

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Working Group on Indigenous Populations  
Twentieth session  
22-26 July 2002  
Item 5 - General statements



INNU COUNCIL OF NITASSINAN  
(a non-governmental organization affiliated to ECOSOC at the United Nations)  
Armand McKenzie

Monsieur le Président,

1. Permettez-moi de vous féliciter pour votre élection.
2. Le Conseil des Innus du Nitassinan désire sur le point relatif à l'examen des faits nouveaux récents concernant la promotion et la protection des droits de l'homme et des libertés fondamentales vous faire part de l'existence au Canada d'une loi fondée sur la séparation des races : il s'agit de la Loi sur les Indiens.
3. Le Canada par le biais de son Ministre des Affaires indiennes désire changer cette Loi sur les Indiens plutôt que de procéder à son abolition. Il s'agit du projet de loi sur la gouvernance des Premières Nations.
4. Canada's proposed approach on the Indian Act is rooted in colonialism, racial discrimination and intolerance, an approach that does not respect the Declaration and Programme of Action of the Durban Conference.
5. Canada is selling the Governance Act as a way to deal with the problems in the Indian Act.
6. Yes, there are a lot of problems, but we would like to remind Canada that the Indian Act is not our legislation. We were never consulted. We never gave our consent.
7. Once again we are being treated like wards of the State when instead we should be partners with our full right to self-determination recognized as it has been indicated to Canada in the concluding observations of the Human Right Committee in April 1999. (CCPR/C/79/Add.105)
8. Constitutional amendments are probably the best way to protect our rights as it has been suggested in Madame Erica-Irene Daes in her report on Indigenous Peoples's land rights. (E/CN.4/Sub.2/2002/25). But it is clear that there will be no constitutional process in the foreseeable future in Canada.

9. If legislation is the current option we want to make sure it is on our terms. We want to make sure we get it right.

10. Canada's proposed Governance Act does not get it right.

11. The Governance Act is not about our right to self-determination; to the contrary it is about the continuation of colonialism on our Peoples.

12. It does not further our vision of Nation building.

13. It is not about making a place for First Nations in Canada.

14. It is a fundamentally flawed process that can only produce fundamentally flawed results.

15. The Canadian Minister on Indian Affairs approach on the Governance Act will not stop one more suicide in our communities. It will not build one more house for a First Nation family. It will not build skills and capacities among our people and our youth. It will not provide the resources we need to manage our own affairs and live our own lives.

16. This so-called Governance process is completely out of step and out of touch.

17. The Minister defends his process by saying that the Indian Act is falling apart. It's being shredded by the Courts, and yes it is, because it is rooted in colonialism, in racial discrimination and intolerance.

18. His solution is to try and wallpaper over the rips and tears with up to a half-dozen pieces of new legislation. It doesn't make sense to run around pasting up wallpaper when your foundation is crumbling.

19. Mr. Chairman, the Indian Act was unilaterally designed by government then imposed on First Nations.

20. So is the proposed Governance Act. It is a unilaterally designed process that will be imposed on First Nations. This is the same process that resulted in the original Indian Act.

21. It is a form of racism to continue the same policy and expect different results.

22. We want change, but we do not want Canada dictating how we run our lives for another 125 years.

23. Mr Chairman, paragraph 19 of the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance recommends that States examine, in conformity with relevant international human rights instruments, norms and standards, their laws, legal systems and policies in order to identify and

eradicate racism, racial discrimination towards Indigenous Peoples.  
(<http://www.unhchr.ch/html/racism/Durban.htm>)

24. We urge Canada to act in conformity with relevant international instruments by getting rid of the Indian Act, and by working in partnership and cooperation with the Assembly of First Nations on a First Nations Plan and on a legislation that will implement the conclusions of the Royal Commission on Aboriginal Peoples and the Concluding observations of the Human Right Committee of April 1999.

25. Thank you Mr. Chairman.