

## **The Road to the UN *Declaration on the Rights of Indigenous Peoples***



### **Indigenous Peoples & International Fora**

- Relations between Europeans and Indigenous peoples in what became Canada followed nation-to-nation protocols for many years
- As Canada came into existence as a nation state, Indigenous peoples became a "domestic" concern
- Indigenous peoples continued to see international fora as an appeal mechanism when Canada fell short of desired behavior

## Indigenous Peoples & International Fora

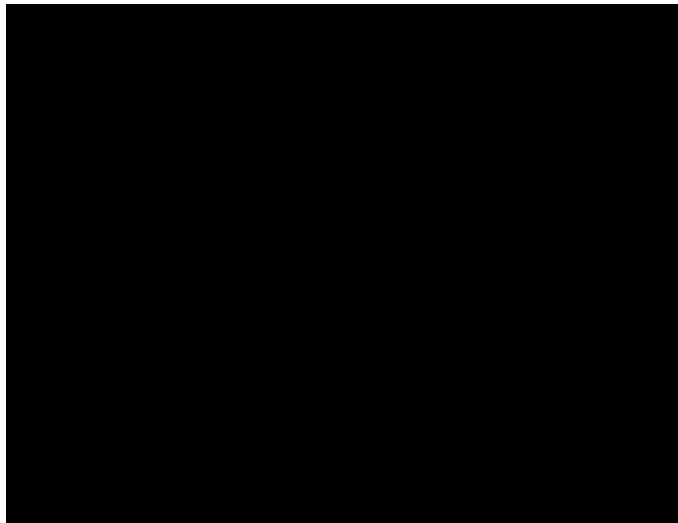
- First Nations in BC made many treks to England to assert land rights, pleas for justice
- Haudenosaunee in the 1920s sought membership in the League of Nations
- George Manuel (Secwepemec Chief and author of *Fourth World: An Indian Reality*) understood common elements of experience with Indigenous peoples in Sweden, Argentina, Peru, etc

## George Manuel (1921-1989)

- President of UBCIC and Native Indian Brotherhood
- Organized the Constitutional Express
- Co-founder and first President of the World Council of Indigenous Peoples; co-founder of the Center for World Indigenous Studies



## George Manuel: From the Heart



## WGIP formed in 1982

### UN General Assembly

- (Currently 185 Member States)

### Economic and Social Council (ECOSOC)

- 54 member Governments elected by the General Assembly for overlapping three-year terms.

### Human Rights Council

- Formerly Commission on Human Rights (Changed in 2006)
- (47 Member States)

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

- Formerly Sub-Commission on Prevention of Discrimination and Protection of Minorities (Changed in 1999)
- Membership = seven experts from African States, five from Asia, five from Latin America, three from Eastern Europe and six from Western Europe and other States.)

### Working Group on Indigenous Populations

- 5 Members – one from each geographic region;
- Met in Geneva each July for a week

## Sharon Venne



## The Working Group

- Five members all non-Indigenous, though always sought the advice, participation and consent of Indigenous representatives
- Two major “standard-setting” projects:
  - Draft *Declaration on the Rights of Indigenous Peoples* (Mme Erica Daes) – completed 1994
  - Study of “Treaties, Agreements, and Other Constructive Arrangements” (Miguel Alfonso Martinez) – completed 1999

## Madame Erica Daes



## The Contemporary UN

- Decade of World's Indigenous Peoples began in 1994
- Aspiration was to
  - Pass the *Declaration on the Rights of Indigenous Peoples* in the General Assembly by 2005. Whoops.
  - Create more structures that would bring Indigenous peoples into the UN structure

## The Road to the Declaration

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## The Road to the Declaration

- Took two weeks to go from Working Group to Sub-Commission
- Took another two weeks to go from Sub-Commission to Commission On Human Rights
- Stalled at Commission for 11 years
- Vote finally held in 2005. Declaration endorsed 30-2 (The two were Russia and ...?)
- Goes directly to General Assembly

## **The Declaration Goes to NY - 2006**



## **The Declaration Goes to NY - 2006**

- African states are concerned about the definition of “Indigenous” and its implications in the African context
- Canada is among those arguing that the Declaration requires “more study” and recommends that it go to committee for at least a year
- The vote is put off for a year

## **UN Declaration on the Rights of Indigenous Peoples**

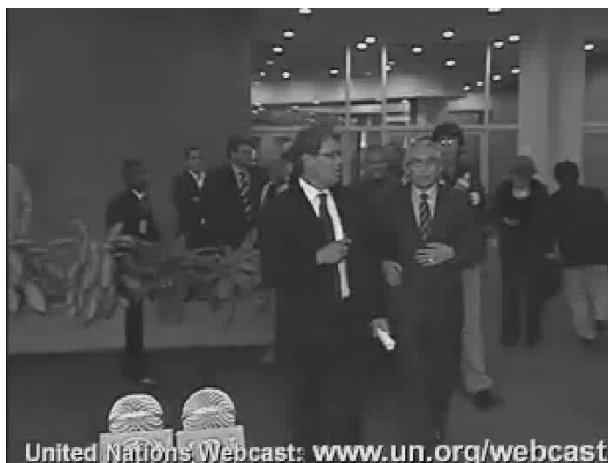
- Took 13 years to make it to the General Assembly, but finally did so in September 2007



## **Canada & the Declaration**

- Canada one of four nations to vote against (others are USA, NZ, Oz)
- Ostensibly because it violates the Canadian constitution
  - No balance with other interests
  - Undermines fabric of Canada
  - Worried about land rights, “veto”
- Canada says Declaration will not apply

## Canadian Indigenous Leaders



Canada's Louise Arbour, UN high commissioner for human rights

VAN SUN TUES 23 OCT 07 P4A

### Canada 'moving away' from its commitment to human rights

UN human rights commissioner slams vote against indigenous people's rights declaration

BY DAVID LJUNGGREN

OTTAWA — Canada's commitment to human rights is slipping and the country must work hard to regain the position it once held as an international honest broker, a top United Nations official said Monday.

UN High Commissioner for Human Rights Louise Arbour, who is Canadian, said she was particularly unhappy that Canada had voted against a non-binding UN declaration of rights for indigenous peoples last month.

Her comments were aimed at the Conservative government, which has shown less interest in multilateral diplomacy than its Liberal predecessor.

Arbour said Canada had historically been perceived as an unbiased nation whose judgment was widely sought and which did not serve narrow interests.

"I am very worried that this very romantic view that we have of ourselves is not being sufficiently nourished and preserved to allow us to continue to occupy a place much larger than the one that our single voice among 192

member states of the United Nations would otherwise allow for," she said.

"I hope that we... will collectively work very hard to reclaim that privileged space," she told an Ottawa conference on human rights.

Critics complain that the Conservatives are too close to Washington, where U.S. President George W. Bush's record on human rights is regularly attacked.

Federal Justice Minister Rob Nicholson, who was in the audience, declined to comment when asked by reporters for his reaction.

Foreign Minister Maxime Bernier would not be available for comment, a spokesman said.

Arbour is a former judge with the Supreme Court of Canada who was appointed to that job by the Liberals.

She is also a former UN war crimes prosecutor. She took up her current position with the United Nations in 2004.

She said she had to "register my profound disappointment that Canada did not see fit

to support the declaration" on indigenous rights. Ottawa said the document clashed with Canadian laws.

NDP Leader Jack Layton said "people are wondering what happened to Canada" as its international reputation slipped.

"We seem to be a pale echo of what comes out of the White House... our government has drifted away from some core values that Canadians share," he told reporters.

Arbour later told reporters she was surprised by the Canadian vote on indigenous rights and questioned whether Ottawa was still able to portray itself as an honest broker.

"I think there is a sense that Canada is moving away from its total commitment to multilateralism and is now I think advancing other forms of either national or regional alignment," she said.

"Canadians still have an image of themselves that is now pretty dated, that is not reflective of the contemporary position and role Canada can and should play in my view internationally."

Reuters

## A New Day?

