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**UNDRIP in Canada:**

**Comparing Harper and Trudeau's Commitment to Indigenous Human Rights**

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# List of Acronyms and Abbreviations

AHF:	Aboriginal Healing Foundation
AHTF:	Aboriginal Health Transition Fund
AFN:	Assembly of First Nations
APF:	Arctic Policy Framework
BNA, 1867:	British North America Act, 1867
CANZUS:	Canada, Australia, New Zealand, and the United States
CAP:	Congress of Aboriginal Peoples
CPC:	Conservative Party of Canada
FNFI:	First Nations Financial Institutions
FNPOI:	First Nations Property Ownership Initiative
FPIC:	Free, Prior, and Informed Consent
IHRL:	International Human Rights Law
IRSSA:	Indian Residential Schools Settlement Agreement
LPL:	Liberal Party of Canada
MMIWG:	Murdered and Missing Indigenous Women and Girls
MNC:	Métis National Council
NAFTA:	North American Free Trade Agreement
NAHO:	National Aboriginal Health Organization
NDP:	New Democratic Party

NPA:	Navigation Protection Act
NWAC:	Native Women's Association of Canada
NWPA:	Navigable Waters Protection Act
RCAP:	Royal Commission on Aboriginal Peoples
SCC:	Supreme Court of Canada
TRC:	Truth and Reconciliation Commission of Canada
UN:	United Nations
UNDRIP:	United Nations Declaration on the Rights of Indigenous Peoples
UNGA:	United Nations General Assembly
USA:	United States of America
UNSC:	United Nations Security Council
WGIP:	Working Group on Indigenous Peoples/Populations

## List of Bills

Bill C-23:	Fair Elections Act
Bill C-27:	First Nations Financial Transparency Act
Bill C-33:	First Nations Control of Education Act
Bill C-45:	Jobs and Growth Act
Bill C-91:	Indigenous Languages Act
Bill C-92:	An Act respecting First Nations, Inuit and Métis children, youth and families
Bill C-262:	United Nations Declaration on the Rights of Indigenous Peoples Act
Bill C-292:	Kelowna Accord Implementation Act
Bill S-2:	Family Homes on Reserves and Matrimonial Interests or Rights Act

# Introduction

In 2020, the United Nations (UN) celebrated its 75 years of existence. Since its establishment as a successor to the League of Nations in the 1940s, the UN has been a platform for international communication and cooperation. It enforces peace and stability across the world (Sloan 1987, 42). Those who created the UN developed the various organs of the organisation through discussions on its structure. The most well-known organs are the Security Council (UNSC), the Secretariat, the International Court of Justice, the Trusteeship Council, the Economic and Social Council, and the General Assembly (UNGA). The UNSC has ten non-permanent members and five permanent members, and the latter have veto powers. Yet, all UN members have equal say and voting powers in the UNGA (United Nations, n.d.).

Sloan (1987, 126) argued that this equality in the UNGA makes it "... the most representative body of the world community ...", extending the organ's representativeness from merely the UN member states to the entire international community. With the changing world order, this equality might change in the future (Viola 2020, 220-222). The UNGA convenes annually in September to discuss issues concerning the UN Charter and votes on resolutions (United Nations, n.d.). Significant resolutions include the Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples (UNDRIP), which are well-known for improving international human rights. These resolutions have been accepted by most member states represented in the UNGA, but are not legally binding (Lepard 2010, 209). Therefore, the consequences of a UN member state violating a resolution are unclear.

Academics (Falk 1966; Krommendijk 2015; Lande 1966; Lepard 2010) have researched whether these resolutions are effective, and what factors contribute to the significance of these resolutions and their effective incorporation into member states' national policies. Many sources were written in the second half of the twentieth century, especially when it concerns the UNGA's general influence. This seems valid, as the research nowadays focuses on the effectiveness of specific resolutions rather than the effectiveness of the body as a whole. Furthermore, the UN was still relatively new at the time, making it a topic of interest for academics. Still, the literature that researches specific

resolutions should elaborate on the effects on member states' domestic politics. Scholars often do this through case study analysis between different countries, making the analysis shallow (see f.e. Tockman 2018). The research could be more detailed when it focuses on one country.

Considering the outdated account of the literature on the effectiveness and significance of UN resolutions, and the research on specific resolutions, this thesis aims to research whether resolutions issued by the United Nations General Assembly prove to be effectively incorporated into national policies issued by its member states. I focus on the United Nations Declaration of Indigenous Peoples and its implementation into Canadian national policies. Therefore, the thesis poses the following research puzzle: To what extent did the Canadian government incorporate the UNDRIP into its domestic policies? Which core principles of the UNDRIP are primarily respected by the Canadian government?

Canada's case is relevant to the broader question on the significance of the UNDRIP and by extension, all UNGA resolutions for various reasons. It was a UN member from the start, and it is well-known for its Indigenous population and involvement in the shaping of the UNDRIP (Exner-Pirot 2018, 173-175). Canada is internationally recognised as a liberal, progressive, and democratic country (Exner-Pirot 2018, 168). It is not a repressive state known for its human rights violations, which are often the focus of research on human rights (Hafner-Burton and Tsutsui 2007, 408). This thesis thus adds to the existing knowledge of human rights as it is essential to acknowledge that even democratic states can violate the human rights of its (minority) population.

To formulate an answer to this research puzzle, I establish three different criteria concerning the rights of Indigenous peoples.<sup>1</sup> I research the approaches of two Canadian prime ministers, namely Stephen Harper (2006-2015) and Justin Trudeau (2015-present) regarding these criteria since the adoption of the UNDRIP, and the extent to which they have been able to meet these. The first criterion focuses on preventing assimilation, the Indigenous right to (consultation on) traditional land. The second criterion addresses the

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<sup>1</sup> I capitalise 'Indigenous' when referring to political, cultural, and historical communities that have faced challenges imposed by settler colonialism and its legacies. This is recognised by the Indigenous rights movement and the UN. Additionally, I believe it is a sign of respect. See Vowel (2016, 7-13).

guarantee to equal political participation and representation and economic progress. The last criterion focuses on access to and enjoyment of health and education services. The thesis's ambition is to provide insight into the effectiveness of UNGA resolutions, and the UNDRIP specifically, and demonstrate whether the federal governments of UN member states take note of these by turning them into national policy.

The thesis's main argument is that both Harper and Trudeau failed to sufficiently incorporate the UNDRIP in Canadian national policy. The thesis has five sections to execute the research, starting with a literature review of international human rights law (IHRL) and Indigenous human rights in Canada. After this, I present the theories and theoretical framework and discuss the methods used to ensure academic outcomes. Following is the case study of Conservative Prime Minister Stephen Harper, who headed the Canadian Parliament from 2006 to 2015. Then, I conduct a case study of Liberal Prime Minister Justin Trudeau, who was elected in 2015 and is still prime minister today. Lastly, the conclusion summarises the case studies by comparing the main findings and ultimately answers the research question.

# Literature Review: International Human Rights Law & Indigenous Rights

Throughout the second half of the twentieth century, the human rights movement gained momentum (Hafner-Burton, Mansfield, and Pevehouse 2015, 1; Regilme 2019, 286). This movement was paired with the development and spread of democracy worldwide, involving accountability to the people and respecting their rights and freedoms (Simmons 2013, 24-25). Democratic governments can be held accountable for their actions, hence their commitment to international agreements on, for example, human rights (Simmons 2013, 26).

The human rights movement highlights the paradox between protecting state sovereignty and the need to protect human rights (Reisman 2013, 264, 267). An understanding exists internationally, according to scholars (Reisman 2013, 268-269), that a state's sovereignty may be harmed in extreme cases of human rights violations. International human rights instruments, like the United Nations Declaration on Human Rights, have been put in place to ensure that states respect human rights and intervention is unnecessary (Hafner-Burton, Tsutsui, and Meyer 2008, 116).

## International Human Rights Instruments

Academic literature on IHRL and human rights violations often focus on developing and democratising countries. Various studies (Hafner-Burton 2013, 1; Hafner-Burton and Tsutsui 2007, 408; Hafner-Burton Tsutsui, and Meyer 2008, 116) confirm the approach of Hafner-Burton to question whether the acceptance of international human rights instruments by non-democratic and democratising states enhances their democratic performance. She also considers why countries with non-democratic regimes that have signed human rights treaties tend to breach these agreements by violating the human rights of their people, and why they sign these agreements in the first place (Hafner-Burton 2013, 2; Hafner-Burton, Tsutsui, and Meyer 2008, 116; Hafner-Burton, Mansfield, and Pevehouse 2015, 1-2). She concludes that for repressive regimes and developing democracies "... these institutions create strong legal and normative structures that heavily shape state behavior ..." (Hafner-Burton, Mansfield, and Pevehouse 2015, 24).

Commitment to human rights treaties is a way to visualise their pledge to protect their peoples' human rights, but the oversight on these states is limited (Hafner-Burton, Tsutsui, and Meyer 2008, 135-136, 422). This does not positively contribute to the effectiveness of the instruments in place.

Hafner-Burton's research on the effectiveness of human rights instruments for democratic states is limited. Stating that "... international laws are working in some democratic states with an active civil society.", it is unclear if an active civil society is a requirement for respecting international human rights instruments (Hafner-Burton and Tsutsui 2007, 422-423). Krommendijk (2015, 491) partially fills this gap by discussing whether "... international institutions affect the behavior of Western established liberal democracies." These cases focus on the Netherlands, Finland, and New Zealand. Krommendijk (2015, 508) concludes, like Hafner-Burton (2013, 11), that the content of international human rights instruments' documents should be incorporated into national policies for the instruments to be effective. Still, he does not include criteria measuring the effectiveness of incorporated instruments.

Contrary to the sole focus on regime types is Davenport's (1999, 93) argument, who claims that the focus of state violations of human rights should take into account regime change. A state in the process of democratisation is less likely to violate human rights violations as the stakes of risking such violations are much higher (Davenport 1999, 96). On the other hand, states moving to autocracy tend to show higher repression rates and lower human rights conditions. All in all, Davenport (1999, 108) argues that regime change is a significant factor in human rights violations by states.

Hafner-Burton (2013, 16) and Regilme (2019) have argued that the idea of the universality of human rights is limited and shallow. Regilme (2019, 287) argues that "... our understanding of human rights needs to be reframed ...". This would entail a switch from a focus on human rights to human dignity, putting less pressure on the Global North and Global South division. A human dignity approach would empower local communities, encouraging them to participate in the discussion (Regilme 2019, 287). This signifies a change from the Western-based human rights discourse and greatly improves the decision-making and influence of local (Indigenous) communities and individuals (Regilme 2019, 289).

International human rights instruments can be categorised as either hard or soft law. When an instrument is classified as hard law, this implies that there are certain obligations states need to meet. The instrument is legally binding, and states' sovereignty may be constrained (Abbott and Snidal 2000, 421-423). While hard law is more regulated, Abbott and Snidal (2000, 421) state that international regulations are generally not categorised as hard law. Rather, these instruments are considered soft law, which leaves states the decision whether to act on them or not. Additionally, there are no obligations, meaning that soft law instruments are not legally binding (Bódig 2018, 233). Bódig (2018, 234) believes that there is a sense of legal validity to soft law; in other words, "... it can be subjected to formal law ascertainment." However, he also states that he never thinks of treaty law or customary law as soft laws (Bódig 2018, 234-235).

## United Nations General Assembly Resolutions

Following the UN Charter outline, the UNGA can make and propose recommendations to UN member states and the UNSC. However, it remains unspecified whether the UNGA is allowed to take legal action and act as the legislature (United Nations, n.d.). The UNGA's ability to initiate new laws and reinterpret existing laws is a contested topic. Falk (1966, 790-791) argues that the UNGA can take action as the legislature and states that the circumstances surrounding UNGA topics are relevant regarding its ability to act. An argument made by Lande (1996, 84-85) is similar as she asserts that it is untrue that the UNGA merely serves creative purposes, and that it is a body of action (Lande 1966, 84-85).

Considering the difference in nature of hard and soft law, it is hard to not categorise UNGA resolutions as soft law (Barelli 2015, 959-960). For states, an important advantage of categorising international human rights instruments as soft law is the limited infringement on their sovereignty because of its non-binding nature (Abbott and Snidal 2000, 455). Furthermore, soft law can be used to achieve agreements in the form of hard law. Abbott and Snidal (2000, 456) argue that soft law should not be disregarded because of its lack of international legalisation: "Soft law provides a basis for efficient international 'contracts,' and it helps create normative 'covenants' and discourses that can reshape international politics." (Abbott and Snidal 2000, 456). Bódig (2018, 240) supports this.

Barnabas (2017, 254) goes as far as stating that “... in the area of international human rights law, ... declarations of the UNGA have proved to be more effective instruments than hard law.”

The categorisation as soft law does not diminish the influence of UNGA resolutions. Schachter (1994, 1) asserts that UN political bodies have developed specific mechanisms to create treaties and act as a body creating law. National governments can incorporate UN recommendations in domestic law, accepting that these recommendations as resolutions become influential (Schachter 1994, 1). Some scholars choose to neglect the contested legal character of UNGA resolutions and focus on political aspects. Lepard (2010, 209-210) believes the UN Charter serves as persuasive authority, obliging its members to respect the Charter and contemplate it. He addresses resolutions' political character rather than the 'non-present' legal character (Lepard 2010, 209-210). A similar argument is made by Allen (2011, 225), who argues that political legitimacy is manifested in UNDRIP and that it should be seen as influential for within-state affairs.

Nevertheless, some scholars (Bódig 2018, 234) disagree and believe that there is legal validity to soft law, including UNGA resolutions. Incidentally, Barelli (2015, 959-960) contends there should be less focus on the legality and non-binding nature of soft law instruments. Barelli (2015, 959-960) believes the effectiveness and circumstances surrounding the passing of resolutions influence the resolution's character. This is supported by Lande (1966, 85), who states: “Assembly resolutions, moreover, while technically only recommendations have been viewed by several Member countries, with regard to certain matters and within certain limits, as legally binding decisions.” So, UN member states indicate to what extent they value the legal character of a specific resolution.

The drafting of the UNDRIP initially started in the 1980s in the UN Working Group on the Rights of Indigenous Peoples/Populations (WGIP) (Barelli 2015, 50; Davis 2012, 20; Engle 2011, 143; Sambo 1992, 28). Unique about the WGIP was the participation of Indigenous peoples (Davis 2012, 20). Since the second half of the twentieth century, Indigenous human rights activists have increasingly been seen and heard in international law (Barelli 2015, 50; Engle 2011, 151). After many negotiations on the content and

wording with UN member states, the WGIP, and representatives of Indigenous peoples, the UNDRIP was formally adopted by the UNGA in 2007, seen by scholars as a turning point when it comes to Indigenous peoples and international human rights (Barelli 2015, 48; Engle 2011, 143).

Barelli (2015, 49) believes "... it is obvious that Indigenous peoples regard the United Nations Declaration on the Rights of Indigenous Peoples 2007 as a fundamental legal tool for the protection of their rights internationally." He discusses three principles contributing to the legality of the UNDRIP: First, the extensive process of drafting the UNDRIP; second, the approval of the UN and its member states; and lastly, the inclusiveness of Indigenous peoples in negotiation processes (Barelli 2015, 52-54). Barnabas (2017, 261) supports this argument. Burger (2019, 22-23) highlights the general expectation that the UNDRIP is becoming a legally binding document, arguing that various domestic and international organs refer to it. Over time, the UNDRIP might be authorised as customary law (Burger 2019, 23). Lastly, Davis (2012, 38) argues that by diminishing the UNDRIP to soft law, scholars ignore its influence on domestic policies. These views confirm that the general agreement is that states should abide by UNDRIP.

The UNDRIP has been widely praised and criticised. The critiques come from two different groups. First, some nation-states disapprove of the UNDRIP because its aims are too high and too far-fetched. Four states initially voted against the UNDRIP in 2007, namely Australia, Canada, New Zealand, and the United States (CANZUS coalition), even though they later reversed their positions (Barelli 2015, 53-54; Davis 2012, 25). The principle of self-determination as a basic human right embedded in the UNDRIP concerned these and other states with Indigenous populations. They were afraid that self-determination would give Indigenous groups the right to secession (Davis 2012, 22; Engle 2011, 145; Holder 2005, 308-309). Having witnessed two secession efforts from the province of Quebec in the late twentieth century, especially Canada was concerned (Sambo 1992, 31). Indigenous groups, however, have stressed their respect for the sovereignty of nation-states, and emphasise that secession is not something they wish to achieve (Champagne 2013, 12; Engle 2011, 147-148; Holder 2005, 309).

Intertwined with self-determination are collective rights, and the term 'peoples', principles also problematised by opposing states (Davis 2012, 18; Engle 2011, 149;

Holder 2005, 312). The CANZUS coalition suggested reforms regarding group rights versus individual rights (Engle 2011, 148). 'Populations' was eventually changed to 'peoples', but a provision that this did not encompass special 'international rights' was included (Engle 2011, 156; Sambo 1992, 30). Both 'populations' and 'peoples' still indicate communal rights. Furthermore, Canada complained that the UNDRIP takes on a one-size-fits-all approach, stating that the individual way each country with Indigenous communities protects their rights should be considered, as the content of the UNDRIP did not necessarily align with the domestic legislation of certain countries (Ochman 2008, 347; Patzer 2019, 214).

Second, Indigenous peoples acknowledge the UNDRIP's importance as the foundation for further discussion and developing Indigenous human rights, yet they argue it lacks new and drastic changes (Champagne 2013, 9-10; Engle 2011, 148-149; Lenzerini 2019, 59). The UNDRIP lacks a clear definition of Indigeneity and Indigenous peoples, and a political and cultural component to self-determination (Champagne 2013, 11). Scholars (Champagne 2013, 14; Engle 2011; Holder 2005) have argued that the final document is less significant than the draft because of nation-states' objections like Canada (Watson 2011, 507). According to Engle (2011, 161), self-determination has been reframed in the context of human rights to exclude external self-determination. Engle (2011, 161) highlights that the influence of the UNDRIP is limited because some articles focusing on community rights conflict with individuals' rights. Contrary to this claim, Holder (2005, 297) believes that the Declaration is unique "... in offering the possibility that complaints may be filed on behalf of groups ...".

Overall, scholars and Indigenous representatives agree that the UNDRIP is a solid basis for enhancing and developing Indigenous human rights and that its importance is acknowledged by adopting the UNDRIP (Barelli 2015, 48-49; Champagne 2013, 9-10). All countries who initially objected to the UNDRIP have since then announced their support, which contributes to the belief that the document has been accepted as a guideline for Indigenous human rights (Barelli 2015, 54).

Scholars have assessed the UNDRIP's domestic impact during its thirteen years of existence. Lenzerini (2019, 51) has assessed research done by the International Law Association Committee on the Implementation of the Rights of Indigenous Peoples, which

focused on all world regions. He concludes that the embodiment of the UNDRIP in domestic legislation needs improvement, but that most states view it as legally valid (Lenzerini 2019, 59). Lenzerini (2019, 60) does not specify particular regions. In general, the implementation of rights recognised by the UNDRIP should be further enhanced, although this may take some effort.

Crawhall (2011, 32-33) has concluded that the UNDRIP has had a significant impact in Africa, where Indigenous peoples do not have historic treaties with colonisers. While civil society's impact is evident, the improvement of human rights conditions is not necessarily visible (Crawhall 2011, 32). Still, the UNDRIP made the issue more debatable, and hopes are high that it will continue to positively impact the coming years (Crawhall 2011, 33). Tockman (2018, 340) has researched the implementation of the UNDRIP in Bolivia and Canada and establishes that both countries could improve regulation regarding self-governance and free, prior, informed consent (FPIC). However, public support for Indigenous human rights has resulted in significant changes in Bolivia. In Australia, a liberal democracy, Hobbs (2019, 186-187) has observed that the lack of an official endorsement of the UNDRIP has had significant consequences on the credibility of the government's efforts to improve Indigenous human rights. Nevertheless, Hobbs (2019, 187) believes that change could still occur and modern treaty rights could be revisited, provided that indigenous peoples draw attention to the issues still present in Australia.

This literature clearly shows that while some progress has been made concerning specific rights, scholars believe that the (recognition of the) rights of Indigenous peoples will continue to improve with time.

## Canada & Indigenous Rights

In Canada, Indigenous peoples can be divided into three groups: The First Nations, the Métis, and the Inuit (Ochman 2008, 323; Vowel 2016, 10).<sup>2</sup> Some Indigenous peoples on the territory that is now Canada have historically made treaties with the British Crown (Herbert 2019, 570; Patzer 2019, 217). At the confederation in 1867, the British North

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<sup>2</sup> See Vowel (2016, 7-13, 36-54) for an elaboration.

America Act established that Indigenous issues would be considered federal jurisdiction (Herbert 2019, 571; Patzer 2019, 220). In addition to that, the treaties and BNA, 1867, combined with various Supreme Court rulings, built a fiduciary relationship between the Crown and Indigenous peoples, although Britain has contradicted this at times (Herbert 2019, 57-572; Ochman 2008, 322; Patzer 2019, 219).

The Canadian courts have played a prominent role in establishing and clarifying Indigenous peoples' rights in Canada alongside the federal Indian Act of 1876 (Herbert 2019, 571; Iorns Magallanes 1999, 253; Ochman 2008, 320-321). The Indian Act, amongst other things, decides who is Indian (Herbert 2019, 571).<sup>3</sup> Before the entrenchment of Indigenous rights in article 35 of the Constitution Act, 1982, Prime Minister Pierre Trudeau (father of Justin Trudeau) introduced the White Paper in 1969 (Ochman 2008, 322). This would erase Indigenous peoples' rights and privileges by the Indian Act without consulting with Indigenous representatives (Herbert 2019, 572; Nickel 2019, 224-225). The White Paper intensified and accelerated the Indigenous rights movement in Canada (Nickel 2019, 237). While it encouraged the creation of Indigenous organisations, it should not be seen as the beginning of this movement.

Although Indigenous peoples were not represented in the constitution reformation discussions, and federal and provincial leaders did not prioritise indigenous rights, Indigenous leaders and communities throughout Canada united in their protest (Herbert 2019, 573). According to Herbert (2019, 573), P. Trudeau's thoughts regarding Indigenous rights did not take a drastic turn since 1969, so Indigenous peoples rode across the country on the Constitution Express to advocate for their rights (Ladner 2015, 268). Indigenous representatives travelled to Europe to protest in London and request support from the Crown (Herbert 2019, 577, 583). Eventually, P. Trudeau succumbed and added article 35 to protect some Indigenous rights, although the wording was still critiqued (Herbert 2019, 595). Additionally, the added Charter of Rights and Freedoms constitutionally protects Indigenous rights, but it is not absolute and can be challenged (Iorns Magallanes 1999, 254).

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<sup>3</sup> The Indian Act dictates who receives Indian status, who is officially registered as an Indigenous person and is allowed to live on a reserve (Indigenous territory as established through treaty). It also provides limitations on who receives Indian status. See Onderková (2015, 47-48).

Opinions on the significance and effects of article 35 of the Constitution Act, 1982, vary. Patzer (2019, 217) claims that the Act "... played a pivotal role in the evolution of Indigenous rights in Canada ...". According to Herbert (2019, 596), the Canadian courts have applied Indigenous rights recognised by the new Constitution Act and the Charter of Rights and Freedoms, particularly regarding sovereignty and self-determination. Nonetheless, Ladner (2015, 273-276) asserts that these documents introduced no new rights. Rather, the provisions regarding Indigenous rights provided recognition and affirmation and a promise by the state to safeguard these. Also, she insists that Western views of what Indigeneity and Indigenous culture entail prevail. Herbert (2019, 596-587) agrees by stating that there are lingering inequalities between Indigenous peoples and other citizens.

At times, indigenous peoples have effectively been granted rights and affirmations through the Canadian court system (Ochman 2008 350; Patzer 2019, 217).<sup>4</sup> Nonetheless, Iorns Magallanes (1999, 258) claims that Indigenous peoples tend to (successfully) rely on the international stage rather than domestic legislation for support, for example, the constitution protest (Herbert 2019, 573, 576-577). Additionally, Inuit from various countries, including Canada, proved to be pivotal to the WGIP (Sambo 1992, 29, 33). Iorns Magallanes (1999, 257) believes that Indigenous peoples can convert international Indigenous rights to domestic policies. Since it is argued by Patzer (2019, 227) that the international level of Indigenous rights is better than the Canadian standard, it can be expected that Indigenous peoples in Canada will turn toward the UNDRIP to strive for recognition of their rights.

In conclusion, I established that IHRL scholars often focus on human rights violations by non-democratic states, creating a gap concerning research on democratic states that violate their own (minority) population's human rights. The universality of human rights has been questioned, leading to a proposal of a human dignity approach. States prescribe legal characteristics and value to (certain) UN resolutions, generally considered soft law. The UNDRIP is a strong example because of the inclusive process of its development and the majority support in the UNGA. States with Indigenous

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<sup>4</sup> See Ochman (2008) for recent significant decisions by the Supreme Court of Canada.

populations are primarily concerned with self-determination and collective rights. Indigenous peoples argue the UNDRIP is a solid foundation to build on further. Nonetheless, the efforts of individuals so far can be researched. In Canada, Indigenous rights have been enshrined in the Constitution Act, 1982, and Charter of Rights and Freedoms. Courts play a dominant role in determining and affirming Indigenous peoples' rights, but the federal government holds onto settler colonial structures. Since the second half of the twentieth century, Indigenous peoples have increasingly championed their rights, and progressively, more attention has been paid to their voices. The government vouched for its commitment to the UNDRIP's principles in 2010, but the question remains how effective the UNDRIP has been for Indigenous peoples' rights in Canada.

# Theory & Methods

## Theory

This thesis researches UNGA resolutions' influence by considering whether the UNDRIP has effectively been used in Canada's domestic policies. The analysis is grounded in the concept of international human rights law, as discussed in the literature review. This demonstrated that scholars of IHRL primarily focus on non-democratic states and human rights violations by democratic states outside of their own state. Therefore, the fact that some democratic states abuse the human rights of their (minority) population is often neglected.

In Canada, the violations of Indigenous human rights are rooted in the structures of settler colonialism. As Wolfe (2006, 390) argued: "... I term settler colonisation a structure rather than an event ...". This indicates that settler colonialism is an ongoing process. Wolfe (2006, 390-403) has linked genocide and the elimination of the native to settler-colonial structures, claiming that assimilation has become a conventional way for settler-colonial societies to practice cultural genocide, absorbing Indigenous populations in the general population. It is important to consider the persistent features of settler colonialism in Canadian society and political environment.

The research puzzle presented in the introduction was the following: To what extent did the Canadian government incorporate the UNDRIP into its domestic policies? Which core principles of the UNDRIP are primarily respected by the Canadian government? I answer the puzzle by analysing and comparing two Canadian prime ministers who have headed the Canadian government since the UNDRIP's enactment in 2007, namely Stephen Harper (time in office 2006-2015) and Justin Trudeau (time in office 2015-present). Utilising the concept of IHRL and understanding settler colonialism in conducting this analysis, three variables in the form of research criteria have been established by considering the articles of the UNDRIP in detail. These specific criteria are justified because they reflect some of the core principles of the UNDRIP. They are built on issues that often come up when discussing Indigenous peoples. For example, protection from assimilation and genocide, the nature of collective rights, and rights concerning lands, territories and/or other resources (Oldham and Frank 2008, 8).

The first criterion asserts that the state should safeguard Indigenous peoples from assimilation and ensure their right to traditional lands, territories, and resources, including consultation regarding these. Second, Indigenous peoples should be wholly included and represented in political processes on matters that affect them according to the principle of self-government and be allowed economic progress in a way that respects Indigenous values. And third, Indigenous peoples should be able to fully access and enjoy health services and schooling, equal to any other Canadian.

The thesis aims to evaluate these prime ministers' success observing principles of the UNDRIP, thereby assessing whether The Canadian government effectively incorporated the resolution into Canadian domestic policies. Ultimately, the thesis argues that the federal government has not yet successfully incorporated the UNDRIP's key principles in Canadian domestic legislation. First, I consider to what extent Harper's administration has sufficiently adhered to the criteria. Second, I research whether Trudeau's administration has adequately complied with the criteria. The hypothesis is that Trudeau has been more successful than Harper in respecting the rights of Indigenous peoples as established in the criteria and in abiding by the UNDRIP's principles because Trudeau showed more commitment to do so during the 2015 election, and more years passed since the enactment of the UNDRIP in the UNGA.

## Methods

The thesis research is conducted through a comparative qualitative method and between-case analysis to demonstrate the differences between the two studied cases (Lijphart 1971). The diverse case selection of two Canadian prime ministers allows for a more representative analysis than typical cases, according to Seawright and Gerring (2008, 299-301). The differences between the two cases are limited, as most circumstances remain similar, allowing for a more trustworthy analysis.

This research method is also referred to as a structured, focused comparison by George and Bennett (2005, 67). The universe of these case studies is Canada's political environment after the introduction of the UNDRIP. As the identified criteria based on the UNDRIP's core principles, the general variables are applied to each case to allow for comparable results (George and Bennett 2005, 69-70). The research objective of the

case studies is to draw a comparison of the prime ministers' performances on upholding Indigenous human rights in Canada to answer the research puzzle, and ultimately make a general proposition on the effectiveness of UNGA resolutions in a domestic context. The following variables are tested for both case studies:

1. *Shield from assimilation and guarantee traditional territory*: Is there evidence that prime minister actively protected Indigenous peoples from assimilation efforts and guaranteed Indigenous communities the right to traditional lands, territories, and resources? Did that prime minister sufficiently consult Indigenous communities in plans that affected these lands?
2. *Inclusiveness in political participation and economic progress*: Did said prime minister make an effort to ensure the inclusiveness of Indigenous peoples in political matters? Is there evidence that this prime minister was committed to Indigenous communities' economic development and progress, taking into account Indigenous values?
3. *Equal access to and enjoyment of health and education services*: Is there evidence that Indigenous peoples have enjoyed the same healthcare and schooling level to the general population under this prime minister? Were efforts made to improve the general health and education standard of Indigenous peoples?

If the case study outcomes show that a prime minister has met the criteria, it may be concluded according to the above-mentioned criteria that this PM effectively incorporated the UNDRIP's key principles into the domestic context. However, the case may also be that these criteria are not met or that the outcomes remain unclear. This should be taken into account when drawing conclusions.

The qualitative research is focused on the case studies of the two Canadian prime ministers and their ability to meet the research criteria established, taking into account the UNDRIP. Considering that Canada has a federal political system, and the provincial differences are vast, a focus on national policy allows for better and more equal

comparisons. The case studies' temporal coverage ranges from the Statement of Support on the UNDRIP issued by Stephen Harper's 40th Canadian Parliament in 2010 until the present 43rd Canadian Parliament, headed by Justin Trudeau.

The type of data used for this research is primarily qualitative. I use some quantitative data as an illustration for arguments based on qualitative data, such as statistics on Indigenous peoples' health in Canada. The quantitative data utilised stems from the Government of Canada and Statistics Canada. I use qualitative data to form my arguments, employing both primary and secondary data. Primary sources include government documents and databases, reports from NGOs, and newspaper articles. The secondary literature includes academic analyses from journal articles, books, and book chapters.

While the inequalities between the cases are narrow, it is important to note the different time periods, the distribution of parties in parliament at the time, and the difference in governing parties. It is also noteworthy that, even though the cases may contribute to theory-building concerning the effectiveness of UN resolutions, further research is necessary to confirm the conclusions of this thesis (Lijphart 1971).

## Case Study: Stephen Harper (2006-2015)

This case study focuses on Canadian Prime Minister Stephen Harper (2006-2015) from the Conservative Party of Canada (CPC). I research whether Harper meets the three criteria established, thereby clarifying to what extent he has effectively incorporated the UNDRIP's principles in Canada's domestic policy. First, I provide background on the Harper government and the situation regarding adopting the UNDRIP in Canada. Second, I analyse possible policies by Harper, which prevent the assimilation of Indigenous peoples, and guarantee (negotiation on) the right to traditional lands, territories, and resources. The Indian Residential School System and Bill C-45 are vital to this discussion. Third, I research Harper's record on ensuring the political participation of Indigenous peoples and economic progress adhering to Indigenous traditional values. I consider parliamentary representation, voting regulations on land ownership, private property, and financial transparency. And last, this case considers Harper's achievements regarding the accessibility of health care and education for Indigenous peoples, focusing on the Kelowna Accord, governmental funding, and Bill C-33.

In 2009, Harper claimed at an international press conference that Canada had no colonial history (Wesley-Esquimaux 2016, 220). Harper, leading the CPC, was elected as prime minister in 2006 to head a minority government, following a minority Liberal government. After the 2008 election, Harper strengthened his minority government. He received a vote of no confidence in 2011 from the opposition leader, yet, he returned with a majority government for the first time (House of Commons, n.d.).

Canada voted against the UNDRIP in 2007, claiming that its framework was not compatible with the way Canada enshrined Indigenous rights in a domestic context and that Canada was already committed to protecting human rights (Jung 2010, 223). Additionally, Canada argued the principle of self-determination gave too much power to Indigenous peoples. In 2010, however, Harper stated his support for the UNDRIP, asserting that: "Although the Declaration is a non-legally binding document that does not reflect customary international law nor change Canadian laws, our endorsement gives us the opportunity to reiterate our commitment to continue working in partnership with Aboriginal peoples in creating a better Canada." (Government of Canada 2010). It

enumerates policy areas that Harper continuously worked on to improve for Indigenous peoples, including economic development, job opportunities, health care, and schooling (Government of Canada 2010). Still, this support does not equal adoption. The following sections research whether Harper has effectively encouraged and initiated policy change and improvements concerning these principles.

## Assimilation & Traditional Lands, Territories, and Resources

Canada has a long history of settler colonialism and acts of assimilation. The most well-known example is the Indian Act, 1876 (McCrossan 2016, 190; Onderková 2015, 47). As a result of the Crown's relationship with Indigenous peoples, and the treaties they made, Canada has seen issues with these treaties and agreements regarding self-government and land, territory, and resources (or lack thereof, primarily in British Columbia).

Over the past years, issues concerning the assimilation of Indigenous peoples have received more attention. Most are embedded in settler-colonial structures, intending to merge Indigenous peoples with Canada's general population. For example, the Indian Residential School System, operating throughout the twentieth century, was set up to take Indigenous children away from their communities by sending them to border schools (Jung 2010, 223). The children were not allowed to practice their Indigenous languages and cultures. Many suffered mental trauma as well as physical abuse (Jung 2010, 223-224). Various parties, including the Harper administration, came to the Indian Residential Schools Settlement Agreement (IRSSA) in 2006, leading to the creation of a Truth and Reconciliation Commission (TRC) (Jung 2010, 218, 226).

Consequently, Harper declared an official governmental apology to the Indian Residential School System's victims and survivors in 2008 (Jung 2010, 234; Wesley-Esquimaux 2016, 224). Regardless of the apology, further action for the rights of Indigenous peoples by Harper was limited (Jeffrey 2015, 299). The current Canadian Child Welfare system is biased toward Indigenous families and reminds many people of the Indian Residential School System,<sup>5</sup> but Harper neglected to point this out (Jung 2010,

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<sup>5</sup> According to 2016 Census data, more than half of the children under 14 in foster care are Indigenous. Only 7.7% of children under the age of 14 in Canada are Indigenous. See Government of Canada (2020a).

239). So, while reconciliation efforts are visible during the Harper administration, these were directed towards specific problems that had been brought to the Canadian government for a long time. Also, various texts and documents<sup>6</sup> show that Harper intended to blend Indigenous peoples into the general Canadian society, most notoriously evident in the wording of 'Indigenous peoples' as 'Aboriginal Canadians' (McCrossan 2016, 200). This undermines Indigenous peoples' sovereignty and self-determination, and this evidence indicates a settler-colonial approach (McCrossan 2016, 201).

Moreover, Harper's majority government passed Bill C-45 in 2012, resulting in a major protest movement by Indigenous peoples (Onderková 2015, 57). The Bill encompassed legislation on different things, including a division regarding water bodies in Canada, turning the Navigable Waters Protection Act (NWPA) into the Navigation Protection Act (NPA), consequently cutting off federal protection of nearly all lakes and waters (Onderková 2015, 57). It also altered "... regulations regarding consent over the lease and use of Indigenous lands under the Indian Act." (Lakanen 2018, 557). This considerably impacted Indigenous peoples, as many naval lanes passed through their territories (Jeffrey 2015, 300). Hurlbert and Fletcher (2020, 59) argue the Crown is obliged to negotiate with Indigenous peoples in the following situation: "... when there is potentially damaging resource-management activities initiated that might impact Indigenous people and their rights, such as the building or expansion of a pipeline."

Nonetheless, Harper neglected consultation with Indigenous peoples before proposing the legislation (Lakanen 2018, 557; Onderková 2015, 57). Bill C-45 would, according to his government, facilitate trade and traffic by water. Yet, it primarily simplified the realisation of projects like the Enbridge Northern Gateway Pipelines Project, which would negatively impact the environment. Harper neglected to specify this simplification to the public (Onderková 2015, 57-58; Jeffrey 2015, 300). Indigenous peoples from all over Canada, but especially communities residing in the Western provinces, objected to the NPA and pipeline projects (Preston 2013, 43).<sup>7</sup>

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<sup>6</sup> Harper produced a policy framework that concerned Section 35 of the Constitution Act, 1982. See McCrossan (2016, 199-204).

<sup>7</sup> The Enbridge project transported oil from Alberta to British Columbia, covering 1170 kilometres through two big pipelines. The project intended to put Canada on the map of oil production. See Preston (2013).

Not only did Harper neglect to consult with Indigenous peoples regarding this Bill, which clearly affects Indigenous lands, territories, resources, he also ignored pleas by Indigenous communities and environmental groups to reconsider the legislation (Jeffrey 2015, 300-301). Even more so, Harper made the private sector responsible for consultation with environmental and Indigenous groups (Jeffrey 2015, 301). This illustration demonstrates that Harper failed to negotiate with Indigenous communities on matters that affected their traditional lands, territories, and resources. The Enbridge project specifically polluted Indigenous drinking water. Many Indigenous communities already have trouble accessing clean water (Preston 2013, 45). The proposal of this Bill showed that Harper prioritised the Canadian economy over Indigenous peoples' health, thereby not respecting the Indigenous right to decide over their own property.

## Political Processes & Economic Progress

Before 1982, the Indian Act dictated nearly all legislation regarding Indigenous peoples in Canada, but the Constitution Act, 1982, enshrined the right to self-determination. This encompasses "... jurisdiction over the definition of governance structures, (band) membership of First Nations, family matters, education, health services, and ownership of land." (Onderková 2015, 48-49). Uniting all Indigenous groups in Canada is complicated because of the vast number of communities. The most efficient representation is found in the Assembly of First Nations (AFN) (Onderková 2015, 52-53). Recent years have seen an increase in the appointment of Indigenous peoples to the Canadian Parliament. Stephen Harper was the first prime minister to appoint an Innu<sup>8</sup> as a member of parliament. Additionally, an Indigenous woman from Nunavut served as a member of parliament for Harper from 2008 to 2015 (Wesley-Esquimaux 2016, 229). This is without a doubt significant progress as it enabled Indigenous representatives to engage in politics directly.

Notwithstanding, not only did Harper fail to consult with Indigenous peoples before introducing Bill C-45, but the Bill also heavily impacted land ownership in treaty rights. It altered the voting system on relinquishing reserve lands to the federal government or

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<sup>8</sup> Indigenous to parts of Quebec and Labrador.

businesses by amending the Indian Act. Instead of requiring an absolute majority of the band members' electors to vote in favour of giving up land, a simple majority of the people present at the voting would suffice, if a majority of all people was present (Morris 2014, 246-247; Onderková 2015, 58). This made the process of surrendering land to external parties much simpler. Next to that, some Indigenous peoples object to the act of referenda on Indigenous territory as they believe it is a form of settler colonialism and Western politics on Indigenous territory (Morris 2014, 247). The Harper government changed the rules regarding an issue that concerned Indigenous affairs, undermining the ability of Indigenous people to influence political matters and decide over their own political affairs.

Additionally, the Harper administration passed the Fair Elections Act in 2014, Bill C-23. This Act faced enormous critiques as it disallowed vouching: A practice often used by Indigenous peoples during elections allowing someone to vouch for the place of residence of another person, as some reserves lack street addresses. As a result of Bill C-23, voters were required to show two identification items, and vouching was no longer an option (Dubois 2014; Wesley-Esquimaux 2016, 231). Many status Indigenous peoples do not possess health cards, as status cards provide sufficient proof to access health care. It would be more difficult for them to provide two identification cards (Wesley-Esquimaux 2016, 231). This demonstrates that the Harper government passed a Bill while fully aware that it complicated the voting process, a way of democratic political participation, for Indigenous peoples.

The CPC under Harper focused extensively on private property programs. Harper and his close advisor Flanagan believed that private ownership of lands would lift Indigenous peoples from unfavourable social and economic conditions (Jeffrey 2015, 300; McCrossan 2016, 191, 196-197). For many Indigenous communities, their land has sacred meaning, and is deeply connected to and intertwined with their culture, language, and community, contrary to the Western idea of land as a commodity (McCrossan 2016, 198).<sup>9</sup> To create economic progress, the First Nations Property Ownership Initiative (FNPOI) of the Harper government promoted individual private ownership of reserve lands (Preston 2013, 49). This worried Indigenous communities because it could result in reserve lands falling into the hands of capitalist companies and businesses. Also, the

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<sup>9</sup> See also Wolfe (2006).

alterations in the voting system made it easier to give up reserve lands. The plan clashed with Indigenous collective rights and relations to their lands and territories (Jung 2010, 222).

Bill S-2, the Family Homes on Reserves and Matrimonial Interests or Rights Act, altered property rights for Indigenous women after divorce or separation resulting from abuse, as previously, men had always received ownership (McCrossan 2016, 194). Despite consultation with the AFN and the Native Women's Association of Canada (NWAC), they remained critical, claiming that financial and legal support would fall short for these women in such an instance (McCrossan 2016, 195; Wesley-Esquimaux 2016, 227). Also, they believed Indigenous administrations should have the authority to solve these issues (Wesley-Esquimaux 2016, 226).

And last, the Harper administration endorsed Bill C-27, called the First Nations Financial Transparency Act. It required Indigenous communities to disclose some of their financial affairs (Wesley-Esquimaux 2016, 227). Indigenous chiefs and leaders condemned the federal government for obligating First Nations communities to be transparent about their finances. In contrast, the federal government was secretive about its expenditures and did not live up to funding targets for Indigenous communities (Wyld 2014). For this reason and for ignoring the principle of self-determination, many Indigenous communities opted not to share their financial situation, expenditures, and incomes (Wesley-Esquimaux 2016, 227; Wyld 2014). Harper counteracted by challenging these Indigenous communities in court (Wyld 2014). These arguments show that Harper failed to grasp the Indigenous understanding of land and resources, rather focusing on a Western and capitalist comprehension of commodities and private property. Harper was oblivious to the obstacles Indigenous peoples often encounter, and their unhappiness with the government.

## Health and Education Services

Data shows a considerable gap between the health of Indigenous people and Canada's general population. Indigenous peoples are more prone to chronic and communicable diseases, record a much higher suicide and infant mortality rate, and a lower life expectancy (Richmond and Cook 2016, 4; Tjepkema et al. 2009; Webster 2006, 275).

The Canadian federal government shares responsibility with Health Canada for providing Indigenous peoples with sufficient access to health services, whereas the responsibility for health care for the general population lies with the provinces (Richmond and Cook 2016, 2).

In 2005, Liberal Prime Minister Paul Martin created the Kelowna Accord in collaboration with provincial, territorial, and Indigenous officials. Five organisations representing Indigenous peoples were present to negotiate the agreement's terms (Alcantara and Spicer 2016, 189).<sup>10</sup> The Accord aimed to improve Indigenous peoples' lives by focusing on four principles, health, education, housing, and economic opportunities, for ten years (Larocque and Noël 2016, 246). The Accord promised \$1.3 billion of the \$5.1 billion to health care for training Indigenous health professionals and better access to healthcare for Indigenous peoples living on isolated reserves (Webster 2006, 275). The negotiation process took over a year because of the far-reaching targets and budget allocations, and to let the Indigenous representatives discuss with Indigenous communities (Jung 2010, 220).

However, Harper won the 2006 election and claimed that the financial regulations for the Kelowna Accord were not implemented in the federal budget, suspending the Accord (Jung 2010, 220; Webster 2006, 275). The Conservative government also claimed that Indigenous peoples in the province Quebec did not participate in the negotiations and did not support the agreement, yet they were present during the consultations (Alcantara and Spicer 2016, 192; Webster 2006, 275). This falls in line with the earlier conclusion that Harper wished to limit financial support for Indigenous peoples, and increase independence from the state through economic development (Wesley-Esquimaux 2016, 223-224).

Various groups, including Indigenous communities, protested Harper's decision, but the original Kelowna Accord was not accepted (Webster 2006, 275-276). Martin proposed a private member bill, namely Bill C-292: An Act to Implement the Kelowna Accord, which was accepted as official legislation in 2008 with support from opposition

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<sup>10</sup> Namely: the Assembly of First Nations, the Inuit Tapiriit Kanatami, the Metis National Council, the Native Women's Associations of Canada, and the Congress of Aboriginal Peoples (Alcantara and Spicer 2016, 189).

parties. By endorsing the original Kelowna Accord, the CPC would have demonstrated a willingness to improve Indigenous peoples' position and situation in many ways. As a result of his refusal to acknowledge the original Accord, Harper set the tone for the rest of his time in office. Despite the federal government's rejection of the original Kelowna Accord, some provinces implemented legislation similar to (parts of) the Accord (Alcantara and Spicer 2016, 191; Richmond and Cook 2016, 9).

In addition to the Accord's abandonment, Harper suspended (financial support for) various other Indigenous health organisations, like the Aboriginal Healing Foundation and the National Aboriginal Health Organization (Wesley-Esquimaux 2016, 227). The Harper government made no prior consultations before Health Canada stopped its funding in 2012. Harper's motivation for this cut off was the upcoming election, and the need to secure a stable budget (Jeffrey 2015, 300). This shows that the Harper government did not guarantee the full enjoyment of health services to Indigenous peoples, as statistics show that Indigenous peoples face more health problems than Canada's general population. Harper's (financial) performance prevented improvements.

Harper's refusal to accept the Kelowna Accord also impacted schooling for Indigenous youth. The Accord promised \$1.8 billion to improve education, to increase and equalise the number of graduates to the general population (Alcantara and Spicer 2016, 191). As a result of the rejection, only \$150 million was dictated to education in 2006-2007, but it also included housing and clean water (Wesley-Esquimaux 2016, 223-224). Nonetheless, Harper cooperated with the AFN and its Chief Shawn Atleo in 2011 to propose new legislation concerning the education of Indigenous peoples in the Canada-First Nations Joint Action Plan. The Harper administration created a panel to discover improvement areas and provide recommendations to the government (Wesley-Esquimaux 2016, 225).

A proposal was made in 2012 but revised after considerable critiques from the AFN, who argued that the disparities with (financial) efforts for general education were still too vast (Wesley-Esquimaux 2016, 225). The newly proposed Bill C-33 promised \$1.9 billion over a period of 7 years, taking into account a yearly raise. This First Nations Control of Education Act was criticised despite the support it received from Atleo (Wattie/Reuters 2014; Wesley-Esquimaux 2016, 225). Indigenous leaders believed the

Act's provisions would give too much power to the federal government instead of giving responsibility to Indigenous Peoples (Wesley-Esquimaux 2016, 225). Still, Indigenous representatives acknowledged the government's continuous efforts to cooperate with Indigenous peoples for better education, and some believe that the Act was a good place to continue cooperation for better schooling for Indigenous youth (Wattie/Reuters 2014).

## Case Study: Justin Trudeau (2015-present)

The second case study focuses on Prime Minister Justin Trudeau (2015-present) from the Liberal Party of Canada (LPC). The study considers the extent to which Trudeau has successfully implemented UNDRIP's principles into Canadian domestic policy, considering the three criteria established for this thesis. The first section gives a short overview of Trudeau and his election in 2015. After this, I research Trudeau's actions regarding assimilation prevention and the right to (consultation) on lands, territories, and resources. The TRC's Calls to Action, the proposed Indigenous Rights Framework, and (continued) resource extraction efforts are integral to this discussion. Third, I consider the political participation and representation, and economic progress of Indigenous peoples under Trudeau. Significant examples are the reshuffling of Ministries, the adoption of the UNDRIP, and various economic and financial regulations. And fourth, this case study examines Trudeau's policies concerning health and education services, specifically exploring the case and investigation of missing and murdered Indigenous women and girls, and Bill C-91 the Indigenous Language Act.

The previous case study demonstrated that Harper and his policies were not well-liked amongst Indigenous peoples. The approach to Indigenous peoples was a significant factor in the 2015 election, not only because of Harper's legacy but also because of the publication of the TRC's final report (Lightfoot 2018, 171). Trudeau promised a change from the previous years under Harper, stressing the importance of restoring a nation-to-nation relationship between the federal government and Indigenous communities, "... based on recognition, rights, respect, cooperation, and partnership." (McCrossan 2016, 2015). Trudeau emphasised the LPC's support of and commitment to the UNDRIP, and his wish to officially implement it in Canada's domestic policies as part of the TRC's Calls to Action (Lightfoot 2018, 166, 172-173).

Even though voter turnouts amongst Indigenous peoples were generally quite low, the 2015 election witnessed an enormous increase in voting by Indigenous peoples (Lightfoot 2018, 173). The Trudeau government assumed office in November 2015. Indigenous peoples hoped to see their expectations and anticipations met by the government (Lightfoot 2018, 173). The case study following considers to what extent

Trudeau has met the established criteria, thereby adhering to the UNDRIP's principles and incorporating these into domestic policy).

## Assimilation & Traditional Lands, Territories, and Resources

As discussed in the Harper case study, the TRC was established to investigate the Indian Residential School System. The TRC published its report, including 94 Calls to Action, in 2015. Examples of these action calls include adopting the UNDRIP, improving child welfare services, and reconciliation efforts, like a national day for reconciliation (Lightfoot 2018, 172; Tomiak 2017, 41).<sup>11</sup> The Trudeau administration fully intended to enforce each of these calls for action (Exner-Pirot 2018, 176). However, it has become apparent that Trudeau is not in a rush to do so (Wakeham 2019, 1). For example, a national day for reconciliation has not been established, and neither has a special council for reconciliation (Miller 2019, 180). In the early years of Trudeau's time in office, budget statements have failed to mention the TRC Calls to Action (Palmater 2017, 6). In 2017, Trudeau created a Working Group of Ministers that would focus on these Calls to Action amongst other things, but the actual implemented number of the Calls to Action remains very limited (Lightfoot 2018, 176-177; Wakeham 2019, 1). This demonstrates that Trudeau's efforts to reconcile past assimilation have not lived up to his promises.

On the other hand, Trudeau announced his plans for a new approach to Indigenous rights in 2018 (Reinders 2018, 1; Tasker 2018). With this plan, the Recognition and Implementation of Indigenous Rights Framework, the Trudeau government intends to "... support Indigenous peoples' rights as recognised and affirmed in section 35 of the Constitution Act, 1982, while also aligning with the articles outlined in the United Nations Declaration on the Rights of Indigenous Peoples." (Chartrand, Fitzgerald, and Schwartz 2019, xi). The exact details and specifics remained vague. Nearly three years after Trudeau's announcement of the new framework, results and implementation remain unclear.

During his campaign and the first months of his time in office, Trudeau emphasised his desire to renegotiate a nation-to-nation relationship with the Indigenous peoples in

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<sup>11</sup> See Lamalle (2015, 4-5) for more concrete examples of TRC Calls to Action.

Canada and recognise modern treaty rights (Lightfoot 2018, 166; McCrossan 2016, 205). This included undoing some of the legislation passed by Harper (Lightfoot 2018, 174). In 2016, Trudeau cancelled the Enbridge Northern Gateway Pipelines Project, which had caused protests from Indigenous peoples primarily in the Western provinces during the Harper administration (Cheadle 2016; Hurlbert and Fletcher 2020, 71-72). However, instead of continuing this approach, the Trudeau administration approved other pipeline projects that harmed the environment and Indigenous territory. Examples include the Kinder Morgan Pipeline (or Trans Mountain), the Site C-dam, and the Enbridge Line 3 (Cheadle 2016; Lightfoot 2018, 177; Morales 2019, 66). Trudeau argued that his priority was the economy, because the Kinder Morgan project created thousands of jobs for Canadians, taking on an approach similar to Harper's (Cheadle 2016).

Most projects are situated in British Columbia, which further complicates the situation. Not many Indigenous communities have historic treaties with the Crown, while requests for recognition of treaty rights and self-government for others are still being processed (McCrossan 2016, 201; Morales 2019, 66). Still, Indigenous leaders argued that the Trudeau government failed to fulfil its obligation to consult with Indigenous communities before approving these projects (Morales 2019, 66). Additionally, they believe that the health and environmental risks for Indigenous peoples and their lands were underestimated (Morales 2019, 66). Indigenous organisations like the Union of BC Chiefs and the Treaty Alliance Against Tar Sands Expansion have protested these oil and gas pipelines (Knight 2016, 17; Lightfoot 2018, 177; Wakeham 2019, 1). It is difficult to contemplate what Trudeau's considerations were in blocking one specific project and passing others. However, it does indicate that for Trudeau, economic benefits on some occasions outweigh relations with Indigenous nations.

Moreover, consultation regarding the right to land, territories, and resources was not a problem limited to the Western provinces. Trudeau was involved in negotiations on Arctic affairs. In early 2016, Trudeau and US President Barack Obama released a joint statement from both countries on 'Climate, Energy and Arctic Leadership', which was praised by Indigenous leaders up north (Exner-Pirot 2018, 172). However, this changed in late 2016 before Donald Trump's inauguration as the new US president, as a second statement by Trudeau and Obama was rushed without proper negotiation with Indigenous

communities and the Arctic Council, even though the federal government made pledges to do so earlier that year (Exner-Pirot 2018, 172-173.) The statement included plans for off-shore gas and oil extraction, but Obama and Trudeau only informed indigenous leaders of this hours before the statement was made public. Nevertheless, since then, Canada has led and participated in plans for an Arctic Policy Framework (APF) and has consulted with northern Indigenous peoples on their thoughts for this project (Exner-Pirot 2018, 173). Trudeau blundered in Arctic affairs and consultation with northerners but recovered.

## Political Processes & Economic Progress

As mentioned in the introduction to this case study, the 2015 election saw an enormous increase in Indigenous voter turnout. The AFN actively encouraged Indigenous peoples, especially youth, to vote in the election. Even though the AFN officially remained nonpartisan, the organisation showed a preference for a change of government, favouring the LPC (Dabin, Daoust, and Papillon 2019, 42). Even though the turnout of Indigenous peoples was still significantly lower than that of the general population, a profound change was visible compared to earlier elections (Dabin, Daoust, and Papillon 2019, 46). The higher turnout was also caused by a more significant representation of Indigenous candidates (Dabin, Daoust, and Papillon 2019, 40, 50).

Trudeau appointed two Indigenous Ministers to his Cabinet, for the Ministry of Justice (Jody Wilson-Raybould) and the Ministry of Fisheries and the Canadian Coast Guard (Lightfoot 2018, 174). Indigenous communities were equally happy with the appointment of Carolyn Bennett as Minister of Indigenous and Northern Affairs. Wilson-Raybould and Bennett's roles were important for Indigenous rights during Trudeau's first term (2015-2019) (Exner-Pirot 2018, 176; Lightfoot 2018, 174). In 2017, Trudeau shuffled the Ministries dealing with Indigenous relations. Bennett's Ministry was renamed the Ministry of Crown-Indigenous Relations and Northern Affairs, primarily dealing with issues like treaty rights and self-government. Former Minister of Health, Jane Philpott, was appointed as the head of the new Ministry of Indigenous Services, managing six focus

areas related to reserves' governmental services (Vogel 2017, 1200).<sup>12</sup> These ministerial changes were the delayed result of a report of recommendations by the Royal Commission of Aboriginal Peoples (RCAP) in 1996. Indigenous leaders recognised this effort to promote Indigenous peoples' inclusiveness in governmental institutions (Vogel 2017, 1200).

I referred to the TRC's Calls to Action in the section on Trudeau and assimilation. The TRC advised the federal government to officially adopt the UNDRIP and incorporate it in Canadian national legislation (Lightfoot 2018, 172). During his election campaign, Trudeau emphasised that this would be a priority of his government (Exner-Pirot 2018, 177). In May 2016, Bennett delivered a speech to the UN Permanent Forum on Indigenous Issues, claiming Canada's commitment to respecting and incorporating the UNDRIP (Exner-Pirot 2018, 176). Indigenous leaders praised the speech, but merely two months later Wilson-Raybould admitted that turning the UNDRIP into national policy was not an easy task, and solely adopting it as legislation would not be a solution (Exner-Pirot 2018, 177; Lightfoot 2018, 175-176). It seems that the Trudeau government had underestimated the complications of incorporating the UNDRIP into Canadian law, which was acknowledged later by his Ministers. Trudeau appeared reluctant to take official steps for implementation of the UNDRIP.

As a result of earlier dissatisfaction concerning Trudeau's lack of action on the UNDRIP, a member of the New Democratic Party put forward a private-member concerning the UNDRIP. Bill C-262, the United Nations Declaration on the Rights of Indigenous Peoples Act, proposed to "... implement the provisions of the declaration [UNDRIP]." (Exner-Pirot 2018, 177). Trudeau and the LPC at first resisted supporting the Bill but vouched their support to accept and implement the legislation more than a year and a half later (Exner-Pirot 2018, 177; Miller 2019, 180). While Bill C-262 has been subject to criticism for its oversimplified vision of incorporating the UNDRIP, Trudeau's original refusal to accept the Bill does not positively contribute to his record on Indigenous rights in Canada, and his campaign promises to improve these.

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<sup>12</sup> These included child and family services, health care, infrastructure, education, food security, and housing (Vogel 2017, 1200).

It is more complicated to determine Trudeau's approach to Indigenous peoples and their economic situation. Trudeau's first term as prime minister was heavily influenced by the political situation in the US and the presidency of Donald Trump. This included the renegotiation of the North American Free Trade Agreement (NAFTA) (Sarson 2019, 333). The initial plan was to include a chapter for Indigenous peoples in the new agreement, a proposal from the Canadian side but prevented by American and Mexican counterparts. This chapter would have indicated various things: equal relations between Indigenous nations and federal governments, commitment to the economic progress of Indigenous communities and the UNDRIP's principles, and the Indigenous right to traditional lands, territories, and resources (Sarson 2019, 334). Also, Trudeau requested an AFN National Chief to cooperate with the federal government on an advisory council for the NAFTA renegotiation (Sarson 2019, 333). This demonstrates a willingness to cooperate with Indigenous communities in international trade agreements that may affect Indigenous (economic) affairs.

Furthermore, Trudeau repealed Harper's Bill C-27 and initiated a new financial framework for Indigenous peoples after working together with the AFN in the First Nations–Canada Joint Committee (King and Pasternak 2018, 15). In 2018, the government announced the creation of Indigenous-led organisations for financial resources, referred to as the First Nations Financial Institutions (FNFI). The 2018 budget allocated \$189 million for a period of five years to be spent on the formation of the FNFI (King and Pasternak 2018, 15). Although the FNFI were to be led by Indigenous peoples, the Cabinet gets to appoint the leaders. Critics have also argued that the FNFI forgo the wide variety of First Nations communities and that no additional financial independence is created. The goal of the FNFI is to reduce the Crown's responsibility for Indigenous nations (King and Pasternak 2018, 16). The Trudeau government demonstrated an effort to increase Indigenous communities' financial management but failed to see what Indigenous communities actually needed.

## Health and Education Services

One of the TRC's Calls to Action established an investigation on violence against Indigenous women in Canada, specifically focusing on cases of murders and missing

persons. Harper was very reluctant to begin an official inquiry on the murdered and missing Indigenous women, claiming that most cases were actually solved (Bronskill and Tutton 2015; Exner-Pirot 2018, 168). During his election campaign, Trudeau promised an investigation into the Murdered and Missing Indigenous Women and Girls (MMIWG) (Exner-Pirot 2018, 169; Lamalle 2015, 6; Lightfoot 2018, 174). Indigenous communities greatly appreciated this as the violence against Indigenous women and girls is a genuine issue. Data shows that Indigenous women and girls are more often the targets of killings, abductions, and assault: They make up 16% of the murder fatalities and 12% of the abducted women and girls in Canada. (Road 2014). Official organisations like the AFN and the NWAC, supported by the UN, and Indigenous communities believe the federal government could tackle the violence problem and decrease the number of Indigenous women and girls affected by it in a better way (Road 2014).

Even though Trudeau made his willingness to solve this issue clear from the start, the national inquiry was the subject of many critiques, mostly because of the process's pace and an insufficient administration (Ballingall 2019; Lightfoot 2018, 177). Families of the victims also believed they did not receive the (emotional) support necessary caused by the investigation procedures (Ballingall 2019). The 2019 final report on the inquiry into the MMIWG concluded that the Indigenous women and girls have been subject to genocide, which ultimately led to the violence against these women and girls (Ballingall 2019). The report insisted on 231 Calls for Justice in four areas: health, security, culture and justice. In 2020, Trudeau was again reprimanded for his lack of action on these calls for justice. The Trudeau administration blamed the COVID-19 pandemic for delays, while the violence against Indigenous women and girls persists (Wright 2020). This example shows that Trudeau clearly attempted to keep his campaign promise on this matter, but failed to listen to Indigenous peoples and those affected. While the investigation has been carried out, the Trudeau government has failed to implement effective solutions.

Contrary to this are the advancements in general health care for Indigenous peoples that Trudeau has made. At the UNGA meeting in September 2017, Trudeau acknowledged that the Canadian federal government failed to ascribe and respect the rights of Indigenous peoples in Canada (Philpott 2018, 1650). The Trudeau government demonstrated its commitment to improving health care for Indigenous peoples by creating

the Ministry of Indigenous Services, which aims to end the socioeconomic gaps between Indigenous peoples and the general population (Philpott 2018, 1650). Additionally, federal budgets dedicated \$12 billion to the healthcare of Indigenous peoples. An increase is already visible in mental wellness services for Indigenous peoples (Philpott 2018, 1651). In his 2019 campaign, Trudeau promised to enact new legislation to advance healthcare for Indigenous peoples (Ketonen 2019). And in 2020, Trudeau pledged funding of \$542 million to Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, to decrease the number of Indigenous children in the foster care system (Government of Canada 2020b). This shows a steady commitment to and improvement of accessibility and enjoyment of health services for Indigenous peoples.

Nonetheless, Trudeau's promises for education did not prove much worth. His 2016 budget dedicated \$2.6 billion to schooling for Indigenous youth, but this money was still missing in 2018. The funding intended to close the gap between spending on education for the general population and Indigenous peoples. While Trudeau acknowledged that the funding was delayed and expressed his unhappiness, this does not diminish the priority position of education for the Ministry of Indigenous Services and the Trudeau government (Warick 2018).

# Conclusion

The case study of Harper allows for the following conclusions: Even though Harper attempted to take responsibility for past assimilationist policies in Canada, his administration lacked action to acknowledge ongoing assimilationist practices further. Harper failed to sufficiently consult with Indigenous peoples before introducing legislation that heavily impacted the Indigenous right to traditional lands, territories, and resources. Harper fails to satisfy criteria 1. Although Harper appointed Indigenous peoples as Members of Parliament, he did not adequately ensure the inclusiveness of Indigenous peoples in political matters, complicating political participation by introducing the Fair Elections Act and changing voting regulations concerning the surrendering of reserve lands. Harper also promoted a specific economic development approach for Indigenous peoples, focusing on private property and the individual, neglecting Indigenous community values. Harper does thus not meet criteria 2. Harper deliberately blocked important legislation to improve health care and schooling for Indigenous peoples, despite available data on the health and education gap between general Canadians and Indigenous peoples. He halted funding for various Indigenous health organisations. Still, Harper attempted to reform regulation on Indigenous education, cooperating with Indigenous organisations, making Harper's performance on criteria 3 mixed.

Trudeau's case study shows the following results: Trudeau's actions regarding reconciliation and nation-to-nation relationships did not live up to his campaign promises. His outlined Indigenous Rights Framework remains a vague proposal. He cancelled Harper's Enbridge Northern Pipeline project, but permitted the continuation of other projects, prioritising economic benefits over consultation with Indigenous peoples when it was convenient for him. This leads to failure on criteria 1. The Trudeau government appointed various Indigenous ministers, giving extra attention to Indigenous affairs and services. Still, Trudeau failed to meet his campaign promises of incorporating the UNDRIP. During the NAFTA renegotiation, he consulted Indigenous communities, repealed Bill C-27, and introduced a new, albeit questionable, 'Indigenous-led' financial framework. Trudeau's performance on criteria 2 is indecisive. Last, Trudeau initiated an investigation into MMIWG but failed to act on its findings. On the other hand, efforts to

improve Indigenous peoples' health care, including increases in budgets, are already visible. Yet, the Trudeau government did not live up to its promises for improving schooling for Indigenous peoples. The accomplishment of criteria 3 is, too, indefinite.

All in all, Harper failed to implement two of the three researched variables in Canada's domestic policy. He treated Indigenous peoples in Canada through lingering settler-colonial structures and contributed to long-standing federal assimilation policies. While a few positive points are apparent, especially in education, these are nowhere close to making up for the Conservative Harper administration's continued strategies to assimilate Indigenous peoples into Canada's population, and they serve primarily as symbolic gestures. In comparison, Trudeau's record on the three criteria is ambivalent, and the coming years may determine his final performance. For now, it is evident that Trudeau made many promises before his election, but was unsuccessful in actually performing most of these commitments. This resulted in general dissatisfaction with Indigenous peoples. Still, Trudeau shows an overall improvement on Harper, especially regarding acknowledging previous wrongdoings of the Canadian government.

In conclusion, since the enactment of the UNDRIP in the UNGA, the Canadian federal government has until now failed to adopt the legislation in its domestic policies successfully. This process is complicated by existing national legislation on Indigenous peoples in Canada. While Harper showed promising efforts regarding improving education for Indigenous peoples, Trudeau demonstrated a stronger willingness to acknowledge past wrongdoings and improve relationships with Indigenous communities, even though the results are still unclear. The coming years might inspire new efforts and ways to incorporate core principles of the UNDRIP in Canada's policies, enhancing the UNDRIP's effectiveness.

A general proposition can be made that UN resolutions may achieve its full potential because they do not sufficiently consider the domestic situation of UN member states and the national legislation that may already be in place concerning the topic of the resolution. This limits their effectiveness on domestic policy in its member states. For this particular case, further research should be conducted on other countries with Indigenous populations and already existing domestic legislation concerning them. This research may support the conclusions on the effectiveness of the UNDRIP drawn from this thesis.

## Reference List

- Abbott, Kenneth W., and Duncan Snidal. 2000. "Hard and Soft Law in International Governance." *International Organization* 54 (3): 421-456. DOI: 10.1162/002081800551280.
- Alcantara, Christopher, and Zachary Spicer. 2016. "A New Model for Making Aboriginal Policy? Evaluating the Kelowna Accord and the Promise of Multilevel Governance in Canada." *Canadian Public Administration* 59, no. 2 (June): 183-203. DOI: 10.1111/capa.12166.
- Allen, Stephen. 2011. "The UN Declaration on the Rights of Indigenous Peoples and the Limits of the International Legal Project." In *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, edited by Stephen Allen and Alexandra Xanthaki, 225-256. Oxford: Hart Publishing.
- Ballingall, Alex. 2019. "'We have failed you'; PM acknowledges 'uncomfortable' day as inquiry releases report into violence against Indigenous women, girls." *Toronto Star*, June 4, 2019. Factiva.
- Barelli, Mauro. 2015. "The United Nations Declaration on the Rights of Indigenous Peoples: A Human Rights Framework for Intellectual Property Rights." In *Indigenous Intellectual Property*, edited by Matthew Rimmer, 47-63. Cheltenham: Edward Elgar Publishing. DOI: 10.4337/9781781955901.
- Barnabas, Sylvanus G. 2017. "The Legal Status of the United Nations Declaration on the Rights of Indigenous Peoples (2007) in Contemporary International Human Rights Law." *International Human Rights Law Review* 6 (2): 242-261. DOI: 10.1163/22131035-00602006.
- Bódig, Mátyás. 2018. "Legal Validity, Soft Law, and International Human Rights Law." In *Legal Validity and Soft Law*, edited by Pauline Westerman, Jaap Hage, Stephan Kriste, and Anne Ruth Mackor, 221-242. Cham: Springer International Publishing. DOI: 10.1007/978-3-319-77522-7.
- Bronskill, Jim, and Michael Tutton. 2015. "Harper says 'most' cases of murdered aboriginal women are solved." *The Globe and Mail*, October 6, 2015. <https://www.theglobeandmail.com/news/politics/harper-says-most-cases-of-murdered-aboriginal-women-are-solved/article26686290/>.

- Burger, Julian. 2019. "After the Declaration: Next Steps for the Protection of Indigenous Peoples' Rights." *The International Journal of Human Rights* 23, no. 1-2 (January): 22-33. DOI: 10.1080/13642987.2018.1562916.
- Champagne, Duane. 2013. "UNDRIP: Human, Civil, and Indigenous Rights." *Wicazo Sa Review* 28, no. 1 (Spring): 9-22. DOI: 10.5749/wicazosareview.28.1.0009.
- Chartrand, Larry, Oonagh E. Fitzgerald, and Risa Schwartz. 2019. "Preface." In *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, edited by John Borrows, Larry Chartrand, Oonagh E. Fitzgerald, and Risa Schwartz, ix-xvi. Montreal: The Centre for International Governance Innovation.
- Cheadle, Bruce. 2016. "Justin Trudeau halts Northern Gateway, approves Kinder Morgan expansion, Line 3." *Global News*, November 29, 2016.  
<https://globalnews.ca/news/3094856/northern-gateway-pipeline-line-3-approval-announcement/>.
- Churchill, Ward. 2011. "A Travesty of a Mockery of a Sham: Colonialism as Self Determination in the UN Declaration on the Rights of Indigenous Peoples." *Griffith Law Review* 20 (3): 526-556. DOI: 10.1080/10383441.2011.10854709.
- Crawhall, Nigel. 2011. "Africa and the UN Declaration on the Rights of Indigenous Peoples." *The International Journal of Human Rights* 15, no. 1 (January): 11-36. DOI: 10.1080/13642987.2011.529687.
- Dabin, Simon, Jean François Daoust, and Martin Papillon. 2019. "Indigenous Peoples and Affinity Voting in Canada." *Canadian Journal of Political Science* 52:39-53. DOI: 10.1017/S0008423918000574.
- Davenport, Christian. 1999. "Human Rights and the Democratic Proposition." *Journal of Conflict Resolution* 43, no. 1 (February): 92-116. DOI: 10.1177/0022002799043001006.
- Davis, Megan. 2012. "To Bind or Not to Bind: The United Nations Declaration on the Rights of Indigenous Peoples Five Years On." *Australian International Law Journal* 19:17-48.

- Dubois, Janique. 2014. "Three ways Harper's Bill C-23 undermines democracy." *Toronto Star*, March 12, 2014.  
[https://www.thestar.com/opinion/commentary/2014/03/12/three\\_ways\\_harpers\\_bill\\_c23\\_undermines\\_democracy.html](https://www.thestar.com/opinion/commentary/2014/03/12/three_ways_harpers_bill_c23_undermines_democracy.html).
- Engle, Karen. 2011. "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights." *European Journal of International Law* 11 (1): 141-163. DOI: 10.1093/ejil/chr019.
- Exner-Pirot, Heather. 2018. "Friend or Faux? Trudeau, Indigenous Issues and Canada's Brand." *Canadian Foreign Policy* 24 (2): 165-181. DOI: 10.1080/11926422.2018.1461667.
- Falk, Richard A. 1966. "On Quasi-Legislative Competence of the General Assembly." *The American Journal of International Law* 60, no. 4 (October): 782-791. DOI: 10.2307/2196928.
- George, Alexander, and Andrew Bennett. 2005. "The Method of Structured, Focused Comparison." In *Case Studies and Theory Development in the Social Sciences*, 67-72. Cambridge: Belfer Center for Science and International Affairs. DOI: 10.1017/S1537592707070491.
- Government of Canada. 2010. "Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples." *Indigenous and Northern Affairs Canada*. <https://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142>.
- Government of Canada. 2020a. "Reducing the number of Indigenous children in care." Indigenous Services Canada.  
<https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.
- Government of Canada. 2020b. "More support to advance reform of services for Indigenous children and families." Justin Trudeau, Prime Minister of Canada.  
<https://pm.gc.ca/en/news/news-releases/2020/11/27/more-support-advance-reform-services-indigenous-children-and-families>.
- Hafner-Burton, Emilie M. 2009. "Effects." In *Forced to Be Good: Why Trade Agreements Boost Human Rights*, edited by Emilie M. Hafner-Burton, 142-164. Ithaca: Cornell University Press. DOI: 10.7591/j.ctt7zdx1.

- Hafner-Burton, Emilie M. 2013. "The Problem of Human Rights." In *Making Human Rights a Reality*, edited by Emilie M. Hafner-Burton, 1-17. Princeton: Princeton University Press. DOI: 10.1163/19426720-02001012.
- Hafner-Burton, Emilie M., Edward D. Mansfield, and Jon C. Pevehouse. 2015. "Human Rights Institutions, Sovereignty Costs and Democratization." *British Journal of Political Science* 45, no. 1 (January): 1-27. DOI: 10.1017/S0007123413000240.
- Hafner-Burton, Emilie M., and Kiyoteru Tsutsui. 2007. "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most." *Journal of Peace Research* 44 (4): 407-425. DOI: 10.1177/0022343307078942.
- Hafner-Burton, Emilie M., Kiyoteru Tsutsui, and John W. Meyer. 2008. "International Human Rights Law and the Politics of Legitimation Repressive States and Human Rights Treaties." *International Sociology* 23, no. 1 (January): 115-141. DOI: 10.1177/0268580907084388.
- Herbert, Joel. 2019. "'Sacred Trust': Rethinking Late British Decolonization in Indigenous Canada." *Journal of British Studies* 58 (July): 565–597. DOI: 10.1017/jbr.2019.3.
- Hobbs, Harry. 2019. "Treaty Making and the UN Declaration on the Rights of Indigenous Peoples: Lessons from Emerging Negotiations in Australia." *The International Journal of Human Rights* 23, no. 1-2 (January): 174-192. DOI: 10.1080/13642987.2018.1562918.
- Holder, Cindy. 2005. "Self-Determination as a Basic Human Right: the Draft UN Declaration on the Rights of Indigenous Peoples." In *Minorities within Minorities: Equality, Rights and Diversity*, edited by Avigail Eisenberg and Jeff Spinner-Halev, 294-316. Cambridge: Cambridge University Press. DOI: 10.1017/CBO9780511490224.015.
- House of Commons. n.d. "Parliament of Canada - House of Commons." Ministry (Cabinet). Accessed December 18, 2020.  
<https://www.ourcommons.ca/Members/en/ministries?ministry=28&province=all&gender=all&lastName=all>.

- Iorns Magallanes, Catherine J. 1999. "International Human Rights and Their Impact on Domestic Law on Indigenous Peoples' Rights in Australia, Canada, and New Zealand." In *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, edited by P. Havemann, 235-276. Auckland: Oxford University Press. <https://ssrn.com/abstract=2175388>.
- Jeffrey, Brooke. 2015. *Dismantling Canada: Stephen Harper's New Conservative Agenda*. Montreal & Kingston: McGill-Queen's University Press.
- Jung, Courtney. 2010. "Canada and the Legacy of the Indian Residential Schools: Transitional Justice for Indigenous People in a Nontransitional Society." In *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, edited by Paige Arthur, 217-250. Cambridge: Cambridge University Press. DOI: 10.1017/CBO9780511976858.008.
- Ketonen, Kris. 2019. "Trudeau commits to Indigenous health care overhaul." *CBC*, September 26, 2019. <https://www.cbc.ca/news/canada/thunder-bay/trudeau-indigenous-health-care-1.5297959>.
- King, Hayden, and Shiri Pasternak. 2018. "Canada's Emerging Indigenous Rights Framework: A Critical Analysis." *Yellowhead Institute*, (June), 1-27. <https://yellowheadinstitute.org/wp-content/uploads/2018/06/yi-rights-report-june-2018-final-5.4.pdf>.
- Knight, Nika. 2016. "'Betrayal' as Trudeau approves pipeline expansion." *Green Left Weekly* 1121 (December): 17. <https://www.greenleft.org.au/content/canada-%E2%80%98betrayal%E2%80%99-trudeau-approves-pipeline-expansion>.
- Krommendijk, Jasper. 2015. "The Domestic Effectiveness of International Human Rights Monitoring in Established Democracies. The Case of the UN Human Rights Treaty Bodies." *Review of International Organizations* 10 (4): 489-512. DOI: 10.1007/s11558-015-9213-0.

- Ladner, Kiera. 2015. "An Indigenous Constitutional Paradox: Both Monumental Achievement and Monumental Defeat." In *Patriation and Its Consequences: Constitution Making in Canada*, edited by Lois Harder and Steve Patten, 267-289. Vancouver: University of British Columbia Press.
- Lakanen, Raili. 2018. "Dissent and Descent: Tracing Canada's Environmental Governance from Regulatory Beginnings to Dismissal and Reversals by the Harper Government." *Local Environment* 23 (5): 549-564. DOI: 10.1080/13549839.2018.1444589.
- Lamalle, Sandy. 2015. "Founding a New Path in Canada: The Conclusions of the Commission on Truth and Reconciliation." *Indigenous Law Bulletin* 9, no. 20 (September/October): 3-7.
- Lande, Gabriella R. 1966. "The Effect of the Resolutions of the United Nations General Assembly." *World Politics* 19:83-105. DOI: 10.2307/2009844.
- Larocque, Florence, and Alain Noël. 2016. "Kelowna's Uneven Legacy: Aboriginal Poverty and Multilevel Governance in Canada." In *Canada: The State of the Federation, 2013: Aboriginal Multilevel Governance*, edited by Martin Papillon and André Juneau, 237-255. Montreal & Kingston: McGill-Queen's University Press.
- Lenzerini, Federico. 2019. "Implementation of UNDRIP around the World: Achievements and Future Perspectives. The Outcome of the Work of the ILA Committee on the Implementation of the Rights of Indigenous Peoples." *The International Journal of Human Rights* 23, no. 1-2 (February): 51-62. DOI: 10.1080/13642987.2019.1568993.
- Lepard, Brian D. 2010. "The Role of United Nations General Assembly Resolutions as Evidence of *Opinio Juris*." In *Customary International Law*, 208-217. Cambridge: Cambridge University Press. DOI: 10.1017/CBO9780511804717.014.
- Lightfoot, Sheryl. 2018. "A Promise Too Far? The Justin Trudeau Government and Indigenous Rights." In *Justin Trudeau and Canadian Foreign Policy: Canada Among Nations 2017*, edited by Norman Hillmer and Philippe Lagasse, 165-185. Cham: Palgrave Macmillan. DOI: 10.1007/978-3-319-73860-4\_9.
- Lijphart, Arend. 1971. "Comparative Politics and the Comparative Method." *The American Political Science Review* 65, no. 3 (September): 682-693. DOI: 10.2307/1955513.

- McCrossan, Michael. 2016. "Enduring Eliminary Logics, Market Rationalities, and Territorial Desires: Assessing the Harper Government's Legacy concerning Aboriginal Rights." *Review of Constitutional Studies* 21 (2): 187-208.
- Miller, James R. 2019. "Research and Outcomes at the Truth and Reconciliation Commission." *The Canadian Historical Review* 100, no. 2 (June): 163-181. DOI: 10.3138/chr.2018-0048.
- Morales, Sarah. 2019. "Braiding the Incommensurable: Indigenous Legal Traditions and the Duty to Consult." In *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, edited by John Borrows, Larry Chartrand, Oonagh E. Fitzgerald, and Risa Schwartz. Montreal: The Centre for International Governance Innovation.
- Morris, Amanda. 2014. "Twenty-First Century Debt Collectors: Idle No More Combats a Five-Hundred-Year-Old Debt." *Women's Studies Quarterly* 42, no. 1-2 (Spring/Summer): 242-256. DOI: 10.1353/wsq.2014.0025.
- Nickel, Sarah. 2019. "Reconsidering 1969: The White Paper and the Making of the Modern Indigenous Rights Movement." *The Canadian Historical Review* 100, no. 2 (June): 223-238. DOI: 10.3138/chr.2018-0082-2.
- Ochman, Patricia. 2008. "Recent Developments in Canadian Aboriginal Law: Overview of Case Law and of Certain Principles of Aboriginal Law." *International Community Law Review* 10:319-350. DOI: 10.1163/187197308X346832.
- Oldham, Paul, and Miriam A. Frank. 2008. "We the Peoples: The United Nations Declaration on the Rights of Indigenous Peoples." *Anthropology Today* 24 (2): 5-9.
- Onderková, Kristýna. 2015. "The Harper Government, the Aboriginal Right to Self Determination, and the Indian Act of 1876." *Studia Territoria* 15 (3-4): 45-66. DOI: 10.14712/23363231.2016.3.
- Palmater, Pamela. 2017. "Evidence of Good Faith Lacking in Trudeau's Indigenous Agenda." *Canadian Dimension* 51, no. 1 (Winter): 6.  
<https://canadiandimension.com/articles/view/evidence-of-good-faith-lacking-in-trudeaus-indigenous-agenda>.

- Patzer, Jeremy. 2019. "Indigenous Rights and the Legal Politics of Canadian Coloniality: What is Happening to Free, Prior and Informed Consent in Canada?" *The International Journal of Human Rights* 23 (1-2): 214-233. DOI: 10.1080/13642987.2018.1562915.
- Philpott, J. (2018). "Canada's efforts to ensure the health and wellbeing of Indigenous peoples." *The Lancet (British Edition)* 391 (10131): 1650-1651. DOI: 10.1016/S0140-6736(18)30179-X
- Preston, Jen. 2013. "Neoliberal Settler Colonialism, Canada, and the Tar Sands." *Race & Class* 55 (2): 42-59. DOI: 10.1177/0306396813497877.
- Reading, Jeff, and Bernie Farber. 2015. "Why is Canada Ignoring the Health of Aboriginal Peoples?" *The Globe and Mail*, April 9, 2015.  
<https://www.theglobeandmail.com/opinion/why-is-canada-ignoring-the-health-of-aboriginal-peoples/article23856403/>.
- Regilme, Salvador Santino F. 2019. "The Global Politics of Human Rights: From Human Rights to Human Dignity?" *International Political Science Review* 40 (2): 279-290. DOI: 10.1177/0192512118757129.
- Reinders, Kathryn. 2019. "A Rights-based Approach to Indigenous Sovereignty, Self-determination and Self-government in Canada." *Studies by Undergraduate Researchers at Guelph (SURG)* 11 (March): 1-11. DOI: 10.21083/surg.v11i0.4389.
- Reisman, Michael W. 2013. "Sovereignty and Human Rights: Changing the Internal Arrangement of States by External Means." In *The Quest for World Order and Human Dignity in the Twenty-first Century: Constitutive Process and Individual Commitment*, 263-282. The Hague: Pocketbooks of the Hague Academy of International Law. DOI: 10.1163/9789004236165.
- Richmond, Chantelle A., and Catherine Cook. 2016. "Creating Conditions for Canadian Aboriginal Health Equity: The Promise of Healthy Public Policy." *Public Health Reviews* 37 (2): 1-16. DOI 10.1186/s40985-016-0016-5.
- Road, Meghan. 2014. "It's time for Canada to act on missing and murdered Aboriginal women." *The Globe and Mail*, May 13, 2014.  
<https://www.theglobeandmail.com/opinion/its-time-for-canada-to-act-on-missing-and-murdered-aboriginal-women/article18638089/>.

- Sambo, Dalee. 1992. "Indigenous Human Rights: The Role of Inuit at the United Nations Working Group on Indigenous Peoples." *Inuit Studies* 16 (1-2): 27-32.
- Sarson, Leah. 2019. "'You Cannot Trade What Is Not Yours': Indigenous Governance and the NAFTA Negotiations." *American Review of Canadian Studies* 49, no. 2 (July): 332-347. DOI: 10.1080/02722011.2019.1618616.
- Schachter, Oscar. 1994. "United Nations Law." *The American Journal of International Law* 88, no. 1 (January): 1-23. DOI: 10.2307/2204020.
- Seawright, Jason, and John Gerring. 2008. "Case Selection Techniques in Case Study Research." *Political Research Quarterly* 61, no. 2 (June): 294-308. DOI: 10.1177/1065912907313077.
- Simmons, Beth A. 2013. "Why International Law? The Development of the International Human Rights Regime in the Twentieth Century." In *Mobilizing for Human Rights: International Law in Domestic Politics*, 23-56. Cambridge: Cambridge University Press. DOI: 10.1017/CBO9780511811340.
- Sloan, Blaine. 1987. "General Assembly Resolutions Revisited (Forty Years Later)." *British Yearbook of International Law* 1:39-150. DOI: 10.1093/bybil/58.1.39.
- Tasker, John Paul. 2018. "Trudeau promises new legal framework for Indigenous people." *CBC*, February 14, 2018.  
<https://www.cbc.ca/news/politics/trudeau-speech-Indigenous-rights-1.4534679>.
- Tjepkema, Michael, Russell Wilkins, Sacha Sénécal, Éric Guimond, and Christopher Penney. 2009. "Mortality of Métis and Registered Indian adults in Canada: An 11-year follow-up study." *Health Reports* 20, no. 4 (December): 1-21.  
<https://www150.statcan.gc.ca/n1/en/pub/82-003-x/2009004/article/11034-eng.pdf?st=nKpPjR3F>.
- Tockman, Jason. 2018. "Eliding Consent in Extractivist States: Bolivia, Canada, and the UN Declaration on the Rights of Indigenous Peoples." *The International Journal of Human Rights* 22, no. 3 (March): 325-349. DOI: 10.1080/13642987.2017.1383241.
- Tomiak, Julie. 2017. "Indigenous Lives and Rights Still Ignored." *Canadian Dimension* 51, no. 1 (Winter): 40-42.

- United Nations. n.d. "Charter of the United Nations and Statute of the International Court of Justice." United Nations Treaty Collection. Accessed October 26, 2020.  
[https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=I-1&chapter=1&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=I-1&chapter=1&lang=en).
- United Nations. n.d. "Main Organs." About the UN. Accessed December 12, 2019.  
<https://www.un.org/en/sections/about-un/main-organs/>.
- Viola, Lora Anne. 2020. "What Remains of the Promise of Equality?" In *The Closure of the International System: How Institutions Create Political Equalities and Hierarchies*, 220-236. Cambridge: Cambridge University Press. DOI: 10.1017/9781108612562.006.
- Vogel, Lauren. 2017. "Cabinet shuffle brings "seismic shifts" to Indigenous affairs, health." *Canadian Medical Association Journal* 189, no. 117 (September): 1200-1201. DOI: 10.1503/cmaj.109-5494.
- Vowel, Chelsea. 2016. *Indigenous Writes: A Guide to First Nations, Métis and Inuit Issues in Canada*. Winnipeg: High Water Press.
- Wakeham, Pauline. 2019. "Outsourcing Reconciliation: The Government of Canada's #IndigenousReads Campaign and the Appropriation of Indigenous Intellectual Labor." *Studies in American Indian Literatures* 31, no. 1-2 (Spring-Summer): 1-30. DOI: 10.5250/studamerindilite.31.1-2.0001.
- Warick, Jason. 2018. "Trudeau not honouring \$2.6B education promise, First Nations leaders say." *CBC*, September 13, 2018.  
<https://www.cbc.ca/news/canada/saskatoon/trudeau-not-honouring-2-6b-education-promise-first-nations-leaders-say-1.4822749>.
- Watson, Irene. 2011. "The 2007 Declaration on the Rights of Indigenous Peoples: Indigenous Survival - Where to From Here?" *Griffith Law Review* 20 (3): 507-514. DOI: 10.1080/10383441.2011.10854707.
- Wattie/Reuters, Chris. 2014. "Failure is no longer an option in First Nations' education." *The Globe and Mail*, April 18, 2014.  
<https://www.theglobeandmail.com/opinion/editorials/failure-is-no-longer-an-option-in-first-nations-education/article18060537/>.

- Webster, Paul. 2006. "Canadian Aboriginal People's Health and the Kelowna Deal." *The Lancet (British Edition)* 368, no. 9532 (July): 275-276. DOI: 10.1016/S0140-6736(06)69057-0.
- Wesley-Esquimaux, Cynthia. 2016. "Stephen Harper and Indigenous Peoples." In *The Harper Factor: Assessing a Prime Minister's Policy Legacy*, edited by Jennifer Ditchburn and Graham Fox, 220-232. Montreal & Kingston: McGill-Queen's University Press.
- Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (December): 387-409. DOI: 10.1080/14623520601056240.
- Wright, Teresa. 2020. "Trudeau government given failing grade for lack of action plan on MMIWG." *CTV News*, June 3, 2020.  
<https://www.ctvnews.ca/politics/trudeau-government-given-failing-grade-for-lack-of-action-plan-on-mmiwg-1.4967370>.
- Wyld, Adrian. 2014. "Harper government taking First Nations to Federal Court over finances." *The Globe and Mail*, December 8, 2014.  
<https://www.theglobeandmail.com/news/politics/harper-government-taking-first-nations-to-federal-court-over-finances/article21996200/>.