

UNITED NATIONS HUMAN RIGHTS COUNCIL

Fourth session

March 12 – 30, 2007

**Oral Intervention submitted by the International Indian Treaty Council,
International Organization of Indigenous Resource Development, Indigenous World
Association, the Union of British Columbia Indian Chiefs and the Native Women's
Association of Canada**

Agenda Item: Follow-up of the Human Rights Council Decisions

Thank you Mr. Chairman

We again express our gratitude to the Human Rights Council, its Chair Ambassador Luis Alfonso de Alba and supportive States from all regions of the world for adopting the *U.N. Declaration on the Rights of Indigenous Peoples* last June. We recall the Statement to the Council by the Ambassador of Algeria on June 27, 2006, when he declared on behalf of the African Group of States that it “expresses its concurrence with this Declaration and therefore gives it its full support”.

We also recognize and thank the President of Mali Mr. Amadsu Toumani Touré for his very significant recent expression of support for the adoption of the Declaration by the General Assembly.

However we are concerned by the actions of some States to politicize Indigenous peoples' human rights, stall adoption of the *U.N. Declaration* by the General Assembly and thereby undermine the essential work and achievements of the Human Rights Council. In this regard we mention Canada, a Council member state that has failed to respect the rule of law in Canada and internationally by repeatedly refusing to fulfill its constitutional and Treaty obligations to consult Indigenous peoples in Canada and accommodate their concerns.

While calling for “open and transparent” consultations, Canada has continued to engage in strategies of misinformation in Canada and in lobbying other States against the *Declaration*.

We encourage Canada and all states to take to heart the recent concluding observations of the UN Committee on the Elimination of Racial Discrimination addressing Canada, which stated that “the Committee regrets the change in the position of the State party in the Human Rights Council and the General Assembly. The Committee further affirmed that it “recommends to the State party that it support the immediate adoption of the United Nations Declaration on the Rights of Indigenous Peoples.” [CERD/C/CAN/CO/18 para 27.]

We recognize that the General Assembly's resolution 61/178 from December 20, 2006 calls for more time for further "consultations". As emphasized by the Global Indigenous Peoples Caucus in its December 30 2006 letter to the President of the General Assembly, these "consultations" should focus on dialogue and discussion in order to clarify the contents of the Declaration for those states which may not have actively participated in these discussions to date. They should not be converted into a working group or other divisive process that opens up the *Declaration* to changes.

We also emphasize that these informal consultations need to be fully consistent with the promotion and protection of Indigenous peoples' human rights, be based on the principles of cooperation and genuine dialogue that include full and effective participation of *Indigenous representatives*, and do not depart from well established principles and norms of international human rights.

We call upon this Council and its member states to join us in reaffirming these fundamental principles.

Throughout the world, Indigenous peoples are suffering human rights violations of the greatest urgency. We look forward to working closely with the Council and its member states from all regions to develop criteria and methodology for effective implementation of the *Declaration* as a framework for the advancement of Indigenous Peoples' human rights within States and at a global level as the soonest opportunity.

We thank you for your significant contribution to this effort.

For all our relations.