

UNDRIP Changes Indigenous Peoples Articulation of Both Problems and Solutions

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The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was defined at the time of its passage as an "aspirational document." Those governments that resisted the declaration — Canada, United States, Australia and New Zealand in 2007 and which signed on later in 2010 — worried that the creation of international law on Aboriginal rights would elevate Indigenous expectations. This is precisely what appears to be happening.

The Government of Canada feared that First Nations, Metis and Inuit would call on the Declaration to support demands for additional legal rights and powers. That is starting to happen, in Canada and elsewhere, as Indigenous litigants cite UNDRIP to back their legal positions, calling on international grievances to underscore the legitimacy of their claims. Time will tell if this approach

will work with judges, and the degree to which Canadian courts will give legal weight to the Declaration.

UNDRIP, however, appears to have hit a real cord with Aboriginal Canadians. At the Assembly of First Nations annual conference in Whitehorse in July 2013, speaker after speaker referred to the Declaration. They cited it, in spirit or verbatim, as a means of underscoring the seriousness and the legitimacy of their cause. The same was true during the Idle No More rallies, with speakers routinely referring to UNDRIP to underscore the sense of urgency, historical justification and the injustices of Indigenous lives and experiences.

UNDRIP has already started to change the national and international dialogue among Indigenous peoples. While the statements over-reach on occasion, claiming more legal and political authority for UNDRIP than currently exists in practice, the change of tone and emphasis is of fundamental importance. Aboriginal Canadians have long known the history and law of their rights.

UNDRIP has elevated Indigenous peoples understanding of their local rights and their global connectedness. That Indigenous peoples around the world have come to share knowledge about their common experience; the shared reality that they have suffered comparable dislocations, injustices, and hardships is proving to be remarkably empowering.

UNDRIP appears to have shifted not only Indigenous peoples' sense of what is possible but also how real change will occur. In the past, the problems and solutions of Aboriginal Canadians were seen in Canadian terms. Canadian policy caused the deep crises in Indigenous communities; therefore Canadian policy, in turn, would be the vehicle to improve conditions. For Aboriginal leaders, it followed that their focus should be on the Government of Canada and Indian Affairs programs, policies and procedures.

UNDRIP changed, likely forever, the way in which Indigenous peoples conceptualize both the articulation of problems and the solutions. What appears to be happening among Aboriginal Canadians is a shift from only looking at legal and program issues to realizing that the future rests with Indigenous communities seizing control of their lives. Waiting for non-Aboriginal peoples to adjust their policies to sustain Indigenous cultures is increasingly seen as unlikely to produce the desired results. The focus, instead, is shifting to self-government, autonomy, and the building of the capacity needed to assert control over their own affairs. Indigenous public policy is full of examples of unintended consequences. UNDRIP is proving to be such a case.

While UNDRIP speaks to a broad set of priorities and policy opportunities, one outcome appears to be that the identification of global patterns in the mistreatment and abuse of Indigenous peoples has convinced Aboriginal communities and leaders that they have to care for themselves, their communities, and the future.

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