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Press Release

Legal scholars and experts urge Canadian government to abandon “erroneous” and “misleading” opposition to *UN Declaration on the Rights of Indigenous Peoples*

In an Open Letter released today, more than 100 legal scholars and experts assert that there is no sound legal barrier to prevent Canada from moving ahead with implementation of the United Nations *Declaration on the Rights of Indigenous Peoples*.

The current minority Conservative government has strongly opposed the Declaration, claiming that it is incompatible with Canada’s Constitution and the Canadian Charter of Rights and Freedoms. Cabinet ministers and government spokespersons have asserted that the Declaration fails to balance the rights of Indigenous with those of non-Indigenous peoples and other state obligations.

The Open Letter signed by 101 lawyers and academics from across Canada, states “No credible legal rationale has been provided to substantiate these extraordinary and erroneous claims.”

In fact, the Open Letter points out that the UN Declaration includes 17 articles affirming individual rights as well as “some of the most comprehensive balancing provisions that exist in any international human rights instrument.”

“The Declaration provides a principled framework that promotes a vision of justice and reconciliation,” the expert letter states. “In our considered opinion, it is consistent with the Canadian Constitution and Charter and is profoundly important for fulfilling their promise. Government claims to the contrary do a grave disservice to the cause of human rights and to the promotion of harmonious and cooperative relations.”

The legal scholars and experts go on to state, “We are concerned that the misleading claims made by the Canadian government continue to be used to justify opposition, as well as impede international cooperation and implementation of this human rights instrument. “

The Declaration was adopted on September 13, 2007 by a vote of the overwhelming majority of UN member states. Canada was one of only four states to vote against the Declaration. The government of Stephen Harper has since claimed that Canada should be exempted from its implementation and not judged by its standards.

On April 8, 2008 the House of Commons adopted a motion endorsing the Declaration and calling on Parliament and the Government of Canada to “fully implement the standards contained therein.”

Coinciding with the release of the Open Letter, a coalition of Indigenous peoples’ organizations and human rights groups in Canada stated, “The UN Declaration is an essential, universal human rights standard that is urgently needed to inspire and guide states and public institutions to address the marginalization and discrimination faced by Indigenous peoples around the world. We hope that with the release of this carefully considered and reasoned interpretation backed by so many Canadian legal scholars and experts, it will be apparent to everyone that the Government of Canada has no excuse to continue to flout world opinion and the will of Parliament by opposing this Declaration.”

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