



UN Declaration Act Action Plan Proposals

May 2022



Background

Inuit Tapiriit Kanatami (ITK) was pleased that Parliament passed the United Nations Declaration on the Rights of Indigenous Peoples Act in 2021 (UNDRIP) and continues to view full and effective implementation of the rights affirmed by the UN Declaration as pivotal for ending and preventing human rights violations experienced by our people. The Act obligates the federal government to develop an action plan "in consultation and cooperation with Indigenous peoples and with other federal ministers" by June 2023 that "achieves the objectives" of the UN Declaration. The Act also obligates the government to "take all measures necessary to ensure that the laws of Canada are consistent with the Declaration."

In order to ensure that the action plan includes the measures needed to fulfil this obligation, ITK shared the following actions with the federal government in May 2022 for possible inclusion in the action plan. These actions are focused on the legislative and policy measures required to close legislative and policy gaps that contribute to human rights violations experienced by Inuit.

The proposed actions address priorities such as the need for a law supporting the repatriation of Inuit human remains and objects from museums and federal agencies (Article 12), the need to amend Canada's immigration legislation to support Inuit cross-border mobility and immigration (Article 36), and the need for an independent Indigenous human rights commission and tribunal to enforce implementation of our human rights (Article 2).

Actions are subject to change and at the time of writing, only one has been successfully co-developed with a federal department. These proposals reflect the ambition required to fully and effectively implement the Declaration. They are premised on the fact that the UN Declaration affirms rights that must be implemented and enforced and reject the discriminatory interpretations that cast them as merely political rights, principles or aspirations. Therefore, we expect the action plan to reflect concrete commitments by the government to enact the changes to Canadian law and policy that are required to align Canada's laws with the UN Declaration as well as to achieve its objectives.

Section 5 actions: Measures to help ensure consistency of laws with the U.N. Declaration

<p>Section 5 “The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.”</p>	<p>Action In order to ensure that the laws of Canada are made consistent with the U.N. Declaration, the federal government will introduce amending legislation providing for the following:</p> <p><i>Justice Act:</i> amend to require the Minister, in consultation and cooperation with the governments and representative institutions of the Indigenous peoples concerned, to table a statement representing that a) the obligations in section 5 of <i>UNDA</i> to take all measures necessary to ensure that the laws of Canada are consistent with the Declaration, in consultation and cooperation with the Indigenous peoples concerned, have been upheld; b) the bill complies with the <i>UN Declaration</i>; and c) the Indigenous peoples concerned have provided their consent, when required pursuant to consultation and cooperation</p> <p><i>Statutory Instruments Act:</i> amend to require the Deputy Minister and the Clerk of the Privy Council to conduct an examination of proposed regulations, in consultation and cooperation with the governments and representative institutions of the Indigenous peoples concerned, to ensure they comply with the <i>UN Declaration</i>. If it is determined by the Deputy Minister and implicated Indigenous peoples that the regulations do not comply, the regulations will be referred back to the regulation-making authority with co-developed directions to ensure compliance.</p>
---	--

Section 6 actions: Actions responding to articles of the U.N. Declaration

<p>Article 1 Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.</p>	<p>Action In order to strengthen monitoring and enforcement of international human rights treaties ratified by Canada, the federal government should enact the following administrative and policy measures:</p> <ul style="list-style-type: none"> • Canadian Heritage will include National Indigenous representative organizations as members of administrative bodies responsible for monitoring implementation of international human rights treaties ratified by Canada. • Justice Canada will develop an implementation policy whose purpose is to give legal effect to the rights affirmed by international human rights treaties through consistent inclusion of relevant provisions in federal legislation.
<p>Article 2 Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.</p>	<p>Action In order to ensure that Indigenous peoples' human rights are enforceable and that Indigenous peoples and individuals whose rights are violated have access to remedies, the federal government will, within two years of the tabling of this action plan, co-develop and introduce legislation establishing an Indigenous Rights Commission and Tribunal, providing for, inter alia:</p> <ul style="list-style-type: none"> • Commission and Tribunal established by enabling legislation, including a mandate to ensure the laws of Canada are construed and applied in a manner that complies with the <i>UN Declaration</i> unless it is expressly declared by an Act of Parliament that a law shall operate notwithstanding the Declaration. • Enabling legislation shall establish the appointment of Commissioners and Adjudicators directly by the Métis Nation General Assembly, in addition to Commissioners and Adjudicators appointed by self-determined First Nations and Inuit procedures and by the Government of Canada. • Enabling legislation shall empower Adjudicators to develop bylaws that regulate the Tribunal's own procedure. This will include bylaws to ensure accessibility for Indigenous peoples

	<p>including through inclusive rules of evidence and Indigenous legal understandings, operation in accordance with the principles of natural justice, and procedure that upholds <i>UN Declaration</i> Articles 8(2), 11(2), 13(2), 22(2), 27, 28 and 40.</p> <ul style="list-style-type: none"> • Enabling legislation shall empower the Tribunal to provide effective individual and systemic remedies, including mandating corrective action.
<p>Article 3 Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.</p>	<p>Action In order to enable Inuit to exercise their right to self-determination and self-government, the federal government will:</p> <ul style="list-style-type: none"> • Provide adequate resources and a legislative framework that affirms the right of self-government and provides for fiscal arrangements to support efficient negotiation of Inuit self-government agreements with Makivvik Corporation, Inuvialuit Regional Corporation, and Nunavut Tunngavik Incorporated; • Fully and effectively implement the Inuit Nunangat Policy; and • Continue to fully and effectively participate in the Inuit-Crown Partnership Committee and utilize it as an integral mechanism for both implementing the Inuit Nunangat Policy and supporting Inuit self-determination; and • Partner with Indigenous peoples to update the Government of Canada’s federal policy on self-government, <i>Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government</i>
<p>Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.</p>	

<p>Article 5 Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.</p>	<p>Action In order to help ensure that predominantly Inuit regions of Canada are represented in Parliament, the federal government will support amendments to the <i>Electoral Boundaries Readjustment Act</i> intended to improve representation of predominantly Inuit and other indigenous regions in parliament.</p>
<p>Article 6 Every indigenous individual has the right to a nationality.</p>	
<p>Article 7 1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. 2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.</p>	<p>Action In order to help improve the safety and security of Indigenous women, 2SLGBTQQIA+ people and their families, the federal government will co-develop national legislation with Indigenous peoples that enables the provision of federal resources to encourage community-coordinated responses to combating violence, including programming to prevent violence, housing protections for survivors, funding for advocates and rape crisis centres, as well as culturally- and linguistically specific services.</p>
<p>Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;</p>	<p>Action In order to help reduce the impacts of climate change and support the continuity of Inuit culture and society, the federal government will develop national climate legislation providing for the following:</p> <ul style="list-style-type: none"> • National targets for reducing emissions and achieving net zero emissions; • Decarbonization plans for federally regulated industries; • Climate monitoring, adaptation and mitigation supports for Inuit and other indigenous peoples and communities.

<p>(d) Any form of forced assimilation or integration;</p> <p>(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.</p>	
<p>Article 9 Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.</p>	
<p>Article 10 Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.</p>	
<p>Article 11 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property</p>	<p>Action In order to enable Inuit to exercise their right to self-determination in managing their archeological and historical sites, the federal government will amend the Canada National Parks Act to provide for the following:</p> <ul style="list-style-type: none"> • The right of Inuit Land Claims Organizations to review and issue archeological permits for archeological activities undertaken on Inuit-owned lands and Crown lands historically used and occupied by Inuit. • Recognition of the right of Inuit to enact their own laws and regulations in relation to the management of Inuit archeological and historical sites located on Inuit-owned lands. • Parks Canada will support the pressing need to co-develop with Indigenous peoples legislation

<p>taken without their free, prior and informed consent or in violation of their laws, traditions and customs.</p>	<p>regarding Indigenous Protected and Conservation Areas (IPCAs). This legislation will play a key role in ensuring IPCAs have official legal recognition. It will also help address jurisdictional issues, including underlying Indigenous jurisdictional authorities. The legislation should also address long-term management planning arrangements as well as secure and adequate financing to ensure the success of IPCAs.</p> <ul style="list-style-type: none"> • Parks Canada will support Indigenous-led conservation projects. This support involves a commitment to collaborate with other federal departments and with provincial and territorial governments to advance such efforts. While Crown-Indigenous agreements are being negotiated, Parks Canada will support interim protections over the lands at issue. Parks Canada will also support efforts to unencumber lands identified for Indigenous protection of existing rights where possible. • Parks Canada commits to supporting Indigenous Guardians programs. Indigenous enforcement on the ground is a critical aspect of developing Indigenous capacity and recognizing Indigenous jurisdiction within their territories. It is also important for ensuring that cultural and ecological keystone species must be protected to ensure Aboriginal rights to lands and resources are maintained for future generations.
<p>Article 12</p> <p>1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.</p> <p>2. States shall seek to enable the access and/or repatriation of ceremonial objects and human</p>	<p>Action</p> <p>In order to facilitate the repatriation of First Nations, Inuit and Métis human remains, funerary objects, sacred objects, and objects of significance to the cultural continuity of Indigenous peoples from federally-funded domestic museums and institutions, as well as to support their acquisition from foreign museums and institutions, the federal government will co-develop national legislation enabling the protection and repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony. Legislation should include provisions providing for the following:</p> <ul style="list-style-type: none"> • Prohibitions on the trade or sale of human remains or items of cultural patrimony and corresponding amendments to the criminal code.

<p>remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.</p>	<ul style="list-style-type: none"> • Processes for handling items excavated or discovered on Crown lands or the territories of indigenous peoples, as well as for items excavated or discovered on provincial or private lands. • Development and maintenance of inventories of human remains and funerary objects by museums and federal agencies as well as other cultural items under their legal control as well as rules of access. • Obligations in relation to receiving and processing repatriation and disposition requests for cultural items by indigenous rights holders. • Diplomatic and financial support for indigenous peoples seeking repatriation of their belongings from foreign museums or institutions. • Enforcement mechanisms and penalties in cases of non-compliance. • Oversight bodies responsible for monitoring and reviewing implementation of the law. • Resources for storing and preserving and displaying repatriated objects as appropriate.
<p>Article 13</p> <p>1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.</p> <p>2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.</p>	<p>Action</p> <p>In order to enable Inuit whose first, only or preferred language is Inuktitut to participate in federal elections and access federal services in their language, the federal government will introduce co-developed amending legislation in partnership with Inuit that amends the Indigenous Languages Act to provide for the following:</p> <ul style="list-style-type: none"> • Criteria for assessing demand and the level of service for which Inuktitut services will be provided; • Obligations for federal departments to provide services in Inuktitut where demand exists that are integral to the exercise of Charter rights; • Obligations for federal departments and officials to provide services in Inuktitut where demand exists.

<p>Article 14</p> <p>1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p>2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.</p> <p>3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</p>	<p>Action</p> <p>In order to enable Inuit rights holders to exercise their right to establish and control their own educational systems and educational institutions, subject to any self-government agreement, the federal government will partner with Inuit land claims organizations in order to establish a policy on federal involvement, funding and other support for Inuit primary and secondary education.</p>
<p>Article 15</p> <p>1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.</p> <p>2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.</p>	
<p>Article 16</p> <p>1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.</p>	

<p>2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.</p>	
<p>Article 17 1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.</p> <p>2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.</p> <p>3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.</p>	
<p>Article 18 Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p>	<p>Action In order to help ensure that Inuit are able to exercise their right to participate in decision-making in matters which would affect their rights, the federal government will co-develop with Inuit formal policy guidance that will serve to instruct federal departments about the meaning and parameters of legislative and policy co-development, and the specific circumstances under which co-development should occur.</p> <p>In order to ensure that the federal government achieves the objectives of the U.N. Declaration pursuant to</p>

	<p>section 6 of the Act, the federal government will co-develop an implementation plan for the action plan in partnership with Indigenous peoples that provides for the following:</p> <ul style="list-style-type: none"> • Timelines for implementing actions; • Departments responsible for leading implementation of actions; and • Timelines and mechanisms for monitoring, reviewing and updating the action plan as necessary.
<p>Article 19 States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p>	<p>Action In order to systematically implement the right to free, prior and informed consent, the federal government will co-develop framework legislation in partnership with First Nations, Inuit and Metis that provides for the following:</p> <ul style="list-style-type: none"> • Meaning and application of the right; • Law-making authority and jurisdiction of indigenous peoples in relation to the right; • Mechanisms for monitoring and enforcing the right to FPIC.
<p>Article 20 1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. 2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.</p>	<p>Action In order to create a regulatory framework for the processing and sale of country and traditional foods within Inuit Nunangat and to support the expansion of domestic and international trade in country and traditional foods, the federal government will introduce new federal legislation providing for the processing and sale of country/traditional foods as well as for their export to the rest of Canada and internationally. In order to support implementation of the fisheries management provisions of the Nunavut Agreement, as well as to help improve Nunavut Inuit food security, economic development, and the development of the region's food system, the federal government will co-develop Nunavut Fishery Regulations in partnership with Nunavut Tunngavik Incorporated, Nunavut Wildlife Management Board, Government of Nunavut, and Makivvik Corporation.</p>

<p>Article 21</p> <p>1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.</p>	<p>Action</p> <p>In order to help enable Inuit to exercise their right to improve their economic and social conditions, the federal government will co-develop with Inuit and table legislation in Parliament that amends the Federal-Provincial Fiscal Arrangements Act to provide for the following:</p> <ul style="list-style-type: none"> • Imposition of conditions on federal transfers that align provincial spending with the rights affirmed by the U.N. Declaration as well as with Canada’s international human rights treaty obligations (Convention on the Rights of Persons with Disabilities (Article 7 and Article 23 priorities partially respond to this article). • Where applicable, develop direct intergovernmental transfers to Inuit land claims organization in partnership with Inuit provide directed support for the improvement of Inuit economic and social conditions.
<p>Article 22</p> <p>1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.</p> <p>2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.</p>	<p>Action</p> <p>In order to ensure that Inuit with disabilities are able to exercise their rights under the Convention on the Rights of Persons with Disabilities as well as to give effect to those rights, the federal government will co-develop new legislation with Inuit land claims organizations that provides for the following:</p> <ul style="list-style-type: none"> • Monitoring and reporting mechanisms • Provision of diagnostic services as well as ongoing services and supports for Inuit with disabilities • Federal obligations of primary and secondary schools serving Inuit students • Provision of federal resources to support access to justice for Inuit with disabilities within the criminal justice system
<p>Article 23</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in</p>	<p>Action</p> <p>In order to ensure that Inuit are able to exercise their right to be actively involved in developing and determining national programs, policies, services and initiatives affecting them, the federal government will utilize the Inuit-Crown Partnership Committee as one of</p>

<p>developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.</p>	<p>the core mechanisms for support and implement this right.</p> <p>In order to promote prosperity and support community and individual wellbeing throughout Inuit Nunangat, the federal government will implement the federal Inuit Nunangat Policy.</p>
<p>Article 24</p> <p>1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.</p> <p>2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.</p>	
<p>Article 25</p> <p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p>	
<p>Article 26</p> <p>1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</p> <p>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</p>	

<p>other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>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.</p>	
<p>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.</p>	
<p>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.</p> <p>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</p>	

<p>compensation or other appropriate redress.</p>	
<p>Article 29</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>Article 30</p> <p>1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.</p> <p>2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.</p>	<p>Action</p> <p>In order to enable meaningful partnerships with Inuit to advance the safety, security and defense objectives of the Arctic and Northern Policy Framework, the federal government will advance implementation of the Inuit Nunangat Policy by taking the following measures:</p> <ul style="list-style-type: none"> • Collaborate with Inuit Treaty Organizations or their designates to co-develop an Inuit Nunangat Chapter in Canada’s National Defence Policy; • Support Inuit self-determination in Inuit Nunangat, that include funding and multi-purpose infrastructure;

	<ul style="list-style-type: none"> • Support Inuit self-determination by applying the Inuit Nunangat approach to Defense program and operations.
<p>Article 31</p> <p>1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.</p> <p>2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.</p>	
<p>Article 32</p> <p>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.</p> <p>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</p>	

<p>mineral, water or other resources.</p> <p>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.</p>	
<p>Article 33</p> <p>1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.</p> <p>2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.</p>	
<p>Article 34</p> <p>Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.</p>	
<p>Article 35</p> <p>Indigenous peoples have the right to determine the responsibilities of individuals to their communities.</p>	
<p>Article 36</p> <p>1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including</p>	<p>Action</p> <p>In order to enable Indigenous peoples separated by the U.S.-Canada and Canada-Denmark borders to maintain and develop contacts, relations and cooperation, the federal government will amend the Immigration and Refugee Protection Act to provide for the following:</p>

<p>activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.</p> <p>2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.</p>	<ul style="list-style-type: none"> • Provisions giving effect to this article, including rights in relation to cross-border movement and migration of Alaskan and Greenlandic Inuit and American Indians whose traditional territory is adjacent to the Canada-U.S. and Canada-Denmark borders; • Provisions and regulations in relation to eligibility and enforcement • Provisions in relation to the rights of eligible Indigenous persons who choose to reside in Canada
<p>Article 37</p> <p>1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.</p> <p>2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.</p>	<p>Action</p> <p>In order to ensure that Inuit land claims agreements are implemented and enforced, the federal government will co-develop with Inuit an independent review mechanism that improves treaty implementation.</p>
<p>Article 38</p> <p>States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.</p>	
<p>Article 39</p> <p>Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.</p>	

<p>Article 40 Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.</p>	
<p>Article 41 The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.</p>	<p>Action In order to help reduce the impacts of climate change and support the continuity of Inuit culture and society, the federal government will develop national climate legislation providing for the following:</p> <ul style="list-style-type: none"> • National targets for reducing emissions and achieving net zero emissions; • Decarbonization plans for federally regulated industries; • Climate monitoring, adaptation and mitigation supports for Inuit and other indigenous peoples and communities.
<p>Article 42 The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.</p>	
<p>Article 43 The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.</p>	

<p>Article 44 All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.</p>	
<p>Article 45 Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.</p>	
<p>Article 46</p> <p>1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.</p> <p>2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law 15 and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.</p> <p>3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for</p>	

human rights, equality, non-discrimination, good governance and good faith.	
---	--



 75 Albert Street, Suite 1101
Ottawa, ON Canada K1P 5E7

 613-238-8181

 @ITK_CanadaInuit

 InuitTapiriitKanatami

 www.itk.ca