

Canada increasingly alone on native rights

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Last month, Australia's Prime Minister Kevin Rudd announced in parliament that Australia had reversed its position on the United Nations Declaration on the Rights of Indigenous Peoples (DRIP) and was ready to sign.

The DRIP, which was adopted in 2007 by the UN's General Assembly, resulted from two decades of discussion about the rights of the world's 370 million indigenous peoples.

The document says that indigenous peoples deserve specific rights above and beyond those articulated in other UN documents, rights that will support them in their attempts to recover culturally, economically and politically from colonization and alienation from land and resources.

The declaration was signed by 143 nations, but four former British colonies with sizeable indigenous populations voted against it. The group of dissenters, known as CANZUS, included Canada, Australia, New Zealand and the United States.

The four states have had a lot of issues with the text of the declaration. It is, they claim, neither transparent nor capable of implementation. It is contradictory and confusing. Its provisions relating to land open the possibility of indigenous claims that could override those of non-indigenous citizens. And clauses relating to self-determination could lead to indigenous claims for rights that threaten the stability of states.

At the very least, they argue, the document could be interpreted as extending legislative veto power to indigenous peoples, thus privileging them as a class of citizens.

According to the Canadian government, Canada's refusal to sign the declaration was a difficult decision but it

was "the right one," since the declaration does not actually address the interests of indigenous peoples, nor does it balance the rights of indigenous and non-indigenous peoples.

What kind of balance exists in Canada at this time? Forty per cent of aboriginals live in poverty while the national rate is less than half of that. Unemployment among aboriginals runs over 30 per cent at a time when the rate is peaking nationally at around eight per cent. There are just over 600 First Nations communities in Canada and more than 100 of them don't have potable water. Cases of diabetes are up to five times higher among aboriginal peoples than among Canadians generally, and the suicide rate is six times higher.

But according to the government, the declaration would privilege the rights of indigenous peoples over those of others and the government is committed to equality.

Would endorsing the DRIP really tip the political and economic balance in favour of aboriginal Canadians? Hardly. Article 19 seems to be the sticky one. It calls for consultation and co-operation with indigenous peoples when drafting laws that affect them. The Canadian government is convinced that this could give them veto power, an unfair advantage over other Canadians and generally authority to mess with the unity of the Canadian state.

Yet Article 46 clearly states that in the exercise of those rights specified in the declaration, the rights of all citizens (indigenous and non-indigenous) must be respected equally.

Moreover, the article is clear in terms of protecting the stability of the state: Nothing in the declaration, it says, can be interpreted as authorizing any action that could sabotage "the territorial integrity or political

unity of sovereign and independent states."

That's a significant escape hatch. And last month, Australia recognized it. In its about-turn, Rudd's government explained that without the DRIP, indigenous Australians would never enjoy equality with other Australians. They are simply too marginalized, discriminated against and impoverished — a state of affairs that is mirrored in Canada.

As a further potential strike against the CANZUS club, New Zealand's government immediately announced that it will consider whether Australia's re-interpretation of the declaration might be applicable to New Zealand.

And in early May, the new Obama administration announced that it is reconsidering its position too.

Before long, Canada could well find itself the only DRIP naysayer.

In matters aboriginal, we have often been aligned with Australia. Take, for example, Rudd's Feb. 13, 2008, apology to the "Stolen Generations" — 100,000 aboriginal children who were forcibly taken from their families between 1910 and 1970 and placed in church or state institutions where they were undereducated and subjected to physical, emotional, and sexual abuse. Four months later, Stephen Harper formally apologized to the survivors of Canada's Indian Residential Schools system.

Apologies and an avowed desire for reconciliation are Canadian and Australian values when it comes to aboriginal/non-aboriginal relations. Let's hope this affinity extends to the Declaration on the Rights of Indigenous Peoples.

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