IMPLEMENTING UNDRIP: TOOL OR DISTRACTION?

Presentation at
LCAC Conference

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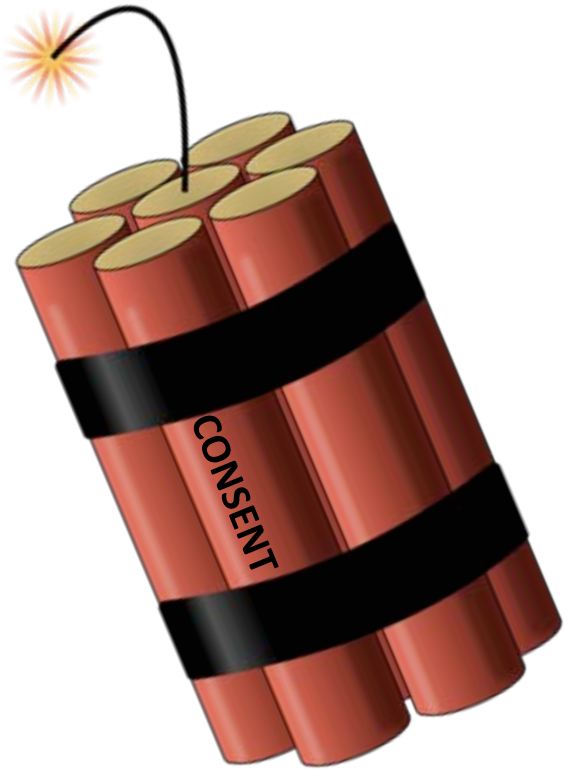
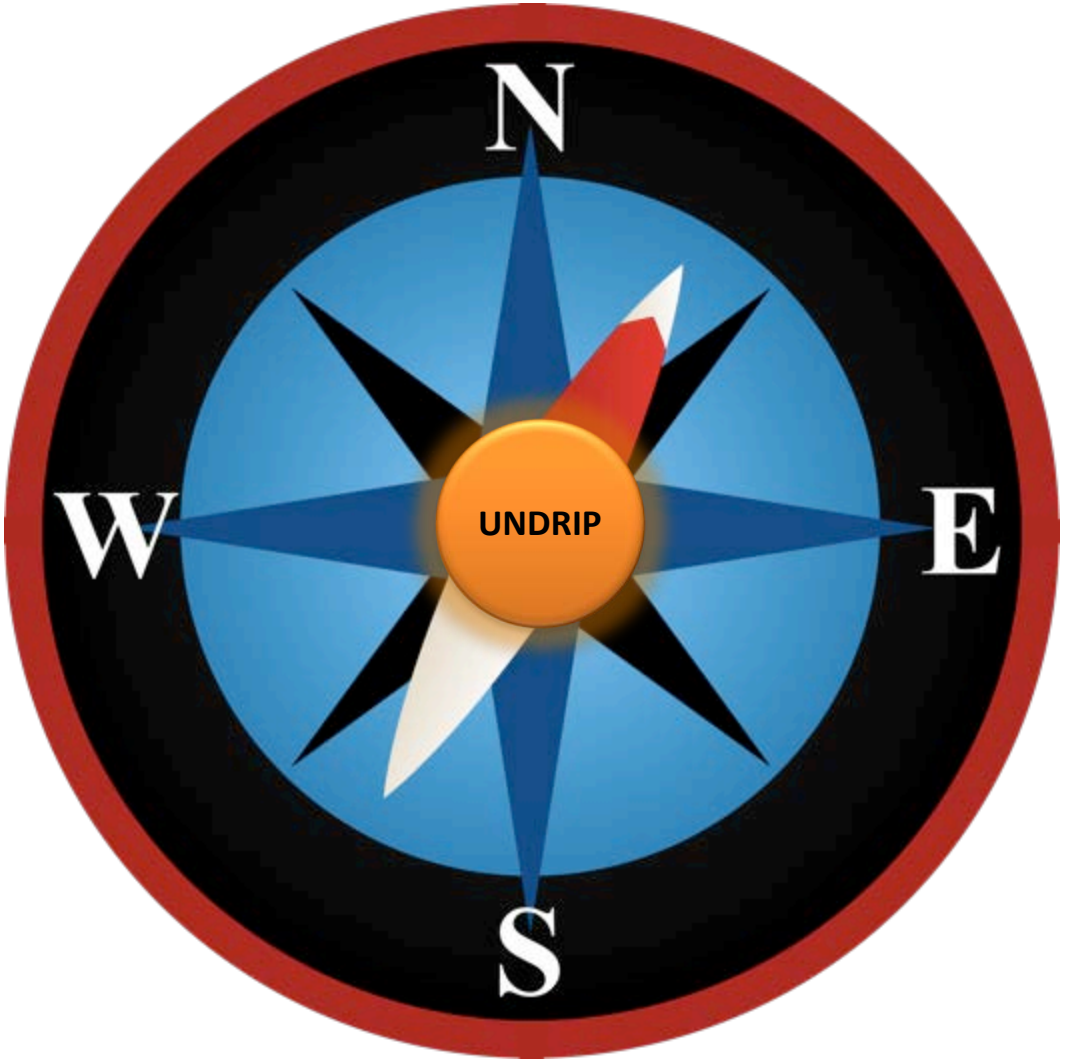
Moving beyond the "veto" debates about FPIC



UNDRIP: A Compass for Land Claim Implementation



WAY OF LIFE versus COURT-DEFINED RIGHTS

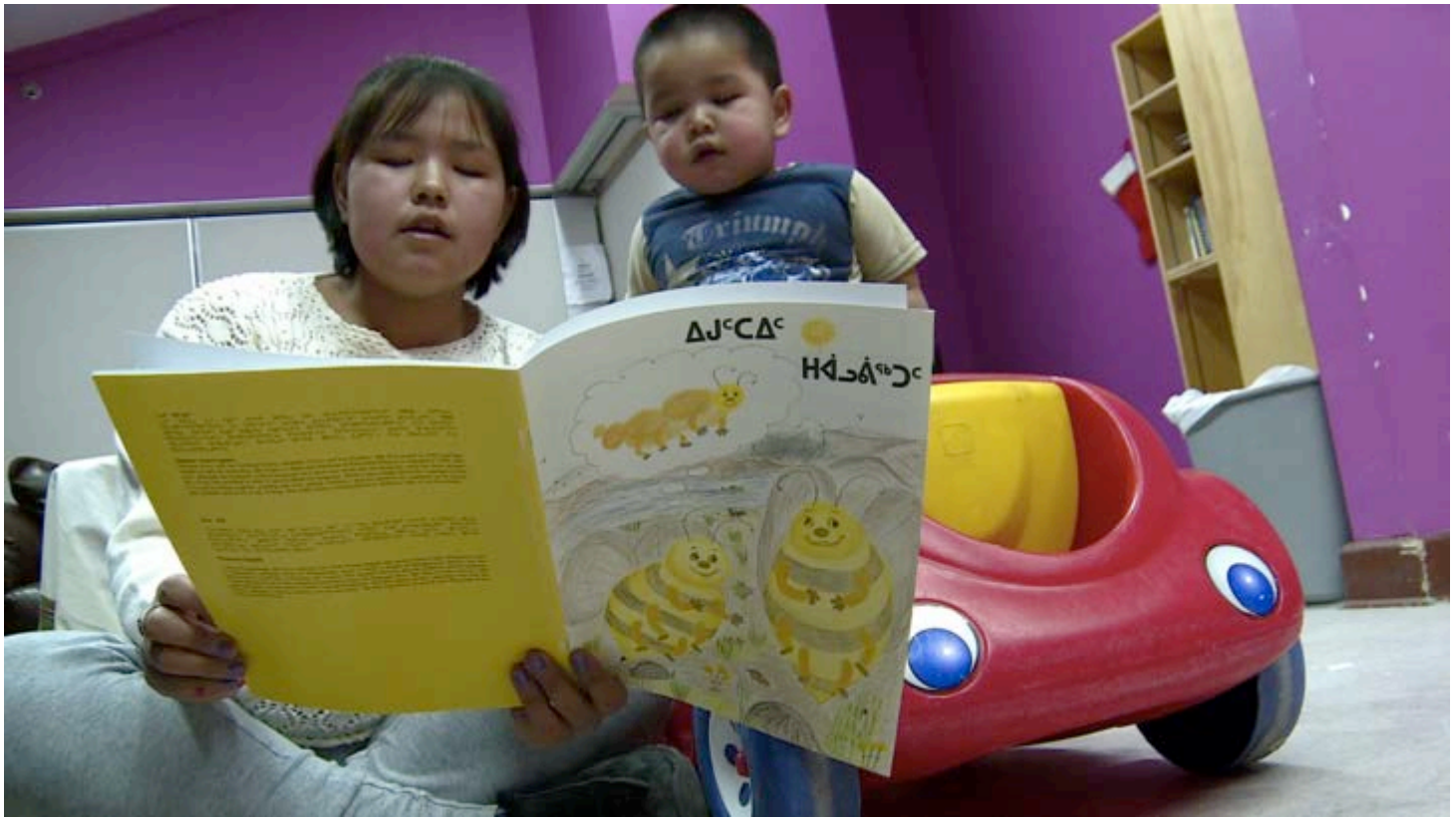
Implementation Challenges

- Crown failure to comply with LCAs
- ‘Hard’ v. ‘soft’ commitments in the LCAs
- Resources for implementation

The UNDRIP Compass – Examples beyond land and resource rights

Cultural Rights	s. 11, 12, 24, 25
Children's Rights	s. 14, 21, 22
Language Rights	s. 13, 14
Decision Making Rights	s. 18, 19
Social Rights	s. 21, 23, 24

The UNDRIP Compass: Indigenous Language Rights



The UNDRIP Compass: Education and Training

The UNDRIP Compass: Right to Benefit from Resources

The UNDRIP Compass: Cultural and Spiritual Sites

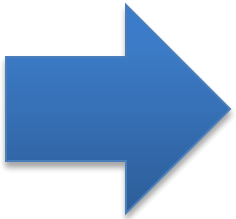
The UNDRIP Compass: Practical Implications

- Remember: Who holds the UNDRIP tool? It is not the State who determines what is an Indigenous Right and how to protect it.
- Unpack UNDRIP values and principles and apply them
- Rely on and refer to the UNDRIP principles <u>all the time</u>
- Beware the trap of the split between Crown-Indigenous Relations and Northern Affairs (dealing with land rights and self government)and Indigenous Services

The UNDRIP Compass: More Practical Implications

- Indigenous Languages Commissioner
- National Sacred Site Protection
- Partnership up front in (not consultation after) the legislative drafting for:
  - CEAA reforms
  - Fisheries Act
  - NEB reforms
- *** UNDRIP implementation legislative reforms: partnership up front in determining process and content

UNDRIP: New Tools



THANK YOU!

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