

Indian Council of South America
International Organization of Indigenous Resource Development
Indigenous Peoples and Nations Coalition*
International Council For Human Rights*
International Human Rights Association of America Minorities

Universal Periodic Review
Wednesday 9 June 09
Item 6 Canada
Ambassador Ronald Barnes

We have received emails from the Indigenous in Canada complaining about the use of the term 'aboriginal' in the Universal Periodic Review. The term aboriginal title was coined by the 1823 Johnson v. McIntosh case (8 Wheaton 543) of the US Supreme Court which determined that the Indian Nations must give up their territory and sovereignty for the Christian religion and that we had to adhere to the superior genius of the European civilization. While the basis is not used explicitly in Canada it seems to have acquired the same meaning and intent in practice in addressing Indigenous Peoples and therefore should not be imposed upon Indigenous Peoples.

Our delegations congratulate Canada for creating the Indian Residential Schools Truth and Reconciliation Commission. Our organizations encourage you to address unresolved treaty issues with Indigenous Peoples to address the discrimination against Indigenous Peoples and to issue an apology to Indigenous Peoples in general and to start create a Truth and Reconciliation Commission for all the Indigenous Peoples in Canada.

Please adopt the Declaration on the Rights of Indigenous Peoples without any reduction of your existing obligations to Indigenous Peoples.

I would like to highlight paragraph 61 presented by Algeria, so that you do not single out, "certain persons and certain groups against stereotyping that associates them with terrorism and to envisage an amendment to the anti-terrorism law to improve a specific clause against discrimination". States need to be careful that they do not stereotype individuals or groups to conveniently identify them as terrorists, so that accusations of terrorism does not become a convenient end all façade to use force and arms against non-violent and peaceful resistance. Canada can become a good example with the current Akwesasne border situation in Canada which fortunately did not turn into a violent confrontation and remains peaceful. But the Indigenous Peoples right to self-determination and sovereignty to the territory predates the imposition of the border between the very young States – Canada and United States of America. Canada can act as a model in this UPR to implement and give full respect and dignity to the international treaties starting with the Akwesasne peoples. I thank you Mr. Chair.

*Accredited to the 2001 WCAR and the 2009 Durban Review Conference.