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INUIT TAPIRIIT KANATAMI



Native Women's
Association of Canada



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

July 20, 2009

Kathleen Janet Lackey, High Commissioner
New Zealand High Commission
99 Bank Street, Suite 727
Ottawa, Ontario K1P 6G3

Dear High Commissioner,

Our organizations welcome indications that the Government of New Zealand is reviewing its position on the *United Nations Declaration on the Rights of Indigenous Peoples*. It is our deep desire that New Zealand can join the recent positive change in position of Australia. In addition, your Government can show leadership to Canada in the decision to support the *Declaration*.

The *UN Declaration* is a crucial instrument to advance the human rights of Indigenous peoples and individuals, who are among the world's most marginalized and victimized. Its provisions provide a principled framework and much needed guidance to governments, state institutions and society as a whole on how existing human rights laws and obligations can be best understood and applied to the distinct circumstances and the urgent needs of 370 million Indigenous people around the world.

Since the adoption of the *Declaration* by the UN General Assembly on 13 September 2007, many governments and national human rights bodies around the world have engaged with Indigenous peoples to find ways to bring this vision to life. A number of countries have already initiated legislative reforms to implement the *Declaration*. International agencies are incorporating the standards enunciated in the *Declaration* in their frameworks for engaging with Indigenous peoples.

Unfortunately, exaggerated claims about the *Declaration* continue to be made in some quarters. Such claims rely on extreme interpretations of individual provisions in isolation from the necessary context of the *Declaration* as a whole and without regard for the body of international human rights law to which it belongs. In the close to two years since the adoption of the *Declaration*, none of the imagined negative consequences have materialized.

Like other human rights instruments of a similar nature, the *Declaration* can only complement, and not override, existing human rights protections. The necessity of a balanced interpretation and application of the *Declaration* is made explicit. Every provision must be “interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith”. The rights of all interested parties must always be fully and fairly considered.

We are attaching for your interest an Open Letter released May 2008 and signed by more than 100 experts in the fields of Indigenous rights and constitutional and international law. The Letter urges the government of Canada “to cease publicizing its misleading claims and, together with Indigenous peoples, actively implement this new human rights instrument.” As you may be aware, Canada’s House of Commons adopted a Motion in April 2008 calling on the Parliament and government of Canada to “fully implement” the standards in the *Declaration*. Yet the minority Government of Canada is ignoring the democratic will of Parliament. It has encouraged many states supportive of the *Declaration* to go on record stating concerns or conditions for its implementation. The Government of Canada has then used these same statements as evidence of a lack of genuine support for the *Declaration*.

It has come to our attention that the Government of New Zealand may indeed be considering support, however with qualifications. We strongly feel this action would serve to undermine the positive approach that is urgently needed. In order to build genuine cooperation and achieve trust and reconciliation with Indigenous peoples, the *Declaration* should be endorsed without exceptions. Ultimately, such pre-conditions would serve to weaken New Zealand’s commitment to human rights.

It is therefore particularly important that the Government of New Zealand send a clear and unequivocal message on the *Declaration* and New Zealand’s intention to enter into a meaningful and effective partnership with Indigenous peoples to ensure its implementation. We urge the Government of New Zealand to do so at the earliest possible opportunity.

Yours sincerely,

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