

October 5, 2010

Dear Minister Lawrence Cannon,

Thank you for your response to our joint letter of June 2010.

While our organizations appreciate your assurance that Canada will fulfil its promise to endorse the *UN Declaration on the Rights of Indigenous Peoples*, we feel strongly that such endorsement will only be meaningful if it reflects a genuine commitment to standards and principles set out in the *Declaration* and other international human rights instruments.

We are concerned that 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 that the government has taken on the *Declaration*. Canada's actions on the *UN Declaration* are a matter of utmost concern to Indigenous peoples. We respectfully request that, prior to announcing its endorsement, the government hold consultations with Indigenous peoples so that there can be a genuine dialogue on the measures needed to implement this standard in the spirit of partnership and co-operation called for by the *Declaration*.

We would like to bring to your attention recent actions in international fora that are inconsistent with these standards and principles and lead to the appearance that the commitment to endorse the *Declaration* is not in good faith.

This September at the UN Human Rights Council, Canadian officials played an obstructive role in the negotiation of two procedural resolutions to renew the mandate of UN bodies and mechanisms. Canadian officials took the position that the collective rights of Indigenous peoples affirmed in international human rights instruments such as the *Declaration* are not human rights. This position is contrary to both national and international jurisprudence and accepted practice.

Further, Canadian officials argued against the use of the term "Indigenous Peoples" with an "s", which is the conventional means in international and domestic law to refer to the status and collective identities of Indigenous nations and societies. The Canadian Constitution affirms the rights of Aboriginal Peoples with an "s". Inexplicably, and contrary to many years of Canadian practice, Canadian representatives at the Human Rights Council obstructed the proceedings by attempting to substitute the term "Indigenous people", without an "s", a term that is often interpreted as referring primarily to individual rights.

In recent meetings negotiating a protocol to the Convention on Biological Diversity, Canadian officials submitted text that could make the recognition of Indigenous rights to genetic resources and traditional knowledge subject to national legislation. The *Declaration* explicitly affirms Indigenous peoples' rights to genetic resources and traditional knowledge. In effect, Canada was trying to use the protocol process to undermine the *Declaration*. These actions are harmful to the human rights system as a whole by suggesting that Indigenous peoples' enjoyment of inherent human rights should be contingent on the will of States.

These actions are not consistent with a genuine commitment to endorse and implement the *UN Declaration on the Rights of Indigenous Peoples*. True reconciliation entails a clear commitment to change, and to taking positive and collaborative action, including consistent actions of Canadian officials. In its May 2010 report, the UN Permanent Forum on Indigenous Issues urged that Canada's "endorsement and implementation honour the spirit and intent of the Declaration, consistent with indigenous peoples' human rights". We expect no less, and look forward to your response.

cc Prime Minister Stephen Harper

Michael Ignatieff, Leader of the Official Opposition

Gilles Duceppe, Leader, Bloc Québécois

Jack Layton, Leader, New Democratic Party

John Duncan, Minister of Indian Affairs

Rob Nicholson, Minister of Justice

Todd Russell, Liberal critic

Jean Crowder, NDP critic

Marc Lemay, BQ critic

Sincerely,

Amnesty International Canada

Amnistie internationale Canada francophone

Assembly of First Nations of Québec and Labrador/Assemblée des Premières Nations du Québec et du Labrador

Canadian Arab Federation

Canadian Friends Service Committee (Quakers)

Chiefs of Ontario

Ermineskin Cree Nation

First Nations Child and Family Caring Society of Canada

First Nations Confederacy of Cultural Education Centers

First Nations Summit

First Peoples Human Rights Coalition

Grand Council of the Crees (Eeyou Istchee)

International Organization of Indigenous Resource Development

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

Louis Bull Cree Nation

Montana Cree Nation

National Council of Women of Canada

Native Women's Association of Canada

Quebec Native Women / Femmes autochtones du Québec

RightOnCanada

Samson Cree Nation

Union of BC Indian Chiefs