CANADA VOTES 'NO' TO UN NATIVE RIGHTS DECLARATION

Posted on March 20, 2010 by Keghart

Category: Opinions

CBC News, 13 September 2007

> The international community has adopted the United Nations Declaration on the Rights of Indigenous Peoples, despite high-profile opposition from Canada and three other countries.

The non-binding declaration, which sets out global human rights standards for indigenous populations, was easily approved Thursday by the UN General Assembly in New York — with only Canada, New Zealand, the United States and Australia dissenting. Eleven countries abstained.

CBC News, 13 September 2007

> The international community has adopted the United Nations Declaration on the Rights of Indigenous Peoples, despite high-profile opposition from Canada and three other countries.

The non-binding declaration, which sets out global human rights standards for indigenous populations, was easily approved Thursday by the UN General Assembly in New York — with only Canada, New Zealand, the United States and Australia dissenting. Eleven countries abstained.

In his address to the General Assembly before the vote, Canada's UN ambassador, John McNee, said Canada had "significant concerns" over the declaration's wording on provisions addressing lands and resources, as well as another article calling on states to obtain prior informed consent with indigenous groups before enacting new laws or administrative measures.
Article 26 of the UN declaration states: "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

McNee said the provision is "overly broad, unclear and capable of a wide variety of interpretations" that could lead to the reopening of previously settled land claims and existing treaties.

Indian Affairs Minister Chuck Strahl said Canada opposed the declaration because it lacks clear guidance for implementation and conflicts with the existing Canadian Charter of Rights and Freedoms, which the government believes already protects the rights of aboriginals.

"I am sorry we can't sign on," Strahl told CBC News on Thursday from Ottawa. "It's not balanced, in our view, and inconsistent with the Charter."

Strahl said the government supports the spirit and intent of the declaration, but could not support the "last-minute" amendments it said were made at UN meetings without Canada's participation.

Prime Minister Stephen Harper had earlier expressed his concerns about the language the declaration contained.

"We shouldn't vote for things on the basis of political correctness; we should actually vote on the basis of what's in the document," Harper said.

Well-financed campaign

But human rights and aboriginal groups claim Harper's Conservatives launched a well-financed campaign to derail the declaration and undermine a process supported by the previous Liberal government, saying Ottawa is trying to keep control of the vast resources on land claimed by aboriginal communities.

The government's argument that the declaration goes against the Charter simply doesn't stand up, said Paul Joffe, part of the legal team that has been trying to convince countries to support the human rights of indigenous peoples.

"We find that totally because the declaration expressly states that in the exercise of the rights, every right has to respect the human rights of others," Joffe told CBC News on Thursday.

"There has never been a very clear explanation of Canada's position."

Assembly of First Nations National Chief Phil Fontaine said the government is betraying Canada's worldwide legacy as a protector of human rights by going against a declaration Canadians helped draft.

"In our view, it's a stain on Canada's reputation internationally," Fontaine told CBC News on Thursday in an interview from New York.

"In this case, Canada is blowing against the very consistent position it has taken in the last few decades. … When they decided to go against the thing that they had supported for so long, it was inexplicable."

Fontaine noted the declaration does not include any form of aboriginal veto and would not trump domestic law.

"It's an aspirational document, neither convention nor treaty," he said. "We're talking here about minimum standards that relate to our right to self-rule of our territories."

But Strahl said the government is moving ahead on "making an actual difference" in improving the daily lives of aboriginal Canadians, instead of offering "empty promises and rhetoric."

He cited Tory initiatives such as including First Nations peoples in the Human Rights Act, improving water quality on reserves and providing a compensation package for victims of residential schools.

Related Material: Support FNUC