



8 June 2007

Ref.: TG AMR 20/2007.01

Prime Minister Hon Stephen Harper  
Office of the Prime Minister  
80 Wellington Street  
Ottawa  
K1A 0A2  
Canada

Dear Prime Minister Harper:

I am writing to urge the Government of Canada to withdraw its opposition to the adoption by the UN General Assembly of the vitally important and long overdue UN Declaration on the Rights of Indigenous Peoples.

Canada has long enjoyed an international reputation as a leader in the promotion of human rights. Canada's influence was put to good effect in the final years of negotiation of the Declaration when Canadian representatives were able to bring states and Indigenous peoples together around a common vision of human rights protection.

Regrettably, Canada's reversal of its position has had a negative impact on the prospects for the adoption of the Declaration. Although the draft Declaration was adopted by the UN Human Rights Council on June 29 the UN General Assembly went on to call for further "consultation." Today, it is uncertain whether the Declaration will return to the General Assembly later this year for final adoption or will be consigned to an endless cycle of renegotiation.

I am concerned, Prime Minister, that a critical opportunity to advance the cause of international human rights is at risk of being lost.

According to Canadian government briefing documents, obtained through an Access to Information request, senior Canadian officials who reviewed the final text of the Declaration recommended that Canada support its immediate adoption. Furthermore, these documents state that at one point both the Department of Foreign Affairs and International Trade and the Department of Indian and Northern Affairs had indicated that they were in favour of its adoption.

I note as well that the Declaration has been publicly supported by all three opposition parties in the Canadian Parliament and that the Parliamentary Committee on Aboriginal Affairs has twice called on your government to support the adoption of the Declaration.

Given this, it is unclear why your government has persisted in opposing the Declaration.

Human rights declarations provide inspiration and guidance to governments, state institutions such as courts, and the public as a whole, but do not directly bind states to specific actions. Drafted to

apply to a great diversity of situations around the world, such declarations cannot be interpreted in isolation from other human rights instruments or apart from the context in which they will be applied. The articles in the Declaration on the Rights of Indigenous Peoples that the Canadian government has objected to, such as the articles on land rights, do not describe absolute or unconditional rights. In their application, these provisions will necessarily be interpreted in relation to all other existing rights and obligations – a fact that Canadian officials previously emphasized when they were working to build support for the Declaration.

Claims that the Declaration is incompatible with existing Canadian human rights protections distort the reality of how the Declaration can be reasonably interpreted. But more than that, the suggestion that this demand for basic recognition of Indigenous peoples' rights is excessive, a threat to public interest, or a potential source of conflict, risks playing on and promoting the very prejudice and discrimination the Declaration is intended to counter.

Around the world, Indigenous peoples are among the most impoverished, most marginalized, and most frequently victimized sectors of society. Their rights are routinely ignored in favour of wealthier, more powerful interests. This discrimination is cloaked by the racist denigration of Indigenous cultures and the paternalistic claim that non-Indigenous elites know what is best for Indigenous peoples.

The Declaration on the Rights of Indigenous Peoples presents an inspiring alternative vision of collaboration and reconciliation among Indigenous and non-Indigenous peoples working together to advance the rights of all. Implementation of this vision will not be easy. It will be an uphill struggle to undo centuries of prejudice and discrimination, around the world. But that, in fact, has been the goal of this whole long process since the drafting of the Declaration first began more than twenty years ago.

I hope that after further deliberation your government will feel able to support the Declaration as adopted by the UN Human Rights Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irene Khan', with a long horizontal flourish extending to the right.

Irene Khan  
Secretary General