International Organization of Indigenous Resource Development

Commission on Human Rights
Sub-Commission on the Promotion and Protection of Human Rights

Item 6e) Other Matters: The UN. Declaration on the Rights of Indigenous Peoples
(Update)

As delegations know, the new Herman Rights Council in its recent decision [June 29/06] to adopt the U.N. Declaration on the Rights of Indigenous Peoples, set a new path for the serious consideration of Indigenous issues by the international community. As minimum norms and standards, the U.N. Declaration sets an international framework for the development of positive relationships and strengthened partnerships. It states, for example, that "Indigenous Peoples have the right to the recognition, observance and enforcement of Treaties..., and to have States honour and respect such Treaties..." The Constitution of Canada also "recognizes and affirms" these Treaties. It was therefore, a very great disappointment for us when Canada called for a vote, then voted against adoption of the U.N. Declaration especially when our delegation, in good faith, cochaired the session in drafting the provisions of the U.N. Declaration on Treaties.

Since then, we have received written communication as to the reasons for Canada's position. We would, with your permission, like to table a seventeen page document to Canada in hope that it will help to clarify and deal with Canada's concerns. This has also been forwarded to the Minister of Indian Affairs on July 27, 2005, by the National Chief and we present it to the Members of this WGIP for information and to support our call under agenda item, 4(b) for a recommendation to the U-N. General Assembly 61st Session to adopt The U.N. Declaration, without any amendments. As previously stated, Indigenous Peoples’ representatives do not have a voice at the Third Committee nor at the General Assembly.

We would through you, Mr. Chairman and the 2e Session of the W-G.I.P., call on Canada to hold a high level meeting with Indigenous Leaders and re-consider its position so as to support the adoption of the U.N. Declaration of the upcoming 61st Session of the General Assembly and bed to implement the UN Declaration in a way that improves domestic relations. Thank you for your consideration on this important matter.

Mr. Wilton Littlechild, I.P.C. August 4, 2W6
[Attachment]
Annex

Draft U.N. *Declaration on the Rights of Indigenous Peoples*

Questions Posed in relation to the Government of Canada Positions

The government of Canada is opposed to the adoption of the draft U.N. *Declaration on the Rights of Indigenous Peoples* by the United Nations. To date, the Assembly of First Nations and other Indigenous organizations in Canada have not received explanations from the government that would substantiate its opposing positions. In order to initiate a constructive dialogue, we are submitting a list of questions based on the government's positions.

The following questions we pose illustrate the far-reaching difficulties and contradictions that arise should Canada maintain its current positions. For the most part, these are basic questions in international and, in some instances, Canadian law. They also reflect the many discussions States and Indigenous peoples have undertaken over a period of more than 20 years in relation to the draft *UN. Declaration*.

<table>
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<th>Canada's positions</th>
<th>Questions for the Government of Canada</th>
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1. No practical guidance, open to different interpretations. "Current draft does not ... help in providing practical guidance to states, indigenous peoples and multilateral organizations." (PM Canadian, letter to AFN, June 26, 2006) "... draft declaration ... would not provide practical guidance to countries and indigenous peoples. In fact, much of the text is vague and ambiguous, leaving it open to different, and possibly competing, interpretations." (Minister Prentice, Letter to Toronto Star, June 27, 2006)

On what basis does the government of Canada conclude that the current draft "does not ... help in providing practical guidance to states, indigenous peoples and multilateral organizations"? On what basis does Canada conclude that this is the prevailing view of states? Of Indigenous peoples? Of multilateral organizations? Is it not clear that Indigenous peoples in Canada and elsewhere in the world do not share Canada's views on the Declaration? Under Canadian and international law, are human rights instruments not inherently broad and universal in their application? Otherwise, how could they effectively apply to the diverse situations that may arise both now and in the future? Is it not the confirmed approach of the Supreme Court of Canada that, in interpreting Indigenous peoples' rights, a contextual approach should be adopted based on the particular facts and law in any given situation? Does that not occur at a subsequent stage when a particular dispute arises?
In international standard-setting processes, is "constructive ambiguity" not beneficially used to enable a wide range of perspectives in all regions of the world to be fairly accommodated? Is this not the approach that facilitated attaining greater consensus among Indigenous peoples and States? Did States, such as the United Kingdom, not expressly request such formulations in order to enable their agreement to a wide range of articles in the Declaration?

Is it not true that a number of States feel that the Declaration already contains a degree of detail that is often reserved for treaties? How can Canada reasonably justify that the Declaration should contain more detail to reflect its own domestic situation? What if all other States made a similar request?

Does the government of Canada appreciate that the purpose of the Declaration is to ensure uplifting human rights standards and not to reflect the existing domestic policies and laws of States? Is Canada aware that States cannot invoke their constitutions or other domestic laws in order to avoid including human rights norms in a U.N. Declaration consistent with their international obligations?
Does the Declaration not provide for a number of collaborative processes or mechanisms to address specific issues? Is it reasonable to expect the Declaration to specify how exactly the rights and each standard will be implemented within each State?

Is implementation of human rights not primarily addressed at the domestic level? Is this not the stated view of Canada’s Minister of Foreign Affairs?

"Human rights need to be implemented at the country level through enabling policy, legal and institutional framework, including an independent and effective judicial system." (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)
### 2. Individual and collective rights not balanced

"Canada's objective . . , was to achieve a Draft Declaration which affirms the rights of indigenous peoples around the world, but which also recognizes the rights of all citizens, both Aboriginal and non-Aboriginal, in a way that promotes harmony and reconciliation. The current draft does not meet Canada's objectives ..." (PM Canadian, letter to AFN, June 26, 2006)

Does international human rights law not already provide extensively for the promotion and protection of individual human rights? Does the Declaration not provide explicitly for the safeguarding of individual rights — both Indigenous and non-Indigenous? Are the following provisions in the Declaration not adequate additional safeguards?

<table>
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<tr>
<th>Article</th>
<th>Description</th>
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<tr>
<td>PP18 bis</td>
<td>Indigenous individuals are entitled without discrimination to all human rights recognized in international law</td>
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<tr>
<td>Art. 1</td>
<td>Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in international human rights law</td>
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<td>Art. 2</td>
<td>Indigenous individuals are free and equal to all other ... individuals and have the right to be free from any kind of discrimination, in the exercise of their rights</td>
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<td>Art. 39</td>
<td>Indigenous peoples have the right to ... effective remedies for all infringements of their individual and collective rights.</td>
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<tr>
<td>Art. 43</td>
<td>All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.</td>
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<tr>
<td>Art. 45, para. 2</td>
<td>In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected.</td>
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<td>3. Uncertain delays required to &quot;improve&quot; Declaration. &quot;...a two-year mandate would allow enough time for all parties, including indigenous peoples' representatives, to develop an improved Draft Declaration.&quot; (PM Canadian, letter to AFN, June 26, 2006) The Human Rights Council should &quot;authorize further consultations based on the Chairperson Rapporteur's text, reporting progress back to the next session of the Council [i.e. September 2006], with the aim of developing specific proposals&quot; (Canada, proposed amendment, June 26, 2006) &quot;...a. few more months could allow all parties to arrive at a text that is more satisfactory to the international community.&quot; (Indian Affairs Minister Prentice, letter to Toronto Star, June 27, 2006)</td>
<td>Hasn't the Canadian government repeatedly contradicted itself, in regard to the period of time needed to &quot;improve&quot; the Declaration? On June 26, did PM Canadian not claim 2 years would be required? On the same day, did the amendment proposed by Canada at the Human Rights Council not indicate that 3 months would be required just to report progress back to the Council on identifying State concerns and a future process to address them? Weren't both of these views contradicted on June 27, when Minister Prentice claimed that an improved Declaration could be arrived at in &quot;a few more months&quot;? Has the Canadian government assessed fully and fairly the huge risks in seeking to re-open negotiations? Has the government of Canada considered that Indigenous peoples globally and most States are not willing to risk re-opening negotiations on the Declaration? Has the Chair of the Working Group on the draft Declaration not also concluded that it would not be of benefit to re-open discussions? &quot;I do not see that it is possible, in the short or medium term, to reach consensus in the working group,...I have serious doubts as to the relevance of prolonging this exercise, We have reached a point of possible balance.&quot; (unofficial translation, Statement of Luis-Enrique Chavez to Human Rights Council, June 27, 2006)</td>
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<td>4. Need to achieve &quot;broadest possible agreement&quot;. This criterion was emphasized in Canada's proposed amendment at the Human Rights Council in June 2006, in seeking an &quot;improved&quot; Declaration.</td>
<td>Does the Canadian government appreciate that, under current circumstances, achieving the &quot;broadest possible agreement&quot; would in effect mean the lowering of existing standards in the latest text of the Declaration? And that such a result would serve to undermine the broad, but fragile, support for the Declaration that currently exists among Indigenous peoples?</td>
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"The members of the Council have committed themselves to uphold the highest standards of human rights [and] cooperate fully with the Council.; (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)

Is the government of Canada giving full consideration to the fact that an overwhelming majority of Indigenous peoples and a large number of States do not believe that consensus can be reached with United States, Australia and New Zealand? Is it helpful for Canada to align itself with these States, whose positions are often viewed as obstructionist, highly discriminatory or otherwise inconsistent with international law? Is such alignment compatible with Canada's obligations as a member of the Human Rights Council?
5. Revival of extinguished or ceded land and resource rights. "The text on lands and resources ... could be used to support claims to potentially revive rights that were lawfully extinguished or ceded by treaty, as agreed by affected aboriginal groups." (Indian Affairs Minister Prentice, letter to Globe and Mail, June 27, 2006)

6. Declaration could hinder Canadian land claims processes. "... provisions could also hinder our land claims processes in Canada, whereby Aboriginal land and resource rights are premised on balancing the rights of Aboriginal peoples with those of other Canadians, within the Canadian constitutional framework". (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006)

7. Free, prior and informed consent could be a veto. "... concept of free, prior and informed consent ... could be interpreted as giving a veto to indigenous peoples over many administrative matters, legislation, development proposals and national defence activities which concern the broader population and may affect indigenous peoples." (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006)

"We would support a text that builds on the guidance of Canada's Constitution, In Canadian and international law - is it not erroneous to suggest that an aspirational instrument, such as the Declaration, could be used to "revive rights ceded that were lawfully extinguished or ceded by treaty with Aboriginal consent? On what legal precedents does the Canadian government base such a view?

Are such extreme and absolutist interpretations not highly misleading and unhelpful in the present context? Are they not the hallmark of the U.S., Australia and New Zealand, who have been repeatedly criticized for resorting to this tactic?

Do all of the provisions in the Declaration subject to Art. 45? Does Art. 45 of the Declaration (see heading 9 below) not extensively provide for the balancing of the rights of all parties, including third parties and States, in any dispute that may arise? Does Art. 45 not expressly allow limitations on the rights in the Declaration "for the purpose of securing due recognition and respect for the rights and freedoms of others"?

As reflected in Art. 45, are not all provisions of the Declaration relative in nature, particularly since the rights of others must be taken into account? Does Art. 45 not apply as well to "free, prior and informed consent" (FDIC)? In light of the inherent balancing and flexibility provided in Art. 45, on what legal basis does Canada conclude that FPIC refers to an absolute veto?

Does Art. 45 not require that all provisions in the Declaration be interpreted in accordance with such fundamental principles as democracy, justice, respect for human rights and good governance? Are these not core principles and values in Canada and internationally?
Charter and Supreme Court: (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

no effective guidance “self--government provisions… [do] not provide effective guidance about how

Is FPIC not widely recognized as an essential principle in the Indigenous context? Is FPIC not one of the five objectives of the Second International Decade, agreed to by member States in the General Assembly?

"Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent". (U.N- General Assembly, Programme of Action for the Second International Decade of the World's Indigenous People, 2005)

In relation to Indigenous peoples, is FPIC not also increasingly used as a standard by the U.N. human rights treaty monitoring bodies, Special Rapporteurs, U.N. departments and Permanent Forum an Indigenous Issues, as well as by relevant bodies within the Inter-American human rights system?

Is FPIC not also consistent with "the highest standards in the promotion and protection of human rights", which Canada and all other State members of the Council are bound to uphold?

Is Canada concerned with Art. 20 of the Declaration?

"States shall consult and cooperate in good faith with the indigenous peoples concerned _.. in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that may affect thenX". (Art. 20)

Has Canada taken into account the formal explanation to the Human Rights Council by Luis-Enrique Chavez, Chair of the Council to suddenly insist that the Declaration must provide effective guidance as to
indigenous governments might work together with other levels of government, including laws of overriding national importance and matters of financing." (Human Rights Council, Statement by Ambassador Paul Meyer, *Canada, June 29, 2006*)

"We must build the capacity of First Nations through improved structures, systems and regulations. And of course, we must do this together.

...  

...  

*Each settlement clears a path to strengthened governance, to new economic and social opportunities.* Is it not appropriate to subsequently work out such political, jurisdictional and financial arrangements *cooperatively at the implementation stage in the context of each State? Is this not what Minister Prentice has basically indicated at the AFN Annual General Assembly on June 13, 2005? Settlements can bring harmony between First Nations communities and their neighbors

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I ask the Assembly today to work with this government to: ... establish the legislative and regulatory framework necessary to modernize programs, services, *governance* and negotiations in First Nations communities ...  

Our shared challenge is to move forward. Past the dependencies that once held back First Nations, and into a new spirit of *Partnership that* unites Aboriginal and non-Aboriginal Canadians alike, building a stronger Canada for all the peoples that share this great land." (Address by Minister-Prentice to AFN Annual General  

| indigenous governments might work together with other levels of government, including laws of overriding national importance and matters of financing." (Human Rights Council, Statement by Ambassador Paul Meyer, *Canada, June 29, 2006*) |
| "how indigenous governments might work together with other levels of government"? Is it reasonable to insist on such detailed arrangements in the *Declaration*, especially since Indigenous peoples live in over 70 countries globally with very diverse political and legal frameworks and perspectives? |
| "Each settlement clears a path to strengthened governance, to new economic and social opportunities. Is it not appropriate to subsequently work out such political, jurisdictional and financial arrangements *cooperatively at the implementation stage in the context of each State? Is this not what Minister Prentice has basically indicated at the AFN Annual General Assembly on June 13, 2005? Settlements can bring harmony between First Nations communities and their neighbors...  

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| Does PP15 bis not already generally provide (at the insistence and with the approval of Canada) that "recognition of the rights of indigenous peoples in this declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith"? |
| Does PP 19 not already generally provide (with Canada's approval) that the Declaration is proclaimed "as a standard of achievement to be pursued in a spirit of..." |
9. Declaration inconsistent with human rights, Constitution, etc. in Canada. "[The Declaration] is inconsistent with the Canadian Charter of Rights. It is inconsistent with our Constitution. It is inconsistent with the National Defence Act. It is inconsistent with our treaties and it is inconsistent with all of the policies under which we have negotiated land claims for 100 years." (Minister Prentice, House of Commons, June 21, 2006)

"We would support a text that builds on the guidance of Canada's Constitution, charter and Supreme Court." (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

"... my plan is to address the root cause of many problems we face: the archaic, tangled, and patronizing legislative framework that defines the vast majority of relations between government and Aboriginal peoples.

Does anyone in this room truly believe we can get where we want to go with the current version of the Indian Act and thousands of contribution agreements? I don't think so.

First Nations members on reserve are the only Canadians who lack a clear legal framework that sets out standards partnership and mutual respect"? Is this not the same spirit of partnership referred to by Minister Prentice is his Address to the AFN General Assembly on July 13, 2006?

Does Art. 45 not already generally provide (at the insistence and with the approval of Canada) for a balancing and harmonizing of the rights of all interested parties, including States and Indigenous

In claiming that the Declaration includes a wide range of "inconsistencies" with the Canadian Charter, Canada's Constitution, etc., is the Canadian government not reading certain provisions of the Declaration in isolation and erroneously interpreting them as including "absolute" rights? Is it not required that each provision be considered in the context of the whole Declaration and existing international law? Are human rights not generally "relative" in nature and not absolute?

In regard to the Declaration, how can Minister Prentice claim that it is "inconsistent with the Canadian Charter of Rights"? Also, when interpreting the guarantees in the Charter, does s. 25 of the Charter not prevent any derogation from the Aboriginal, treaty and other rights of Aboriginal peoples?

Further, doesn't Art. 45 of the Declaration require without exception that the "human rights ... of all shall be respected"? Does Art. 45 not add that all of the Declaration's provisions "shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, nondiscrimination, good governance and good faith"?

Does the Declaration not include balancing provisions that are not found in Canada's Constitution? For example, doesn't the Constitution Act 1982 explicitly include "Aboriginal and treaty rights" in Part II, without any explicit limitation clauses to balance these rights with those of others?
for such areas as education, water, housing, social services, and governance-. The current system erodes public trust and alienates First Nations.

I'm convinced we must have a modern framework ..." (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006, Emphasis added)

my plan involves completing comprehensive and specific claims, treaty land entitlements and additions to reserves. In this province, many claims agreements have yet to be signed. In other regions, disputes continue about old agreements.

I have said it before and I'll say it again. The backlog is not acceptable and we're working on it.

Cette immense accumulation, qui se poursuit, et qui a plus que double depuis mille neuf cent quatre-vingt-treize (1993), indique clairement que le système actuel ne peut pas suffire à la tâche." (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006, emphasis added)

Yet hasn't Canada's hi best court still stated that the rights of Aboriginal peoples in Canada are relative and not absolute?

How can the government claim that an aspirational human rights document, such as the Declaration, is "inconsistent with our Constitution"? Has the Supreme Court of Canada not repeatedly described the Constitution as a "living tree" that requires a progressive interpretation? Has the Court not ruled that Canada's Constitution "must, therefore, be capable of growth and development over time to meet new social, political and historical realities often unimagined by its framers"? (Hunter v. Southam (1984)) Is the protection of Aboriginal and treaty rights not an underlying constitutional principle and value that infuses the whole Constitution?

In relation to the National Defence Act, why has the Canadian government never clarified the precise nature of its concern? In any event, is it not true that the Declaration is an aspirational instrument that cannot simply render null any provision of any Act adopted by a legislature in Canada? If this is not - correct, can the government provide us with legal references to substantiate its position?

Is it appropriate far the government to claim that the Declaration 'Is inconsistent with all of the policies under which we have negotiated land claims for 100 years"? For 24 of those years (1927-1951), was it not a criminal offence in Canada for "Indians" to raise funds or retain a lawyer for the advancement and prosecution of land claims? In relation to the federal government's "claims" policies, has Minister Prentice himself not repeatedly declared that "the system is not sufficient for the task"?

Didn't Canada only devise its first "comprehensive claims" policy in 1973?
Has the AFN and other Aboriginal organizations in Canada not repeatedly criticized this and other "claims" policies?

In relation to Art. 26 of the Declaration, is it the government's concern that the right to lands, territories and resources is based on those that Indigenous peoples have "traditionally owned, occupied or otherwise used" (i.e. the past tense)?

Is it not true that current land claims policy in Canada also requires Aboriginal rights to be based on traditional occupation and use that is rooted well into the past?

"The traditional use and occupancy of the territory must have been sufficient to be an established fact at the time of assertion of sovereignty by European nations." (Indian and Northern Affairs Canada, Comprehensive Claims (Modern Treaties) in Canada, March 1996)

Similarly, does the Supreme Court of Canada not also require that Aboriginal rights be proved, based on traditional occupation and use that is rooted well into the past?

"In order to establish a claim to aboriginal title, the aboriginal group asserting the claim must establish that it occupied the lands in question at the time at which the Crown asserted sovereignty over the land subject to the title." (Delgamuukw v. The Queen (1997))

Is the government aware that the final Report of the Royal Commission on Aboriginal Peoples explicitly cited Art. 26 (Sub-Commission text version) and urged the government of Canada to safeguard Aboriginal lands and resources in accordance with such norms?

"We agree that both the draft declaration and convention 169 [Indigenous and Tribal Peoples Convention, 1989] are authoritative statements of norms concerning Indigenous peoples, and we urge the government of Canada to protect Aboriginal lands and resources in accordance with these norms." (vol. 2(2), pp. 567-568)
| Does the Canadian government also have problems with Art. 26 bis of the Declaration? |
| "States shall establish and implement, in conjunction with indigenous peoples concerned, fair, independent, impartial, open and transparent process ... to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources". (Art. 26 bis) |
| Given the tragic history of dispossession and the serious shortcomings of current federal land claims policy, why are such uplifting standards opposed by the Canadian government? Is the government not aware that a similar approach is recommended by the Royal Commission on Aboriginal Peoples? "... the rights of Aboriginal peoples to lands and resources should not be subject to the shifting sands of policy initiatives developed unilaterally by governments. The protection and enforcement of Aboriginal rights require independent, legislated processes that allow for extensive Aboriginal participation and nation-to-nation negotiations." (vol. 2(2), p. 570, emphasis added) |
| In regard to the entire Declaration, is it not misleading and wrong for Canada to |

| Canada. "For clarity, we also underline |
| 10. Declaration has no legal effect in Canada. “For clarity, we also underline |
| 12. Indigenous collective rights not consistently described as human rights. |
| ... Canada has worked for a Declaration that would promote and protect the |
| At the Human Rights Council, did the Canadian government repeatedly seek to |
human rights and fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world." (Human Rights Council, Statement by Ambassador Paul Meyer, Canada, June 29, 2006; see also Human Rights Council, Statement by Canada, June 19, 2006.)

Canada will continue to support the human rights and fundamental freedoms of all indigenous peoples. And we remain fully committed to working with other countries at the United Nations and elsewhere to recognize these rights. (Address by Minister Prentice to AFN Annual General Assembly, July 13, 2006)

describe solely individual rights - and not collective rights - as human rights? Is the government reviving past differences that were successfully bridged during the last session of the intercessional Working Group, with the full, direct and supportive participation of Canada?

Or will the government continue to refer to Indigenous peoples' rights as human rights, as it affirmed in Canada's "Commitments and Pledges" to the Human Rights Council?
"During its tenures [at the Commission on Human Rights], Canada played a leadership role in the establishment and implementation of norms and standards an key human rights issues, including the rights of indigenous peoples".

Will Canada uphold the commitment it made, along with all Heads of State and Government in the 2005 World Summit Outcome?
"We reaffirm our commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples at the local, national, regional and international levels, including through consultation and collaboration with them, and to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible."

Is the government prepared to uphold the broader characterization of human rights that has been put forward by Canada's Minister of Foreign Affairs at the Human Rights Council?
"Human rights are about how people live, about how they can make themselves heard, individually and collectively, about how they participate in governance, about what they believe and how they manifest this." (Human Rights Council, Statement by the Hon. Peter MacKay, June 19, 2006)

Does the government fully support as
Conclusions: Declaration is very radical. "["The Declaration] It's very sweeping. IVs very radical. We don't support it." (Minister Prentice, CTV Interview with Mike Duffy, June 20, 2006)

"... we must form new partnerships and strengthen existing partnerships through mutual respect and trust." (Address by Minister Prentice to AFN annual General Assembly, July 13, 2006)

Based on all of the above considerations, is it not a cruel deception for Canada to now conclude that the Declaration is "very radical"?

Does the government not recognize that such unwarranted statements about the Declaration severely undermine Indigenous peoples' trust in dealing with the government? That such statements also serve to undermine Indigenous peoples' will to "form new partnerships and strengthen existing partnerships", as proposed by Minister Prentice on July 13, 2006?

Is Canada prepared to support the overwhelming majority of Indigenous peoples and organizations in different regions of the world that are expressing support for the adoption of the latest text of the Declaration? Will the government recognize that the Declaration includes compromises in relation to both States and Indigenous peoples?

Is Canada willing to take into account that its strong views on the Declaration run counter to those expressed by prominent international jurists and experts? That at the inaugural session of the Human Rights Council, SecretaryGeneral Kofi Annan hailed the Declaration as a "vital document", whose approval by the Council would constitute a "tangible achievement"? That the Special Rapporteur Rodolfo Stavenhagen recommended adoption of the Declaration? That in addition to well the following additional declaration made by Minister MacKay on June 19 at the Human Rights Council?

"We need an agenda that can continue to make progress on long standing human rights priorities such as the rights of women and indigenous peoples".
numerous States, 37 non-Indigenous NGOs - including some of the world’s most reputable human rights organizations - also called for the adoption of the Declaration?