



# Boreal Centre

FOR DISPUTE  
RESOLUTION

## Implementing UNDRIP: Part One

### Looking back to influencers and in search of Indigenous voices

In follow-up to yesterday's post on the announcement of the passing of Bill C-15, I woke up this morning thinking about a few of the people who have influenced my thinking (and who the influencers of today actually are, or who they should be, but more on that in another post perhaps).

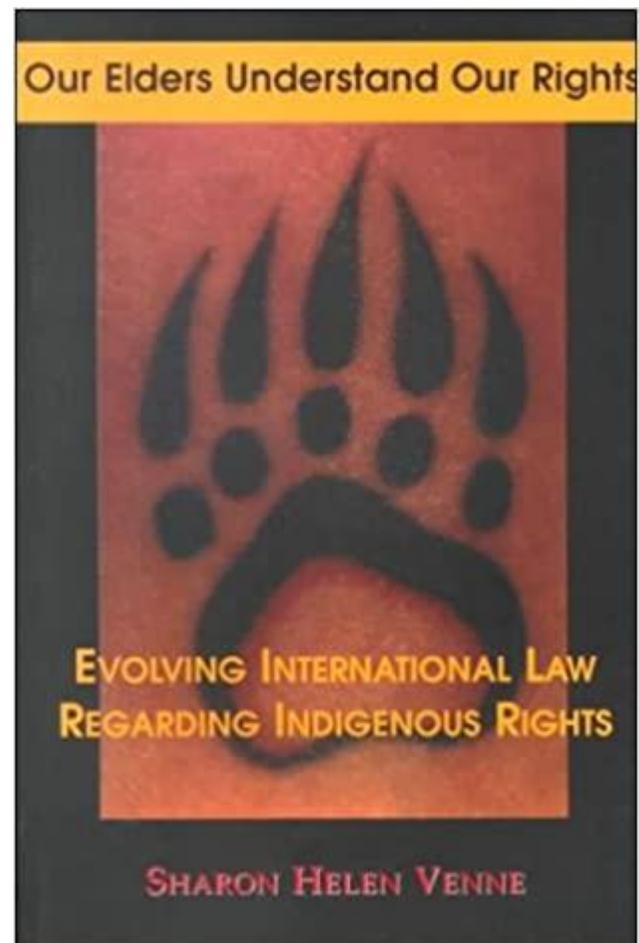
On the topic of UNDRIP, I recollected that the negotiators at the UN were comprised of Indigenous leaders and non-Indigenous advocates who worked tirelessly over 15+ years to draft the endless versions of the Declaration. One of them was Maureen Davies, a law professor at Carleton whose international Indigenous law course I took back in the mid 90's (see: Davies, Maureen. "Aspects of Aboriginal Rights in International Law." In *Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada*, p.16. Edited by Bradford W. Morse. Ottawa: Carleton University Press, 1985). She explained that the inclusion of the term "Indigenous peoples", as opposed to simply "people" or "persons" took more than a decade of advocacy, due to the term's implications for collective identity and thus for self-determination and pre-existing land title.

My point is that there is nothing in the UNDRIP that is there by chance, and that the details, even down to the "s" at the end of peoples is there by design. Therefore, when we are looking at Canada's previously articulated "aspirational" approach to ratification of UNDRIP, and the intention of harmonizing Canadian federal laws to it over the next two years via Bill C-15, the devil (excuse the pun), or perhaps the angel, is in the details.

Prof. Davies introduced us to the writings of Sharon Venne, a co-committee member, Cree lawyer and academic, who in 1997 published *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Peoples*. I later had the pleasure of meeting her at a conference at Ryerson (2012) at which she was presenting and she was pleased to note I had read her book, which I refer readers to here (<https://www.amazon.ca/Our-elders-understand-rights-international/dp/0919441661>).

Professor Davies was always clear about her role as a non-indigenous advocate (and remember this was the 90's), and the primacy of indigenous voices in our societal attempts to navigate the divide of colonialism and pre-existing aboriginal rights. That is essentially the principled goal of "reconciliation", an increasingly controversial term, with a variety of interpretations. I have another post about the term reconciliation, based on its etiology, and my own Irish roots, which I'll upload at some point soon (it's more entertaining that it sounds).

As a non-indigenous advocate of Irish ancestry (and citizenry), I recognize that the majority of our framing of these determining legal frameworks, including Bill C-15, are generated and mitigated by the the Canadian state, and its representative interests. This as a concept referred to as hegemony. In keeping with Prof. Davies' influence, it is essential to



understand the UNDRIP and the implementation of Bill C-15 from the perspectives of indigenous peoples, who will ultimately be either empowered or disempowered by it. It is a central tenant of UNDRIP, is that indigenous peoples are self-determining over their lands, jurisdictions, and decision making structures, which are challenging concepts for a state to implement within its boundaries.

In summary, in order to navigate the road ahead, we must seek to understand the perspectives of the indigenous peoples whose rights we purport to "reconcile" with. As a starting point, I suggest we turn to the more recent 2017 publication "Whose Land is it Anyway? A Manual for Decolonization" comprised of the voices of many of our most prominent indigenous thinkers and influencers, including Sharon Venne, the late Arthur Manuel, Senator Murray Sinclair, and Taiaiake Alfred, amongst others for guidance (available at [www.fpse.ca](http://www.fpse.ca)).

i síocháin (in peace),

Sheriden