

GENERAL SYNOD 2010

RESOLUTIONS FORM

Resolution Number A176 revised – R-1

Subject UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Moved by the Rev. Canon Dr. William E. Prentice, Diocese of Ottawa

Seconded by the Rev. Canon Murray Still, Diocese of Rupert's Land

Be it resolved that this General Synod:

1. **Endorse** the UN Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on 13 September 2007;
2. Request the General Secretary to call on the Government of Canada to endorse the UN Declaration in compliance with the will of the majority of the Members of Parliament which approved the endorsement and implementation of the Declaration in the House of Commons on 8 April 2008;
3. **Adopt the Declaration** as a standard for our own practice and commit to implementing the values and principles of the *Declaration* within the work and structures of General Synod;
4. Encourage dioceses and parishes to urge their municipalities, provinces or territories to endorse the UN Declaration on the Rights of Indigenous Peoples.

Source Partners in Mission and Ecojustice Committee

Submitted by

Ms. Henriette Thompson, Director, Partnerships

Does this motion contain within it any financial implications? Yes No

If yes, has the General Synod Expenditures Committee considered the implications? Yes No

EXPLANATORY NOTE/BACKGROUND INFORMATION

1. The United Nations **Declaration on the Rights of Indigenous Peoples** was adopted by the UN General Assembly on 13 September 2007.
2. As a General Assembly Declaration it is not a legally binding instrument under international law, though according to a UN press release, it does "represent the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in certain directions".
3. The Declaration sets out the individual and collective rights of Indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It also "emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations". It "prohibits discrimination against indigenous peoples", and it "promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development".
4. In general it is a non-binding instrument but has legal effect:
 - Canadian courts may use the *Declaration* to interpret human rights in Canada;
 - Within their mandates, human rights institutions in Canada may use it to interpret human rights;
 - Treaty bodies may use it to interpret international human rights instruments.
5. The vote on September 13, 2007 at the UN General Assembly was 143 countries in favour, four against, and 11 abstaining. The four member states that voted against were Australia, Canada, New Zealand, and the United States, each of which have large non-indigenous immigrant majorities and small remnant indigenous populations. Australia endorsed UNDRIP in April 2009, with New Zealand following suit.
6. A coalition of justice and human rights organizations has joined to support and advocate for the endorsement of the *Declaration*. Participants include Amnesty International, the Assembly of First Nations, the Native Women's Association, the Quebec Native Women Inc., the Canadian Friends Service Committee, KAIROS – Canadian Ecumenical Justice Initiatives,

as well as Cree and Inuit associations.

7. **KAIROS has invited member churches** to use the *Declaration* as a standard for our their own practice and to implement its values within their work and structures might mean, for example, not forgetting Indigenous peoples' rights, both collective and individual, when embarking on projects or programs involving Indigenous peoples. It might mean remembering that Indigenous peoples have the right to self-determination, rights to lands and resources, rights to free prior and informed consent, rights to culture and languages, etc. It might mean recognizing Indigenous nationhood.
8. The *Declaration* is a carefully crafted international human rights instrument that goes out of its way to ensure that the collective and individual rights of non-Indigenous peoples are not undermined or threatened. In this context, implementing the *Declaration* means ensuring that Indigenous peoples rights are not forgotten, undermined or violated in whatever relationships or initiatives are planned and implemented.