

# Report on Department of Foreign Affairs and International Trade Consultations

*By Tuulia Law and Linda Cameron, members of the Quaker Aboriginal Affairs Committee (QAAC)*

**E**ARLIER THIS YEAR, the Department of Foreign Affairs and International Trade (DFAIT) held consultations with non-governmental organizations (NGOs). Tuulia Law and Linda Cameron accompanied Jennifer Preston Howe, programme associate for QAAC, to the hearings in Ottawa on February 3<sup>rd</sup>, where Jennifer was scheduled to make a presentation on behalf of QAAC. As one of its continuing monitoring and advocacy activities, QAAC has been attending these hearings since 1997.

At the hearings, Minister of Foreign Affairs, Bill Graham, and his staff members articulated Canada's position on international economic, social, and human rights issues.

In response to Bill Graham's opening speech, Tony Belcourt, of the Métis National Council, asked the government to keep focused on Indigenous Peoples' concerns in Canada, expressing concern that time is running out for First Nations peoples in Canada to reach settlements with the Government of Canada (GOC). He voiced concern about Canada's stand on self-determination of Indigenous Peoples. He raised the importance of the Draft United Nations (UN) Declaration on the Rights of Indigenous Peoples, and expressed hope that the GOC would meet with Canadian Indigenous experts for internal dialogue to help settle differences.

Terry Brown, of the Native Women's Association of Canada, reminded us that we were meeting on traditional Algonquin territory. Echoing Tony Belcourt, she urged the minister to address the concerns of Aboriginal people here at home, demanding, in particular, that action be taken to stem the violence against Aboriginal women (over five hundred of whom are missing).

We were told that Canada will again, as in previous years, take the lead on presenting several resolutions to the UN Commission on Human Rights. Upon

hearing that Canada will take the lead with the Resolution on the Elimination of Violence Against Women, Terry Brown pointed out that "It is a war on our people," when so many indigenous women are missing.

Because the first two speakers were Aboriginal representatives, Bill Graham admitted that he doesn't know very much about Aboriginal affairs and he said he would try to be more informed. We found his honesty unexpectedly refreshing; Jennifer has written a letter on behalf of QAAC encouraging him to follow through with his promise. She has also recently participated in a preliminary strategy meeting with members of the Assembly of First Nations and Rights and Democracy, an NGO.

In a way we felt like the consultations were being held so that the GOC could then go to the upcoming UN meeting saying, "Yes, we have consulted with Canadians," rather than to actually take into serious consideration many of the points raised by the people present at the consultations.

We found the most useful thing about the whole day was the networking and informal discussions at break times. Jennifer introduced us to some people, Aboriginals and non-Aboriginals, who are involved in human rights matters; we listened to Jennifer and others strategising prior to the Indigenous Issues session. QAAC's presentation to the GOC in this session focused on three main concerns: a request for clarity on Canada's stand on the right of Indigenous Peoples to self-determination; urging the continuation of the Working Group on Indigenous Populations; and advocating that those deliberating on the text of the Draft Declaration ensure that the declaration is acceptable and of value to Indigenous Peoples.

Indigenous issues are usually the last item on the agenda at the DFAIT consultations, so it was good to see that this year they were not as late in the

day as usual.

In 1996, in a statement to the Working Group to Elaborate the Draft Declaration, the Canadian delegate publicly supported Indigenous Peoples' right to self-determination. Subsequently, however, Canada suggested re-wording one part of the Draft Declaration, which rendered it unacceptable to members and supporters of the Indigenous Caucus. It is very important to QAAC that the Draft Declaration be acceptable to Indigenous Peoples. We in QAAC want to hear the GOC's position on self-determination.

Wayne Lord, director of the Aboriginal and Circumpolar Affairs unit of DFAIT, addressed the consultation on behalf of the GOC. When he said, "Canada is saying there's a right of Indigenous Peoples to self-determination," we sat up and inwardly cheered. While we appreciate Canada's recognition of the right to self-determination, we remain concerned about Canada's continuing efforts to impose limitations on that right when applied to Indigenous Peoples. Wayne Lord, one of eight government-nominated members, of sixteen of the UN Permanent Forum on Indigenous Issues, is someone with whom QAAC members have developed a relationship.

Despite our criticisms of the consultation process, it is by the different parties talking with one another — listening, questioning, and holding firmly to their convictions while being willing to negotiate, that NGOs can nudge the government of Canada in the right direction.

In meetings such as this, QAAC and other non-Indigenous NGOs can act as the conscience of civil society regarding Indigenous Peoples' rights.

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## Which UN bodies focus on Indigenous Issues?

**THE PERMANENT FORUM ON INDIGENOUS ISSUES** was established in 2000 and first met in 2002, created to gather and disseminate information (within the UN system) on indigenous issues, as well as to make recommendations on those issues to UN bodies. Its focus is on indigenous issues related to economic and social development, culture, the environment, education, health and human rights.

The mandate of the **WORKING GROUP ON INDIGENOUS PEOPLES (WGIP)**, established in 1982, reviews the situation of Indigenous Peoples (IPs) and develops standards concerning their human rights. IPs have access to human rights bodies only through the WGIP, by which they can inform the international community of rights violations, since the WGIP is dedicated to the protection and promotion of the rights of IPs.

A draft declaration on the rights of Indigenous Peoples, completed in 1995 by the WGIP, is now under review by a **WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS**. More than 100 indigenous organizations participate in the latter working group. When adopted, the declaration will likely be the most comprehensive statement of the rights of Indigenous Peoples ever developed, and be a measure of the commitment (albeit not legally binding) of the international community towards protecting Indigenous Peoples' rights.

**THE SPECIAL RAPPORTEUR (SR) FOR THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLES** reports and presents recommendations to the UN Commission on Human Rights on the situation of human rights and freedoms of Indigenous Peoples. Countries can invite the SR to observe the situation of Indigenous Peoples in their country. Indigenous leaders in Canada were pleased when SR, Rudolfo Stavenhagen, accepted their invitation to visit Canada in May 2003, and gathered information for his official visit to Canada next year. In First Nations communities, he witnessed the poverty and heard first-hand accounts of the discrimination, indignities and humiliation experienced by many Aboriginal people in Canada.

Canada played an important role in promoting these UN bodies, but has wavered in its support for some of them in recent years. ✨

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