

The Right Honourable Stephen Harper
Prime Minister of Canada
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A9

June 18, 2010

Dear Prime Minister:

We, the undersigned Indigenous and civil society organizations, are writing to urge the Government of Canada to endorse the *UN Declaration on the Rights of Indigenous Peoples* in a positive manner without qualifications, consistent with international human rights law. Such an approach would respect the House of Commons' Motion on April 8, 2008, calling for full implementation of the *Declaration*.

The government announced in the Speech from the Throne that it will take steps to endorse the *Declaration* "in a manner that is fully consistent with Canada's Constitution and laws". Over 100 experts and scholars have concluded that the *Declaration* is fully consistent with the Canadian Constitution and Charter of Rights and Freedoms and it is a vital tool for their interpretation and implementation. Asserting that international human rights standards should be constrained by domestic law, contrary to the principles of international law, would detract from the value of the endorsement.

The *Declaration* includes provisions that explicitly state that any interpretation is to be balanced with other human rights protections and principles of justice and equality. Canadian officials, with Indigenous representatives, played a central role in drafting these provisions. There is no need to assert conditions or qualifications on support for the *Declaration*.

A central objective of any international human rights instrument is to encourage States to reform laws, policies and practices so that human rights are respected. International human rights standards cannot merely condone or sustain existing State practices. To limit UN declarations in this way would defeat the purpose of having international standards.

Canada has never before placed blanket qualifications on its support for international human rights instruments. To impose such limitation on the *UN Declaration on the Rights of Indigenous Peoples* would constitute a discriminatory double standard.

We respectfully remind the government that the *Declaration*, like all human rights declarations adopted by the General Assembly, is universally applicable to all States. For endorsement to be meaningful, it must be made in good faith with a commitment to work with Indigenous Peoples and civil society to ensure Canada lives up to the *Declaration's* standards.

Canadian courts are free to rely on the *UN Declaration* and other international instruments in interpreting Indigenous peoples' human rights. The government's endorsement of the *Declaration* is not necessary for it to be applicable in Canada.

In a recent brief to the Canadian Human Rights Tribunal, the Attorney General of Canada argued: "Canada's position on the Declaration has not changed. Consequently the Declaration should be given no weight as an interpretive source of law." This argument is not supportable or sustainable. If the federal government is not prepared to apply the *Declaration* as a source of interpretation of its obligations, any endorsement will be hollow and will achieve a negative response from inside and outside Canada.

Our organizations are also concerned that while the federal government has sought support for its endorsement strategy from provincial and territorial governments, no consultations with Indigenous Peoples have been carried out. Such actions unjustly treat Indigenous Peoples as adversaries and fail to uphold the honour of the Crown.

The *Declaration* is especially useful in interpreting Indigenous Peoples' Treaties with States. It serves to fill in any gaps from a human rights perspective. Such Treaties, including land claims agreements, embrace a diverse range of human rights.

In its preamble, the *Declaration* is described as "a standard of achievement to be pursued in a spirit of partnership and mutual respect". A clear and unequivocal statement of support for the *UN Declaration* is a necessary first step toward such a partnership.

cc Michael Ignatieff
 Gilles Duceppe
 Jack Layton
 Chuck Strahl
 Lawrence Cannon
 Rob Nicholson
 Todd Russell
 Jean Crowder
 Marc Lemay

Respectfully,

Action Canada for Population and Development (ACPD)

Amnesty International Canada

Amnistie internationale Canada francophone

**Asia Pacific Working Group (APWG), Canadian Council for International
 Co-operation (CCIC)**

Assembly of First Nations of Québec and Labrador / Assemblée des

Premières Nations du Québec et du Labrador
Canadian Arab Federation
Canadian Council of Muslim Women
Canadian Council on Social Development
Canadian Federation of University Women
Canadian Friends Service Committee (Quakers)
Chiefs of Ontario
Confédération des syndicats nationaux - CSN
David Suzuki Foundation
Fédération des femmes du Québec
Fédération des travailleurs et travailleuses du Québec (FTQ)
Federation of Saskatchewan Indian Nations
First Nations Child and Family Caring Society of Canada
First Nations Summit
First Peoples Human Rights Coalition
Front d'action populaire en réaménagement urbain - FRAPRU
Grand Council of the Crees (Eeyou Istchee)
Independent Jewish Voices
Indigenous World Association
Innu Council of Nitassinan
International Organization of Indigenous Resource Development
Inuit Circumpolar Council (Canada)
KAIROS: Canadian Ecumenical Justice Initiatives
Ligue des droits et libertés
National Association of Friendship Centres
National Council of Women of Canada
Native Women's Association of Canada
Oxfam Canada
Peace Brigades International-Canada
Public Service Alliance of Canada (PSAC)
Quebec Native Women / Femmes autochtones du Québec

Regroupement des centres d'amitié autochtones du Québec

RightOnCanada

The First Nations Confederacy of Cultural Education Centers (FNCCEC)

Union of BC Indian Chiefs