

November 16, 2010

Joint Statement in Response to Canada's Endorsement of the *UN Declaration on the Rights of Indigenous Peoples*

On November 12th the Canadian government endorsed the *United Nations Declaration on the Rights of Indigenous Peoples*. We urge the government to move ahead with the implementation of its provisions in a principled manner that fully respects their spirit and intent.

The *Declaration* is more than an aspirational instrument. Governments, courts and other domestic and international institutions are increasingly relying on the *Declaration* to interpret Indigenous peoples' human rights and related state obligations. It establishes minimum standards for the survival, dignity, security and well-being of Indigenous peoples.

The *Declaration's* provisions reflect established international human rights norms, including standards that are already legally binding because they are part of general and customary international law. It is simply inaccurate for the government to continue to claim that the *Declaration* "does not reflect customary international law". This is a "manifestly untenable position" as concluded by the UN Special Rapporteur on the rights of Indigenous peoples.

Canada was one of only four countries to vote against the *Declaration* when it was adopted by the UN General Assembly on September 13, 2007. In the last three years, the government aggressively campaigned against the *Declaration*, opposing its use. Both domestically and in international fora, the government has attempted to undermine the specific rights and related state obligations in this human rights instrument. Such ongoing actions are affecting present and future generations in international negotiations on biodiversity, climate change and intellectual property.

"We remain concerned that Canada's actions, both domestically and abroad, are not reflecting the standards that the government now professes to support," says Grand Chief Edward John, First Nations Summit, "Actions are more important than words. We will be carefully looking for concrete evidence that the government's endorsement of the *Declaration* reflects a genuine willingness to uphold its provisions."

International human rights standards are vital tools in the promotion of rights that states have failed to uphold. They are intended to help guide the reform of laws and policies. It would be inherently contradictory to support an international human rights instrument only to the extent that it is consistent with current national laws and policies. International standards are crucial in ensuring respect and protection of all Indigenous rights, including those in treaties.

"The purpose of instruments like the *Declaration* is to encourage governments to change policies and laws that are discriminatory or that fail to uphold and fulfill the human rights protections guaranteed to all," said Alex Neve, Secretary General of Amnesty International Canada. "Canadian laws and policies are not above reproach. We strongly encourage the government of Canada to use the *Declaration* as a tool in reforming laws and policies that fall below international human rights standards."

“The *Declaration* is important because it recognizes that the social and economic challenges facing Indigenous peoples are not isolated problems but part of a long-standing and deeply entrenched pattern of racism and exclusion,” said Merrill Stewart, Clerk of Canadian Friends Service Committee (Quakers). “Honouring the *Declaration* requires a commitment on the part of government and civil society to forge a new relationship with Indigenous peoples based on partnership, equality and justice.”

For the past four years, the Canadian government has not fulfilled its constitutional duty to consult Indigenous peoples and accommodate their concerns in respect to the positions taken on the *Declaration*. As affirmed by the Supreme Court of Canada, the government is not above the law. Following Canada’s endorsement, it is our hope that the government will respect the rule of law and uphold the honour of the Crown.

“The *UN Declaration* is a vital tool for understanding and living up to the government’s existing legal obligations toward Indigenous peoples,” said Ellen Gabriel, President of Quebec Native Women. “Having given its support to the *Declaration*, it’s vital that the government genuinely work with Indigenous peoples to ensure that the *Declaration* is fully implemented.”

Amnesty International Canada

Amnistie internationale Canada francophone

Atlantic Policy Congress of First Nations Chiefs Secretariat

Canadian Arab Federation

Canadian Council on Social Development

Canadian Friends Service Committee (Quakers)

Chiefs of Ontario

First Nations Child and Family Caring Society of Canada

First Nations Confederacy of Cultural Education Centers

First Nations Summit

First Peoples Human Rights Coalition

Front d’action populaire en réaménagement urbain (FRAPRU), Québec

Grand Council of the Crees (Eeyou Istchee)

Indigenous World Association

Innu Council of Nitassinan

Innu Takuaihan Uashat Mak Mani-Utenam

Institut Culturel Tshakapesh

International Organization of Indigenous Resource Development (IOIRD)

Kanien'kehá:ka Onkwawén:na Raotitiohkwa Language and Cultural Center

KAIROS: Canadian Ecumenical Justice Initiatives

Louis Bull Cree Nation

National Association of Friendship Centres

Public Service Alliance of Canada

Quebec Native Women / Femmes autochtones du Québec

RightOnCanada.ca

Samson Cree Nation

Treaty 4 Chiefs

Treaty 6 Medicine Chest Task Force

Union of British Columbia Indian Chiefs