



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

August 21, 2007

Subject: Reaction to the non-Paper on Proposed Amendments to the UN Declaration on the Rights of Indigenous Peoples presented by the governments of Canada, Russia, Colombia and New-Zealand.

Open Letter to H.E. Sheikha Haya Rashed Al Khalifa
President of the Sixty-First Session of the United Nations General Assembly

Your Excellency,

On behalf of Quebec Native Women, we would like to formally denounce the proposed amendments to the UN Declaration on the Rights of Indigenous People made by the Government of Canada as well as the governments of Russia, Colombia and New-Zealand. We consider that these governments are shamefully seeking amendments that fall well below international standards of human rights law.

The Declaration does not create new rights. It elaborates upon existing international human rights standards as they apply to Indigenous people. Unfortunately, these governments have decided to ignore the fact that each provision of the Declaration cannot be read in isolation, but rather interpreted in the context of the instrument as a whole. To do otherwise would lead to extremist and absolute interpretations that could not be justified under the Declaration or international human rights law as a whole. Regretfully, Canada continues to interpret the Declaration in this fragmented and erroneous manner, further perpetuating the colonialist agenda and encouraging the erosion of the rights of Indigenous peoples.

In an address to the Human Rights Council on June 19th 2006, the Secretary-General, Mr. Ban Ki-moon stated:

"In short, lack of respect for human rights and human dignity is the fundamental reason why the peace of the world today is so precarious, and why prosperity is so unequally shared."

Quebec Native Women believes that the proposed amendments dilute considerably, and, in some cases is an outright denial of the rights outlined in the Declaration, thus consolidating the colonial governments hold on Indigenous people's lives.

For example, but not exclusively, the wording used, particularly the replacement of the word "shall" by the word "may", weakens considerably the rights these articles are meant to protect. We are also dismayed by the removal of the words "in order to obtain their

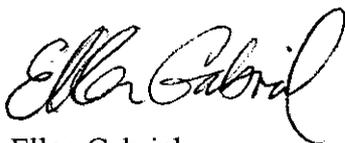
free, prior and informed consent" to the articles dealing with legislative, administrative and land use/development measures that may affect Indigenous people. This is in violation of Canada's own laws in which they are required to obtain free, prior and informed consent, as well as being obliged to conduct an environmental impact study before any development takes place.

The Government of Canada already has a legal obligation to consult Indigenous communities before implementing legislation that directly affect the inherent rights of Indigenous people. Deplorably Canada has a very bad record of accomplishment on this issue. In fact, recently Quebec Native Women denounced the Canadian Government's lack of proper consultation on issues concerning matrimonial real property rights on reserves, Bill C-44 and a specific land claims tribunal, all of which have direct implications on the lives of Native women in this country.

For these reasons we believe the proposed amendments greatly diminish and even undermine the purpose of the UN Declaration on the Rights of Indigenous People. The Declaration promotes equality and nondiscrimination for all and is essential for the survival, dignity, and well being of the Indigenous people of the world.

We strongly urge the UN General Assembly to adopt the Declaration on the Rights of Indigenous People in its current language as adopted by the UN Human Rights Council in 2006. As the chair of the inter-sessional Working Group on the Declaration, Mr. Luis-Enrique Chávez has concluded, along with many States, additional time will not lead to any broader agreement. Only in this way will the fundamental rights of Indigenous People everywhere be recognized and protected.

Respectfully,



Ellen Gabriel
President