



UNION OF ONTARIO INDIANS

Head Office: Nipissing First Nation, P.O. Box 711 North Bay, ON P1B 8J8

Phone: (705) 497-9127 Fax: (705) 497-9135

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Background:

The Anishinabek Nation Legal department has initiated a robust and ongoing collaboration with our Ogiimah Leadership to engage in a comprehensive effort that centers on ensuring the complete incorporation and alignment of the recommendations presented by the Anishinabek Nation with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This concerted effort is specifically directed towards achieving harmonization not only at the federal level but also within provincial and municipal legislative frameworks, with a particular emphasis on recognizing and reflecting Anishinabek Nation's communities' traditional laws and by-laws as part of Canada's legal pluralism. Consequently, the acknowledgment of the inherent jurisdictions and traditional laws and by-laws of the Anishinabek Nation communities constitutes the fundamental basis for deliberations regarding the dynamics between federal, provincial, and our Anishinabek Nation jurisdictions and laws. These discussions aim to achieve a level of comparability with other nations, as exemplified in British Columbia.

Current Status

Despite the federal government of Canada's enactment of the UNDRIP Act in June 2021, a notable disparity persists in the comprehensive implementation of UNDRIP principles across all tiers of governance, encompassing provinces, municipalities and their associated bureaucratic systems. This existing gap has far-reaching implications, impacting various unresolved matters, including the absence of bilingual recognition for our language, jurisdictional complexities in child welfare, additions to reserves and reserve creation, as well as domains like healthcare and education, among others. This discrepancy also gives rise to legal concerns and ramifications that affect our Anishinabek Nation communities, their members, and all levels of government. The overarching objective is to construct a legal framework that seamlessly aligns with the fundamental tenets of UNDRIP, thereby safeguarding and upholding the rights, self-determination, and overall well-being of our communities and their members within the Anishinabek Nation's communities and jurisdictions.

Key Considerations

1. In Canada and Ontario, human rights are of utmost importance, and it is crucial to convey two key principles to enhance the prospects for UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) implementation.
 - a. Firstly, human rights in Canada hold a "quasi-constitutional status," meaning they are paramount to legislation but subordinate to the Constitution. Applying this principle to UNDRIP would elevate its importance and impact.
 - b. Secondly, the principle of "The Duty to Accommodate to the point of undue hardship" must be stressed. If this principle is applied to UNDRIP, it would require a significant effort to meet Indigenous needs under UNDRIP, even to the point where it becomes financially challenging. Emphasizing these principles and their potential application to UNDRIP is essential.

2. The establishment of an Indigenous Advisory Council is extended as a means to oversee and guide the advancement of UNDRIP implementation. This council assumes a pivotal role in instituting resilient mechanisms for accountability, progress monitoring, and the authentic safeguarding of the rights and well-being of our Anishinabek Nation communities and their members in Canada. This ensures that the commitment to UNDRIP surpasses sheer symbolic gestures and translates into concrete, advantageous results for Indigenous communities. Furthermore, it provides space for the traditional interpretation of laws and jurisdictions.
3. A formal acknowledgment of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a fundamental international human rights instrument is imperative for provincial-municipal-Anishinabek Nation that aims to achieve a level of comparability with other nations, as exemplified in British Columbia. While Canada has previously expressed its support for UNDRIP, the current emphasis lies in the process of transposing these principles into Anishinabek Nation community-led work and initiatives related to revitalization and enforcement of Indigenous laws and legal orders. This necessitates the creation of provincial, and municipal legislative and policy frameworks that are in accordance with federal law and uphold the rights of our of Anishinabek Nation.
4. Establishing a uniform method of legal interpretation and analysis is paramount to ensure the equitable legal status and enforceability of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) principles and Indigenous rights across the entirety of our Anishinabek Nation. This uniformity is essential for the preservation of UNDRIP principles and their consistent and effective application, thus, including Anishinabek Nation traditional laws and cultural processes.
5. Among the various areas of concern, a few noteworthy ones include the issue of overrepresentation in prisons, the need for a First Nations justice strategy, the establishment of priorities and metrics, and the crucial allocation of resources for education and awareness initiatives that employ culturally appropriate approaches, an area where Anishinabek Nation excels.

Summary

The critical imperative of formally acknowledging the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as an essential international human rights instrument is underscored within the tiers at the provincial and municipality level. This recognition is seen as a foundational step in establishing a comprehensive national strategy tailored to navigate the intricate legal complexities of federal-provincial-municipal-Indigenous discussions, encompassing all tiers of government. These discussions aspire to attain a level of comparability parallel to international standards, drawing inspiration from successful models like British Columbia. This formal recognition may serve as a catalyst for the formulation of effective, culturally-appropriate solutions, and equitable interpretation methods. Moreover, it stands as a vital instrument in eradicating any lingering Indigenous-specific systemic racism enshrined within existing legislation, regulations, and by-laws. The collective aim is to align the legal framework harmoniously with the principles embedded in UNDRIP, advancing the cause of Indigenous rights and self-determination on a national scale.