



October 30, 2009

Prime Minister Stephen Harper,

On September 13, 2007, the United Nations General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples by an overwhelming vote of 144-4. The UN Secretary-General, other prominent international leaders, and human rights experts hailed this historic event as a victory for the human rights of the world's most disadvantaged and victimized peoples.

There are over 370 million Indigenous people worldwide. Indigenous peoples urgently require international affirmation and protection of their human rights. Their rights are routinely trampled by national governments, even when these rights are entrenched in law.

Canada was one of only four states that opposed the Declaration. Government ministers characterize the Declaration as incompatible with Canada's Constitution and the Canadian Charter of Rights and Freedoms. They state that the Declaration affirms only the collective rights of Indigenous peoples and fails to balance individual and collective rights or the rights of Indigenous and non-Indigenous peoples. No credible legal rationale has been provided to substantiate these extraordinary and erroneous claims. Recently, Australia has reversed the decision with Indigenous Affairs Minister Ms Macklin saying that supporting the declaration is an important step towards closing the gap between Indigenous and non-Indigenous Australians. "In supporting the Declaration, Australia will join with many other countries to show our respect for Indigenous people"

The Declaration contains some of the most comprehensive balancing provisions that exist in any international human rights instrument. Article 46 of the UN Declaration states that every provision must be interpreted "in accordance with the principles of justice, democracy, and respect for human rights, equality, non-discrimination, good governance and good faith". These are the core principles and values of not only Canada's Constitution, but also the international system that Canada has championed.

Further, seventeen provisions in the Declaration address individual rights. The UN Declaration also states that the rights of Indigenous peoples may be limited when strictly necessary "for the purpose of securing due recognition and respect for the rights and freedoms of others". This approach allows for both flexibility and balance.

As a member of the UN Human Rights Council, Canada has a duty to “uphold the highest standards” of human rights for all. This mandate is guided by principles of impartiality, objectivity and non-selectivity. Elimination of politicization of human rights is a vital objective. For Canada to act otherwise is prejudicial to Indigenous peoples’ human rights. It undermines Canada’s credibility and international role.

September 13, 2007 was a shameful day for Canada but a tremendous achievement for the world’s Indigenous peoples and the international system. Currently, only Canada, the United States, and New Zealand have not endorsed the declaration however, the United States is currently reviewing its position on this important statement. On April 8, 2008, the Canadian Parliament voted to endorse the Declaration and called for its implementation. We the undersigned express our hope that the government will respect the democratic will of Parliament and the United Nations and work with Indigenous peoples to ensure the full implementation of the Declaration.

On behalf of the SOGC,



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