**Monday 11h00 – 13h00 & cont. Thurs 10h00 – 11h00: Item 3: Study and advice on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with Article 38 of the Declaration.**

*In-person registration for speaking on agenda item 3: Monday 10h40 till 1pm*

Greetings to all delegations,

First, I thank the Great Spirit, our Creator, for yet another blessing today. For peace, justice, and reconciliation.

Given the difficult circumstances you are working under here at the UN, I want to thank very sincerely the Expert Members for the “Study and advice on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the *United Nations Declaration on the Rights of Indigenous Peoples*, in accordance with Article 38 of the *Declaration*.”

Article 38 of the *UN Declaration*, and the study’s reference in paragraph 50 to article 37, presents an opportunity for further study from the perspective of how Treaty-based Indigenous Peoples, Tribes, and Nations’ governments have implemented the *UN Declaration on the Rights of Indigenous Peoples*. Please allow me to present a brief example of Treaty-based governments who have adopted the *UN Declaration* through their own constitutions, laws, and policies.

The official language for the Maskwacis Cree Nation is Cree and our constitution, Neyaskweyahk Kak’stastehk Oyasewaywin, was adopted through our spiritual ceremonies in Cree and is written in Cree syllabics, Roman orthography, and English. In Section Two of our Constitution under International Relations, we ratified certain international laws, including the ILO Convention 169; the UN Declaration; the OAS American Declaration; and others.[[1]](#footnote-1)

Neyaskweyahk Inuwahk (Ermineskin Cree Nation) through Chief and Council have also adopted 25 laws, including a tax law, Neyaskweyahk Tipayhkewin; a land law, Neyaskweyahk Askiy Wiyasowewin; and a water law, Nia Pimatsowin. Similarly, Nipisihkopahk (Samson Cree Nation) has adopted a finance law and eight other laws, Soniyaw Paminikewin Wiyasiwewin, and the Kispahtinak (Louis Bull Tribe) has adopted a Child and Family Wellness Law.

The Maskwacis Cree Nation also incorporate some of our traditional and customary laws including Nature’s Laws, and our tipi teachings into our legislative frameworks. Adhering to our sacred teachings, we do not put in writing our Sacred Laws and ceremonies.

This is how we recognize, observe and enforce our Treaty #6 which was agreed to in 1876 and adhesions thereto of 1877, as per article 37 of the *UN Declaration*. Underscoring also preambular paragraph 7, which recognizes “the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,” preambular paragraph 8 recognizes “ the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States, preambular paragraph 14 which considers “that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,” and preambular paragraph 15 which considers “that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States.”

Noting also Canada’s Truth and Reconciliation Commission’s *Call to Action* #43, which calls “upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.”

The Supreme Court of Canada’s decision of February 2024, referred to in paragraph 69 of the study, opens by stating, “In keeping with its commitments relating to the United Nations Declaration on the Rights of Indigenous Peoples (“Declaration”), which has been incorporated into Canada’s domestic positive law, and in response to the calls to action made by the Truth and Reconciliation Commission of Canada, Parliament enacted the *Act* respecting First Nations, Inuit and Métis children, youth and families (“*Act*”).”

This decision is an example of a judicial decision that supports the importance of consideration of another EMRIP study on international Treaty-based governments have been implementing the *UN Declaration*, the OAS American Declaration, and other international instruments, through their own constitutions, laws, and policies.

Considering the examples provided here, we recommend a follow-up study by EMRIP on how international Treaty-based governments are implementing the *UN Declaration*, the *OAS American Declaration*, and other instruments, through their constitutions, laws, and policies. This study may result in other Indigenous Peoples enacting their own constitutions, laws, and policies in line with the *UN Declaration*, and in greater recognition and affirmation of Indigenous Peoples’ laws as international law and can advance true reconciliation.

SPEAKING VERSION

Greetings to all delegations,

First I thank the Great Spirit, our Creator, for yet another blessing today. For peace, justice, and reconciliation.

Article 38 of the UN Declaration, and the study’s reference in paragraph 50 to article 37, present an opportunity for further study on how Treaty-based Indigenous Peoples have implemented the UN Declaration. Please allow me to present a brief example of Treaty-based governments who have adopted the UN Declaration through their own constitutions, laws, and policies.

Maskwacis Cree Nation’s official language is Cree and our constitution, Neyaskweyahk Kak’stastehk Oyasewaywin, was adopted through spiritual ceremonies and written in syllabics, Roman orthography, and English. In our constitution, we ratified international laws, including the ILO Convention 169, the UN Declaration, and the OAS American Declaration, among others.

Neyaskweyahk Inuwahk (Ermineskin Cree Nation) adopted 25 laws, including a tax law, Neyaskweyahk Tipayhkewin; a land law, Neyaskweyahk Askiy Wiyasowewin; and a water law, Nia Pimatsowin. Similarly, Nipisihkopahk (Samson Cree Nation) adopted a finance law, Soniyaw Paminikewin Wiyasiwewin, and the Kispahtinak (Louis Bull Tribe) adopted a Child and Family Wellness Law.

Adhering to our teachings, we keep our Sacred Laws and spiritual ceremonies in oral tradition only.

This is how we recognize, observe and enforce Treaty 6, as per article 37 of the UN Declaration. Preambular paragraph 7 recognizes our inherent rights; 8 – the urgent need to respect and promote our rights affirmed in treaties; 14 considers “that the rights affirmed in treaties, are, in some situations, matters of international character;” and 15 considers “that treaties and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States.”

Noting also Canada’s Truth and Reconciliation Commission’s calls “upon [...] governments to fully adopt and implement the *UN Declaration* [...] as the framework for reconciliation.”

Considering the examples provided here, I recommend a follow-up study by EMRIP on how international Treaty-based governments are implementing the UN Declaration, the OAS American Declaration, and other instruments, through their constitutions, laws, and policies. This study may result in other Indigenous Peoples enacting their own constitutions, laws, and policies in line with the *UN Declaration*, and the study may result in greater recognition and affirmation of Indigenous Peoples’ laws as international law and can advance true reconciliation.

1. Additionally: UN Treaty Study Final Report; UN Treaty Seminars and the Enoch Declaration; UN Business and Human Rights Forum; World Indigenous Nations Games and the North American Indigenous Games; UN Decade on Indigenous Languages; Convention on the Rights of the Child Comment 11; and the World Health Organization Geneva Declaration. [↑](#footnote-ref-1)