



The United Nations Permanent Forum On Indigenous Issues

An Issue Paper

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Background

Since 1923, Indigenous leaders made attempts to represent their people at the international level, first at the League of Nations, and later at the United Nations. When the United Nations was founded in 1945, part of its purpose was to promote the solution of international economic, social, cultural and humanitarian problems and promote respect for human rights and fundamental freedoms. It wasn't until 1982 that the international community acknowledged the distinct voices of Indigenous peoples, and the unique barriers to basic human rights that Indigenous peoples faced. At that time, the Working Group on Indigenous Populations (WGIP) was established by a decision of the United Nations Economic and Social Council.

Permanent Forum on Indigenous Issues

The WGIP was aware the structure of the UN was unsuitable to address the issues and concerns of Indigenous peoples¹. In 1993, at a world conference on human rights in Vienna, it was proposed that a permanent body be created to focus on Indigenous Issues on a global scale: one that would include the participation of Indigenous peoples. In 1994, to coincide with the International Decade of the World's Indigenous Peoples (1995-2004), the United Nations Permanent Forum on Indigenous Issues (UNPFII) was established.

The UNPFII acts as an advisory body to the Economic and Social Council, to discuss Indigenous issues related to economic and social development, culture, the environment, education, health and human rights. Its mandate is to:

- ❖ Provide expert advice and recommendations on Indigenous issues to the Council, as well as on programmes, funds and agencies of the United Nations;
- ❖ Raise awareness and promote the integration and coordination of activities related to Indigenous issues within the UN system; and
- ❖ Prepare and disseminate information on Indigenous issues.

After 80 years, which is almost the entire history of both the League of Nations and the UN together, Indigenous voices arrived on the podium of an official UN meeting².

Declaration on the Rights of Indigenous Peoples

In 1985 the WGIP began the task of drafting a Declaration on the Rights of Indigenous Peoples (herein referred to as the Declaration). The WGIP set out to ensure that the voices of states and Indigenous peoples were consulted and

¹ http://www.un.org/esa/socdev/unpfii/en/about_us.html

² http://www.un.org/esa/socdev/unpfii/documents/unpfiibrochure_en.pdf

taken into consideration. As such, the final draft was not completed until 1993, and it wasn't until 1995 that the Commission on Human Rights set up its own working group to review the document.

The Declaration set out to address the collective and individual rights of Indigenous peoples all over the world. It emphasized the rights of Indigenous peoples to maintain and strengthen their own institutions, cultures, and traditions. The Declaration ensured that Indigenous peoples enjoy all human rights and fundamental freedoms as recognized in the *Charter of the United Nations*, the *Universal Declaration of Human Rights* and international human rights law.

After more than twenty years and intense debate, the Declaration was finally adopted by the Human Rights Council (formerly the Commission on Human Rights) in July of 2006. Kofi Annan, UN Secretary General commented on the importance of the Declaration, stating:

“The product of many years of complex and at times contentious negotiations, the Declaration is an instrument of historic significance for the advancement of the rights and dignity of the world's Indigenous peoples. Its expected adoption by the United Nations General Assembly before the end of the year will be a major achievement, with potential to further mobilize Indigenous peoples and their partners”.³

Canada, along with the Russian delegation, voted against the adoption of the Declaration by the Human Rights Council.

Current Status

Although the Declaration was adopted by the Human Rights Council, it was blocked at the Third Committee of the UN General Assembly when a non-action resolution was put forth and supported, representing a serious obstacle in the pursuit of human rights for all Indigenous peoples.

Canada is one of the countries that stand in the way of adoption of the Declaration. The Federal Government claims that the Declaration contravenes Canadian laws including the Canadian Constitution and the Charter of Rights and Freedoms. However, substantive evidence has not been provided to back up this statement. The Declaration, if adopted, will serve as a valuable tool for eliminating discrimination against Indigenous peoples. For NWAC, the Declaration represents a commitment by the Canadian government to meaningfully consult and engage in partnerships in legislation and policy that will affect Aboriginal women in Canada. The failure of the Canadian government to ratify the Declaration causes NWAC great concern.

³ http://www.un.org/esa/socdev/unpfii/documents/dec_faq.pdf

Second International Decade of the World's Indigenous People (2005-2015)

In December 2004, the UN declared the Second International Decade of the World's Indigenous People. This Decade was a reaffirmation of UN states to the commitment to continue to making progress in the advancement of human rights of Indigenous Peoples.

The Decade has five main objectives:

- ❖ Promoting non-discrimination and inclusion of Indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;
- ❖ Promoting full and effective participation of Indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as Indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent;
- ❖ Redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of Indigenous peoples;
- ❖ Adopting targeted policies, programmes, projects and budgets for the development of Indigenous peoples, including concrete benchmarks, and particular emphasis on Indigenous women, children and youth; and
- ❖ Developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of Indigenous peoples and the improvement of their lives.

The Second Decade should further support the advocacy work of National Aboriginal Organizations, and encourage the Federal Government to engage NAOs in participating in policy and decision-making at national level that will improve the lives of Aboriginal women, and all Aboriginal people in Canada.

Recommendations

1. THAT the federal government and all provincial/territorial governments support the immediate adoption by the UN General Assembly of the *UN Declaration on the Rights of Indigenous People* as adopted by the UN Human Rights Council in June 2006 without amendment.
2. THAT the federal government takes appropriate actions in concert with the Second International Decade of the World's Indigenous People Program of Action.

3. THAT Aboriginal people and Aboriginal organizations in Canada continue to work with the United Nations, the United Nations Permanent Forum on Indigenous Issues, and Indigenous People's organizations in other countries to address Indigenous issues, including those related to economic and social development, culture, the environment, education health and human rights.