Indigenous rights and international relations

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Modern Treaties and Reconciliation

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Indigenous peoples are international actors

Indigenous peoples have a right to participate whenever and wherever their rights may be affected

The Honour of the Crown is at stake in when the Canadian government takes action on the international stage

ENGAGED INTERNATIONALLY

"I don't believe the Committee was satisfied with the answer they got from Canada."

Robyn Fuller, West Moberly First Nations

INDIGENOUS HISTORY IS INTERNATIONAL

Deskaheh at the League of Nations

1923

Lubicon Lake Band v. Canada

1984-1990

ELABORATION OF THE UN DECLARATION ON THE RIGHTS OF INDIGEN0US PEOPLES

Indigenous representatives at the table

No provisions without consent

PARTICIPATION AT THE UN

"Recognizing the need to find ways and means of promoting the participation of indigenous peoples' representatives and institutions within the United Nations system on issues affecting them, given that they are not always organized as non-governmental organizations…"

Consensus resolution of the UN General Assembly, 8 September 2017

PARTICIPATION RIGHTS

"The acceptability of measures that affect or interfere with the culturally significant economic activities of a minority depends on whether the members of the minority in question have had the opportunity to participate in the decision-making process in relation to these measures and whether they will continue to benefit from their traditional economy."

UN Human Rights Committee, 2000.
Apirana Mahuika et al. v. New Zealand

PARTICIPATION RIGHTS

"Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision- making institutions."

UN Declaration on the Rights of Indigenous Peoples, Art. 18

PARTICIPATION RIGHTS

"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

UN Declaration on the Rights of Indigenous Peoples, Art. 19

SELF-DETERMINATION

"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Article 3, UN Declaration on the Rights of Indigenous Peoples

TREATY RIGHTS

"*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character…"

Preamble, UN Declaration on the Rights of Indigenous Peoples

TRANS-BORDER RIGHTS

"Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders."

Article 35, UN Declaration on the Rights of Indigenous Peoples

MINIMUM STANDARD

"States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right."

Article 35, UN Declaration on the Rights of Indigenous Peoples

HONOUR OF THE CROWN

"We know that the world expects Canada to strictly adhere to international human rights standards including the UN Declaration on the Rights of Indigenous Peoples - and that's what we expect of ourselves too."

Prime Minister Justin Trudeau speaking to the UN General Assembly, 21 September 2017

CANADA'S OBLIGATIONS

HONOUR OF THE CROWN

"…where Indigenous groups object to consultation processes in respect to particular development proposals, they do have recourse to robust legal processes in which to assert their rights and to have them enforced."

Federal representative responding the UN CERD questions about Site C dam, Geneva, August 2017