

Imagining Urban Indigenous Sovereignty & Space Through Canadian UNDRIP Legislation

By Kanatese Horn

AS CABINET RETURNS to work this January, one item on the agenda should be implementing the new UNDRIP legislation. An outstanding question regarding implementation is the place of urban Indigenous people. What can we expect here?

Shortly after Bill C-15, also known as, “An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples”, received Royal Assent in June 2021, the Government of Canada released its “What We Learned Report”, meant to outline key findings and themes that emerged during the Government’s consultation and engagement process for the legislation (consultations that took place between September and November 2020).

A notable theme that emerged during the consultation period was the need to follow a distinctions-based approach. This was not only in reference to the constitutional and legal distinctions between First Nations, Inuit, and Métis under Section 35 of the Constitution Act, 1982, but also in reference to the unique needs and experiences of Indigenous peoples based on geography and residency. Here, the Report was referencing the need for the National Action Plan to meet and address the unique needs of remote Indigenous communities, but also, urban Indigenous peoples.

The Report’s acknowledgement of urban Indigenous peoples and their unique experiences is noteworthy. As has been pointed out by others, Canadian cities have largely been neglected when thinking about and reimagining the relationship between Canada and Indigenous peoples, leading some to suggest this ongoing silence about the political status of urban Indigenous peoples amounts to a strategy to reproduce settler colonial relationships, which are oftentimes reflected in the reproduction of *space* in Canada.²

In other words, the tendency to ignore the political status of urban Indigenous peoples has created the impression that Canadian cities and towns are ‘off-limits’ when thinking about the meaning of Indigenous jurisdiction, nationhood, and self-determination.

POWER IN THE CITY

The passage of the Act offers a significant opportunity to disrupt this historical pattern, and reimagine Canadian cities in ways that align with Indigenous sovereignty, jurisdiction, and the right to self-determination. The Act provides urban Indigenous peoples with a platform and framework to flex greater political influence in urban environments in ways that reflect

their inherent right to self-determination, which is a general principle outlined in the UNDRIP, but also, specifically mentioned in Articles 3 and 4.

It is worth noting urban Indigenous peoples have already established a variety of institutions and political spaces that provide urban Indigenous peoples with the opportunity to exercise their voice, albeit these initiatives are currently limited in their scope and power. For example, the creation of urban Indigenous advisory committees, as well as the creation of Indigenous Affairs offices in some municipal governments, including in the large urban centres of Vancouver, Winnipeg, and Toronto, has provided opportunities for Indigenous peoples to provide input through meetings, consultations, and other engagement processes.³

Unfortunately, these initiatives, and the municipal offices they flow out of, generally lack the type of political power that reflects the nationhood of Indigenous peoples, as they are often framed and interpreted as ‘special interest’ groups. Even grassroots service delivery organizations, such as Friendship Centres, which have generally been around for over 50 years in most Canadian cities, lack a significant political voice.

The National Association of Friendship Centres (NAFC) made note of this in their submission to the Government of Canada regarding Bill C-15. They commented that local native friendship centres are critically important to urban Indigenous peoples, as they provide community members with an opportunity to not only access and exercise their rights to culture and identity, but also, provide job training and educational programming to improve the social and economic wellbeing of urban community members.⁴ Despite their important role in the community, however, the NAFC went on to note that local friendship centres have not been given a seat at the table when it comes to developing urban strategies at the local municipal level.⁵

MAKING UNDRIP MEANINGFUL IN THE CITY

The lack of genuine and robust political influence in Canadian cities is an issue that the UNDRIP can address, and must be explored during the establishment of the National Action Plan, which has been set to be completed by June 2023.

Aiming to increase the visibility of urban Indigenous jurisdiction and the right to self-determination, Article 18 states, “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”⁶

In other words, it is quite clear that UNDRIP provides the opportunity to reimagine the political status of urban Indigenous peoples, and move towards the development of urban Indigenous governance structures.

LOOKING TOWARDS THE FUTURE

Looking to the future, urban Indigenous peoples, with the “Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples” in hand, should consider the establishment of robust urban Indigenous governance institutions that have real political decision-making powers. This may mean expanding the authority of existing municipal offices, or even establishing new offices and institutions altogether in municipal governments. Considering they are already entrenched in existing political networks, it might be worthwhile to build upon the infrastructure that is already in place.

At the same time, it will be important to imagine urban futures and politics beyond these spaces as well.

Indeed, UNDRIP offers the opportunity to imagine political organizing in ways that move us beyond the settler colonial 'reserve-city' binary, where land-centered, treaty-centered, and territorial-based understandings of confederacy and nationhood become possibilities.

In this case, crafting and (re)kindling relationships between urban Indigenous communities and local recognized Indigenous communities (i.e., First Nations reserves, Métis settlements, or Inuit hamlets) will be critical. This could lead us away from pan-Indigenous organizing, but also, it could also add legitimacy and increased substance to urban governance structures.

In short, UNDRIP has the real potential to increase Indigenous decision-making power in cities across Canada, and for this reason, urban Indigenous folks must be involved in the development of the National Action Plan. With UNDRIP in hand, there is no end to what sort of future urban Indigenous folks can craft.

ENDNOTES:

¹ <https://www.justice.gc.ca/eng/declaration/wwl-cna/index.html>.

² <https://yellowheadinstitute.org/2018/09/26/what-about-cities-urban-self-determination/>.

³ https://tspace.library.utoronto.ca/bitstream/1807/107492/1/imfgpaper_no55_indigenoumunicipal_douganderson_alexandraflynn_september_23_2021.pdf.

⁴ <https://nafc.ca/downloads/undrip-april-2021.pdf>.

⁵ <https://nafc.ca/downloads/undrip-april-2021.pdf>.

⁶ Article 18, https://www.un.org/development/desa/indigenuspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

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