

About the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

What is UNDRIP?

- An international instrument that enshrines, in 46 articles, the basic human rights of Indigenous peoples along with their rights to self-determination.
- On September 13, 2007 UNDRIP was adopted by 144 countries, with 11 abstentions and 4 countries voting against it (Canada, USA, New Zealand, and Australia).
- Since adoption of the Declaration, all 4 have all reversed their positions and expressed support for the Declaration. However, the continued use of qualifiers in official speeches have left many skeptical of Canada's true commitment.
- In 2019, British Columbia became the first jurisdiction in Canada to formally implement UNDRIP. In October 2019, MLAs in the NWT included implementing UNDRIP on their list of priorities for the 19th Legislative Assembly.

Important concepts and points

Free, prior, and informed consent: The United Nations Permanent Forum on Indigenous Issues (UNPFII) has defined the concept of Free Prior Informed Consent (FPIC) as the following (FPIC Manual, 15-16):

- 'Free' means consent is given voluntarily and without coercion, intimidation, or manipulation and that the process is self-directed by those affected by the project.
- 'Prior' means that consent is sought sufficiently in advance of any authorization or commencement of activities, at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the community.
- 'Informed' suggests that the relevant Indigenous People receive satisfactory information on the key points of the project such as the nature, size, pace, reversibility, the scope of the project, the reason for it, and its duration. The Indigenous People should also receive information on the economic, environmental, cultural impact that the project will have. All of this information must be provided in language understandable by the Indigenous People.
- Finally 'consent' refers to the collective decision made by the rights-holders and reached through the customary decision-making processes of the affected Indigenous Peoples or communities.

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

UNDRIP defines and enshrines individual and collective rights. "Indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that Indigenous peoples possess collective rights which are indispensable for their existence, well-being, and integral development as peoples." These collective rights are inherent rights flowing from Indigenous Peoples' continued use and occupation of certain areas. Although these specific rights may vary, in general they include rights to the land, rights to subsistence resources and activities, the right to self-determination and self-government, and the right to practice one's own culture and customs including language and religion."

UNDRIP is the framework for Reconciliation in Canada. "UNDRIP is the framework for reconciliation at all levels and across all sectors of society" (TRC final report, What We Have Learned, p. 125-126). That means that everyone - not only governments and institutions - needs to understand and protect these rights. Indigenous Peoples need to know their rights, be able to articulate those rights, and express when rights are being infringed upon. Non-Indigenous Peoples need learn these rights, be able to articulate them, and work to protect them. (from <https://next150.indianhorse.ca/challenges/understanding-undrip>)

Relevant Articles for Health and Social Services

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including...in the areas of education, employment, vocational training and retraining, housing, sanitation, health, and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children, and persons with disabilities.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing, and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals, and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 31

1. Indigenous peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies, and cultures...They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Something you can do

Challenge from Ry Moran, Director, National Centre for Truth and Reconciliation: "We won't be a Reconciled country - or even the fair and just country we strive to be - until UNDRIP is implemented and protected by us all...I challenge you to read the 46 Articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and to take the UNDRIP quiz below to test your understanding. You can take the quiz as many times as you'd like and read the feedback provided on each question. We all need to learn these rights so that we can articulate them and protect them together."

Quiz: <https://next150.indianhorse.ca/challenges/understanding-undrip>

Where to find additional information:

UNDRIP: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

A Brief History of UNDRIP: <https://www.youtube.com/watch?v=8SnW1o5lwsg>

Podcast: <https://soundcloud.com/culturalsurvival/sets/the-un-declaration-on-the-rights-of-indigenous-peoples>

FPIC Manual: <http://www.fao.org/3/a-i6190e.pdf>

Indigenous Foundations at UBC: https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/

Historical Overview of UNDRIP: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples/historical-overview.html>