

UN EMRIP 2020 session

November 30, 2020

Statement of the Union of BC Indian Chiefs

Discussion on the theme: “The impact of COVID-19 on the rights of indigenous peoples under the UN Declaration on the Rights of Indigenous Peoples”

Speaker: Kukpi7 Judy Wilson, Secretary-Treasurer of the Union of BC Indian Chiefs and Chief of the Neskonalith Indian Band

My name is Kukpi7 Judy Wilson, and I am Secretary-Treasurer for the Union of BC Indian Chiefs (UBCIC) and Chief of the Neskonalith Indian Band, Skat'sin te Secwépemc. It is my honour to present the following statement on behalf of UBCIC, which represents over 110 First Nations in British Columbia (BC), Canada. Since the beginning of the pandemic, UBCIC has worked closely with Indigenous Services Canada (ISC) and the Province of British Columbia (the Province) to advance priority issues and interests on behalf of First Nations in BC. UBCIC continues to work with Canada and the Province to develop coordinated approaches to the pandemic, while also continuing to provide a cohesive voice in support of Indigenous communities throughout BC that require aid and resources for their unique needs. This statement addresses the impacts of COVID-19 upon the Rights of Indigenous peoples.

First, I will identify the challenges to the Rights of Indigenous peoples in Canada that have arisen because of COVID-19:

Challenges:

1. As the federal and provincial governments in Canada do not fully recognize Indigenous authority and Title and Rights over their lands, resources and peoples, the treatment of Indigenous peoples throughout the pandemic continues to be hampered by systemic inequities, discrimination, and fragmented government aid and action.
2. Indigenous communities, particularly those that are remote, have had difficulties obtaining Personal Protective Equipment (PPE), widespread rapid-testing kits, culturally safe contact tracing, and proper screening methods to prevent travelers compromising the health of their Elders and community members.
3. Indigenous Services Canada unilaterally developed and facilitated COVID-19 relief budgets and delivery to First Nation communities; the relief funding was not sufficient enough to address systemic, interrelated issues of over-crowded housing, dependency on welfare funds and social assistance programs, high unemployment, homelessness, mental illness, drug addiction and overdose deaths.
4. Indigenous peoples are experiencing diminished mental health as a result of escalating incidences of racism, isolation, and prohibitive travel and social distancing measures throughout the pandemic
5. Little has been done by Canada to institute human rights oversight in its response to COVID-19, and Indigenous peoples continue to be the targets of emergent and acute issues of discrimination anti-Indigenous racism.
6. Indigenous peoples are facing increased human rights challenges, including:
 - a. the over-incarceration of Indigenous peoples,
 - b. increased rates of domestic violence and abuse and,
 - c. reduced or halted support from shelters and in-person resources

7. Rural and remote Indigenous communities face additional barriers due to isolation, limitations on modes of transportation, and their capacity to respond to an outbreak; they have had to impose and enforce local travel bans without the help of the federal or provincial governments, with some Nations hiring private security and setting up barriers to prevent an influx of non-residents traveling into their territories.
8. Major energy infrastructure projects (e.g. Site C dam, Trans Mountain pipeline expansion, Coastal GasLink pipeline) in Canada have been deemed “essential services” and have continued construction, despite lacking the Free, Prior, and Informed Consent (FPIC) of affected Indigenous Nations who are too overtaxed and burdened with the challenges with COVID-19 to engage in any consultation processes the government puts forward.

UBCIC suggests the following recommendations to better protect Indigenous rights under UNDRIP during the pandemic;

Recommendations

1. As BC recently adopted its *Declaration on the Rights of Indigenous Peoples Act*, there is a need for both Canada and other States to legislate the UN Declaration at a federal level and incorporate its provisions into their response to COVID-19 and interrelated issues of Title and Rights fulfillment and human rights violations. The UN Declaration needs to be treated as international law and fully implemented to give recognition to Indigenous Peoples, their territories, and resources under their own self-determination and Free Prior Informed Consent.
1. Indigenous peoples need the on-going and sustainable funding and resources to develop and implement both pandemic and emergency response and management plans for their communities and Nations.
2. Traditional healing and medicines need to be protected, recognized, and resourced within health systems, so Indigenous Peoples can get treated in accordance with their cultural practices for healing and wellness.
3. States need to provide more PPE and rapid-testing kits to Indigenous communities, and ensure adequate, sustained funding is in place for culturally safe contact tracing.
4. States need to take urgent action to strengthen human rights oversight during the pandemic, including establishing independent human rights oversight committees that include representatives from both rural and urban Indigenous communities.
5. Any economic recovery plans need to prioritize improving food security, housing, job security, and connectivity for Indigenous communities, as well as have targeted funding for revitalizing Indigenous economies and businesses.
6. Allocate funding and resources towards establishing supports for those experiencing mental health crises and/or trauma.

The COVID-19 pandemic has erected new barriers to the fulfillment of Indigenous Titles and Rights, and Indigenous laws, legal orders, and jurisdictions, while reinforcing longstanding ones. However challenging and trying it may be, the pandemic also brings with it the opportunity to re-build policies and systems of governance in order to better support Indigenous communities and hold States accountable to their commitment to meaningfully implement UNDRIP.