

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 Feminist Alliance for International Action (FAFIA)

Canadian Arab Federation

Canadian Council on Social Development

Canadian Friends Service Committee (Quakers)

Chiefs of Ontario

Council of Canadians

Dene Nation

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
 Front d'action populaire en réaménagement urbain (FRAPRU), Québec
 Grand Council of the Crees (Eeyou Istchee)
 Indigenous Environmental Network-CITSC
 Indigenous World Association
 Innu Council of Nitassinan
 Innu Takuaitkan 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
 Montana 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

This Statement has also been released in French by Coalition pour les droits des peuples autochtones du Québec:

Amnistie internationale Canada francophone
 Assemblée des Premières Nations du Québec et du Labrador
 Chantier de l'économie sociale

Confédération des syndicats nationaux

Conseil central Montréal Métropolitain - CSN

Femmes Autochtones du Québec

Fédération des femmes du Québec

Front d'action populaire pour le Réaménagement urbain (FRAPRU)

La Ligue des droits et libertés du Québec

Regroupement des centres d'Amitié autochtones