- One of the main drivers behind the UN *Declaration* was the persistent denial of basic human rights of Indigenous peoples. Injustices towards Indigenous peoples, including dispossession, colonization, and assimilation practices were justified by using racist legal doctrines that did not apply international law and human rights to Indigenous peoples. The world did not see Indigenous peoples as humans or as having rights. This failure of international law is recognized repeatedly throughout the UN *Declaration's* preamble.
- Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources, yet throughout history, their rights have been violated. Indigenous peoples are arguably among the most disadvantaged and vulnerable groups of people in the world today. The international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples.
- The UN Declaration can be “an interpretive document that explains how existing human rights are applied to Indigenous peoples and their contexts.”
- The UN Declaration sets the floor for Indigenous peoples' rights – the minimum necessary to meet international human rights standards, not a ceiling. Things to consider:

The original UN Declaration of Human Rights was signed in 1948, but....

- It wasn't until the 1960s that Indigenous peoples were given the right to vote without having to give up treaty rights/status.
- The rights of all citizens to vote wasn't enshrined in law until the adoption of the Canadian Charter of Rights and Freedoms (1982)
- The last Indian Residential School closed in 1996.
- Many First Nations Communities still do not have access to safe drinking water
- Funding for education on first nations remains lower than for those off reserve
- 85% of children in care are Indigenous
- 2/3 of first nations children live in poverty in Manitoba and Saskatchewan.

Some other things to consider:

UNDRIP was first adopted by the UN in 2007, but Canada voted against the declaration. In 2010 Canada issued a statement of supporting endorsing the declaration but didn't officially remove its objector status until 2016.

Question 2:

The UN Declaration recognizes rights of individual Indigenous people – and also recognizes that some rights are collective rights, belonging to entire communities, nations or peoples. Why is it necessary to address both individual and collective rights of Indigenous communities?

Considerations/Prompts:

- Most human rights treaties reflect an individualistic concept of rights and rights-holders. But for many Indigenous peoples their identity as an individual is inseparably connected to the community to which that individual belongs. Therefore the problem is that while human rights treaties and instruments guarantee individual rights, Indigenous peoples ask for protection of their collective rights as a group.
- Article 7.2 states that Indigenous peoples shall not be subjected to any act of genocide or any other or any other act of violence, including forcibly removing children of the group to another group. Think about previous and current violations of this article as it relates to over representation of Indigenous children in the child welfare system. What reflections do you have about how such violations, of both individual and collective rights, have impacted communities? How have Indigenous communities used their collective rights to improve outcomes?

Question 3:

Why is the concept of self-determination so important in the context of Indigenous rights?

Considerations/Prompts:

- Self-determination generally means that Indigenous people have the right to decide what is best for them and their communities (see UNICEF article below)
- Indigenous communities have and continue to be forcibly removed from their lands or territories without their free, prior and informed consent, and possibly the agreement of fair compensation. This is a key inclusion in the UN Declaration because the practice of removing Indigenous peoples from their lands is quite common. States often argue they need to move Indigenous peoples for economic and resource development reasons, claiming a need to ensure the economic life of the State, at the expense of Indigenous peoples' rights.
- There is a long history of displacement of Indigenous Peoples from their ancestral land in order to build and expand hydroelectric projects (dams, diversions etc). A more recent example of this is the flooding of Lake St Martin and the continued displacement of its residents. The flooding was caused by the creation of a water diversion channel, which was done to save farm land and cottages along the shores of Lake Manitoba. The Government of Manitoba used the Emergency Measures Act in order to by pass legislation that would have required them to consult with stakeholders and communities in the area. How did this project violate the community of Lake St Martin's right to self-determination? What are the short and long term consequences of this?

Acknowledging Truths: Winter 2018 PPH Reading

For more information about the UNDRIP see these resources:

- Questions and Answers about the United Nations Declaration on the Rights of Indigenous Peoples: <https://www.kairoscanada.org/what-we-do/indigenous-rights/undrip-questions-answers>
- Understanding and Implementing the UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: An Introductory Handbook: http://www.indigenousbar.ca/pdf/undrip_handbook.pdf
- From UNICEF (for Indigenous Adolescents): http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf

An extra note:

In previous professional development session related to Indigenous Health, people have asked why we aren't also focusing as much attention on newcomers. Why would we focus on topics related to closing gaps in Indigenous health?

- *The discussion on the importance of the UNDRIP illustrates how we cannot equate one focus with another.*
- *A lasting impact of colonization is the creation of a stratified society that pits those most marginalized against one another, forcing them to compete for place, belonging and resources.*