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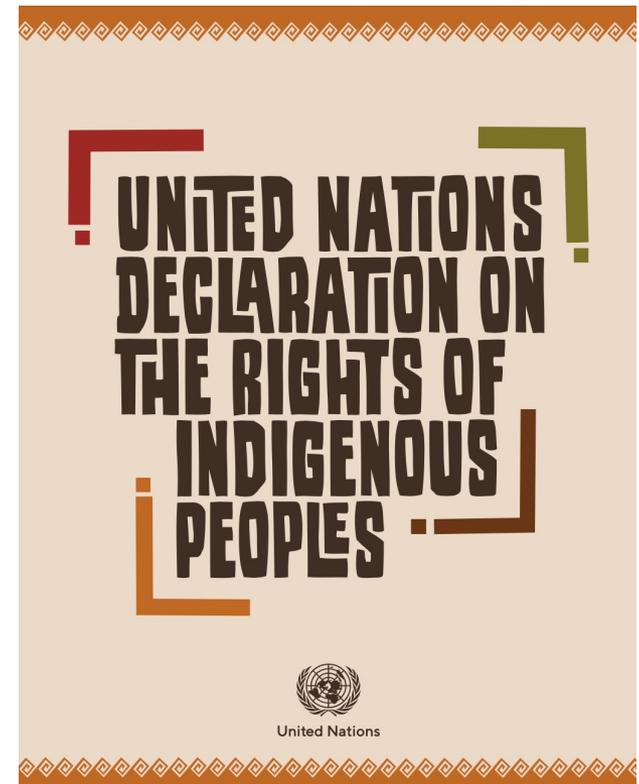
# Implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

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JANUARY 19, 2022

# BACKGROUND: WHAT IS UNDRIP?

- **The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** is an international instrument which sets out the basic human rights of Indigenous peoples.
- In 2007, UNDRIP was adopted by the United Nations General Assembly. Only four countries voted against it; Canada, Australia, USA and New Zealand.
- Since then, all four countries have reversed their positions and now support UNDRIP as an effective framework for promoting Indigenous rights.



# BACKGROUND: WHAT IS THE UNITED NATIONS?

- The **United Nations (UN)** is an international organization where states meet to discuss and act on globally significant issues. It has 193 members, including Canada.
- The UN has specific councils that address different issues. UNDRIP was created in the **United Nations General Assembly (UNGA)**
- The UNGA addresses a wide range of topics and can publish **Resolutions** in support of certain positions or actions.



# IMPLEMENTING UNDRIP

- UNDRIP was passed as a resolution in the United Nations General Assembly, making it a **non-binding international law**.
- Therefore, countries are **not legally obligated** to apply UNDRIP to their domestic laws.



## So why are countries applying UNDRIP to their laws and policies?

- UNDRIP sets out the international standards for Indigenous rights that all countries **should** be meeting. Countries use UNDRIP because they want to meet this minimum standard of Indigenous rights.
- This presentation will help us understand **what has been done to implement UNDRIP so far**, in Canada and internationally.

# HOW IS UNDRIP BEING APPLIED GLOBALLY?

- UNDRIP is being implemented at the international, regional and national levels.
- International organisations such as the ***UN Permanent Forum on Indigenous Issues*** and the ***Expert Mechanism on the Rights of Indigenous Peoples*** coordinate international efforts to implement UNDRIP.
- Regional human rights bodies use UNDRIP as a framework for developing and interpreting the rights of Indigenous peoples.
- Individual nations also use UNDRIP as the basis for constitutional, legal and policy changes to improve the lives of their Indigenous populations.



# UNDRIP IN AUSTRALIA

- UNDRIP has not been made law in Australia. However, the federal government has committed to implementing UNDRIP through national policy changes and increased co-ordination with Indigenous partners.
- For example, UNDRIP has been important for furthering Indigenous self-determination in **Treaty Discussions** between the federal government and Indigenous groups.
- In Victoria, the *Treaty Process with Aboriginal Victorians Act (2018)* was developed in consultation with Indigenous partners. It is informed by the principles of UNDRIP, including Indigenous rights to self-determination and free, prior, and informed consent (FPIC).



# UNDRIP IN AUSTRALIA

- ***National Agreement on Closing the Gap*** (2020) sets out objectives to improve life outcomes of Indigenous peoples.
- It established a coalition between the state government, territorial governments and *The Coalition of Aboriginal and Torres Strait Islander Peak Organizations*.
- Many of the outcomes and approaches of the *Closing the Gap* initiative are guided by the principles of UNDRIP.
- For example, the agreement shares decision-making with Indigenous partners, prioritises community-led services and aims to facilitate Indigenous-driven development.



**Coalition  
of Peaks**

## EXAMPLES OF PROGRAMS THAT APPLY THE PRINCIPLES OF UNDRIP

- There are already initiatives that apply the principles of UNDRIP in Australian health services.
- *The National Aboriginal Community Controlled Health Organisations (NACCHO)* is the leadership body for Indigenous health. It represents 144 community-led primary care health organisations who provide culturally safe, holistic care to Indigenous people.
- The *Indigenous Australian's Health Programme (IAHP)* is a government scheme which funds Indigenous-led health services.



# UNDRIP IN NEW ZEALAND

- In 2019, New Zealand committed to developing a comprehensive **National Declaration Plan**, to guide the government's progress in implementing UNDRIP. In 2021, development of the plan began, led by the *Ministry for Māori Development*.
- As in Australia, there is a gap between the expected life outcomes of Indigenous and non-Indigenous peoples in New Zealand.
- The 2020-2025 *Māori Health Action Plan* is an example of how UNDRIP is being used as a framework for increasing Indigenous participation in health systems to improve life outcomes for Māori people.



# EXAMPLES OF PROGRAMS THAT APPLY THE PRINCIPLES OF UNDRIP

- *Te Rau Ora (Strengthening Māori Health and Well-being)* is a national organisation which aims to strengthen Māori health through leadership, education, research, and workforce development. Te Rau Ora's approach is rooted in Kaupapa Māori (Indigenous philosophies) and whānau (family).
- *Whaiora (In pursuit of wellness)* is an example of a regional organisation which provides a range of health services to the Wairarapa community, near Wellington.
- The Ministry of Health is also funding *New Māori Primary Mental Health & Addiction Services*, based on Kaupapa Māori



# UNDRIP IN CANADA

- On June 16, 2021, the Parliament of Canada passed *The United Nations Declaration on the Rights of Indigenous Peoples Act* (Declaration Act).
- The goal of the Declaration Act is to develop a roadmap to guide the implementation of UNDRIP in Canada.
- The Act requires the Government to create a **National Action Plan** for implementing UNDRIP, align federal laws with UNDRIP, and report annually on progress.
- The Declaration Act will be carried out by the Federal Government, in partnership with Indigenous peoples and organisations.



# UNDRIP IN THE PROVINCES OF CANADA

- In October 2019, the GNWT committed to implementing UNDRIP in the NWT in the mandate of the 19<sup>th</sup> Legislative Assembly.
- In November 2019, the Government of British Columbia passed *The Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). It is the first Canadian province to adopt UNDRIP in law.
- While B.C. is the only province that has made UNDRIP law, provinces across Canada are using UNDRIP to determine what actions they will take to promote reconciliation.



# UNDRIP IN HEALTH RESEARCH

- Research into applying UNDRIP to health care recognises the need to **decolonize health research** and provide **culturally safe** services for Indigenous people.
- This means having greater Indigenous participation in developing health systems that **reflect Indigenous understandings of health and wellness**.
- Going forward, Canada needs a **strategic plan** for implementing UNDRIP in health services that combines all the “wise practices” that we’ve learnt so far.
- There also needs to be more **community engagement** to make sure that new health systems are specific to the communities’ priorities.



*Initiatives in Canada that  
apply the Principles of  
UNDRIP*

**INDIGENOUS HEALTH  
AND WELLNESS**



## ARTICLE 21: THE RIGHT TO IMPROVE ECONOMIC AND SOCIAL CONDITIONS

### Examples:

- *Jordan's Principle* is a nation-wide fund which aims to ensure that all First Nation children can access the services and support they need, when they need them. Funding can help with a wide range of health, social and educational needs. This program reflects the idea in UNDRIP that countries should take **special measures** to make sure that Indigenous people can improve their social and economic conditions, including their health.
- The *Brighter Futures* program was developed by Health Canada with First Nations and Inuit to improve the physical, mental and social well-being of Indigenous people. Through the *Brighter Futures* program, the federal government funds community-based health initiatives.
- In the NWT, the Government of the Northwest Territories' *On the Land Healing Contribution Fund* is an example of a provincial government improving Indigenous access community-based, on-the-land programs which promote healing and mental wellness. These funding initiatives reflect UNDRIP's principle that Indigenous people have the right to **develop and improve** their health.

## ARTICLE 23: THE RIGHT TO DEVELOP STRATEGIES FOR DEVELOPMENT

### Examples:

- *Aboriginal Health Access Centres (AHACs)* in Ontario: ten community-led health care providers which use a combination of methods, including traditional healing, primary care and cultural programs to promote community health. This is an example of an Indigenous community **creating and administering** programs to improve Indigenous health.
- *San'yas Anti-Racism Indigenous Cultural Safety Training Program* is an educational program which teaches cultural safety. It is used in B.C to educate workers in health care, mental health and child welfare services. This is another example of an **Indigenous-led strategy** which helps health services meet Indigenous needs by dismantling racism.
- In British Columbia, the *Tripartite Framework Agreement Act (2013)* transferred the development of Indigenous health services to the First Nations Health Authority. It means that the federal government, provincial government and Indigenous people **all develop health services in B.C.** This is also an important example of Indigenous self-determination (UNDRIP, Article 3).

# ARTICLE 24: THE RIGHT TO TRADITIONAL MEDICINES AND HEALTH PRACTICES

## Examples

- *Project Jewel* is a wellness program with land-based locations across the Beaufort-Delta region. It is run by the Inuvialuit Regional Corporation and provides client-driven, culturally sensitive approaches to health. Their mission is to help participants begin or continue their healing journey, while being immersed in a cultural setting and relying on the natural healing that takes place with the connection to the land.
- *The Arctic Indigenous Wellness Foundation* is a self-determined traditional wellness initiative. Based in Yellowknife, it relies on Indigenous-based healing services and practices to promote health and wellness.
- *Tlicho Healing Path Wellness Strategy* is an action plan for community health and wellness. It provides resources and services to help people restore their relationships with themselves, their families, communities, culture and the land.
- These are just a few examples of how Indigenous communities are trying to improve the physical, mental and spiritual health of Indigenous peoples by using traditional practices and medicines.



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**Thank you / Mahsi / Quyanainni**

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FEBRUARY 6, 2018