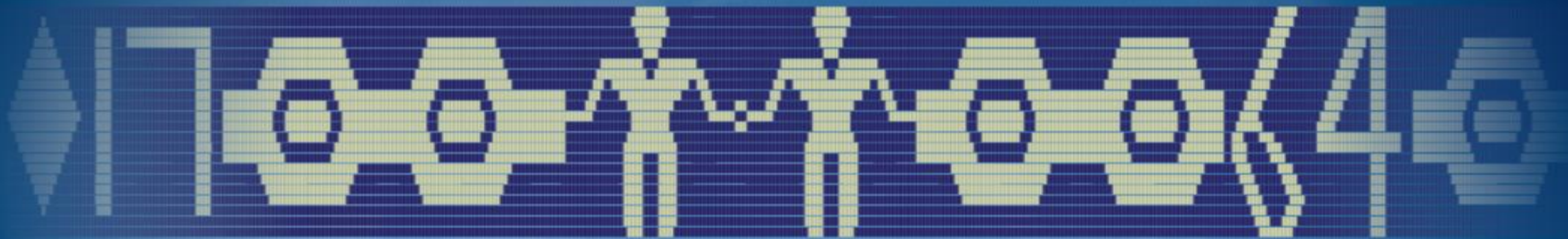


United Nations on the Rights of Indigenous Peoples Act

Engagement Sessions



IMPACT OF UNDRIP

Waabizheshi - Martin Clan

By Fred Bellefeuille, Legal Counsel Anishinabek Nation

UNDRIP – Waabizheshi - Martin Dodem



- We have organized our UNDRIP sessions to be based on the Anishinaabe dodem system. According to Gordon Waindebence baa the Anishinaabe Dodem or clan system is a complete from of governance. When the seven primary dodems take care of their responsibilities there would be no other issues for Anishinaabe to be concerned about. The Anishinaabe Dodem system is comprehensive.
- Edward Benton in his book Mishomis: The Voice of the Ojibway, said the people of the martin clan are the hunters, food gathers and warriors of the Ojibway. The warriors fought to defend their village or hunting territory. They became known as master strategists in planning the defense of their people. According to Merle Pegahmahgabow baa the martin dodem were the caretakers of the forest and environment.
- This has been interpreted to include such things as Lands and Resources, Mining, Economic Development, Agriculture, Housing.
- If we apply a martin dodem perspective on the updating of federal legislation and implementation of UNDRIP. There are many current categories of federal legislative responsibility that would be included. The following are some of those dodem responsibilities, issues and relevant UNDRIP articles.





UNDRIP – Lands

- Land has long been one of the most contentious issues between government and First Nations. Lands within federal jurisdiction includes reserves, airports, military bases, national parks etc.
- Federal legislation has evolved over the years from reserve land surrender to facilitating management and development. Reserve land legislation includes creation and additions to First Nation reserves, land management and expropriation of land. There is also a federal role in spraying of pesticides and other things on lands.
- Some issues in regards to lands within Federal authority include: how long additions to reserve take; amount of unsettled and un-asserted lands claims; inequity of the abundance of land and size of reserve land bases and associated poverty; aboriginal title to lands and lake beds; treaty entitlements including lands; land for economic development; destruction and contamination of medicinal plants and traditional food.





UNDRIP – Natural Resources

- Federal responsibility includes some aspects of mining, forestry, climate change.
- Federal mining legislation is limited and directed primarily towards uranium mining, federal land and off shore development. Federal mining legislation primarily limited to things such as research and development. Supporting national mining development, innovations and growth.
- Forestry includes general public support and cooperation with forest utilization and development, protection and management of national park forests, experimental forests, national fire management. Climate change is a newer recognized national interest and includes net zero 2050, reductions targets for 2030.
- Some issues in natural resources include Indigenous rights and lands impact mining; Indigenous access to mining opportunities and management of development. Growth of mining and on line staking, international involvement in mining and lack of understanding of Indigenous rights. Forestry, mining and other natural resource revenue sharing.





UNDRIP – Economic Development

- Includes federal legislation to deliver programming to grow businesses, cultivate partnerships and build stronger communities overall. In northern Ontario Fednor provides this support with parallel agencies in the south. They endeavor to support innovation in business and products. This includes development of economic growth strategies, bringing together key participants to foster development, facilitating access to financing and other.
- Some issues includes related to economic development includes indigenous access to financing for business; support for indigenous women entrepreneurs; access to markets; high speed internet access for on reserve businesses; limitations of the *Indian Act*;





UNDRIP – Nuclear Energy

- Nuclear energy is a national issue, federal legislation and policy includes management, safety and storage of nuclear waste. Also, strategic support for national energy development. Modernization of Canada's radioactive waste policy is a recent development.
- Some issues include storage of waste on treaty lands, participation in management and development of nuclear energy and waste. Nuclear development on treaty territory. Role of alternative energy in overall energy development.



UNDRIP – Agriculture and Farming



- Federally includes programs and services supporting innovation, sustainable farming, business development, risk management, trade and market development. Agricultural loans and infrastructure development in support of farming are also federal topics. The impact of climate change on agriculture.
- Some issues include indigenous participating in agriculture, food security, fostering of First Nations in agricultural activities, size of reserve land and agriculture.





UNDRIP – Housing

- Another martin dodem responsibility. Federally, there is CMHC, Housing and housing strategy legislation. These laws are explicitly stated to promote home ownership, access, financing, There are also nation building codes, that are applied on reserve that facilitate safety and standards.
- Issues related to housing includes financing; new home building, infrastructure to support housing; discrimination; others.





Relevant UNDRIP Articles

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.





Relevant UNDRIP Articles

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.





Relevant UNDRIP Articles

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.





Relevant UNDRIP Articles

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented





Relevant UNDRIP Articles

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.





Questions for Discussion

1. Which of these issues are priority: Lands and Resources, Water, Mining, Economic Development, Agriculture, Housing?
2. What land issues do you see as priority? Additions to reserve, reserve creation, land management, other?
3. What kind of natural resource issues do you see as priority? Jobs, protection, forestry, mining, harvesting, other?
4. What economic development issues are priority? Financing, reserve land issues, etc.
5. What discrimination should be addressed in regards to lands, resources economic development, agriculture and housing?





Questions for Discussion

6. What kind of legal recognition or protection is needed for land and natural resources?
7. How can the federal government improve housing? access, financing, discrimination, other?
8. What should the federal government do in regards to indigenous rights and nuclear energy?
9. What kind of legal due recognition to indigenous peoples' laws, traditions, customs and land tenure systems need?
10. What kind of processes would you like to see over the next 10 years to make federal legislative change reflective of UNDRIP?

