

## **Canada's so-called proposal to amend the Peruvian resolution on the Draft UN Declaration on the Rights of Indigenous Peoples is in reality a non-action motion**

Canada is requesting that the Council's approval of the Declaration is postponed until the September session. In arguing for the recess, Canada is claiming that if only given a little bit more time, Canada can fix a consensus on the Declaration. It might appear that Canada is not asking for much. However, Canada's position is – to borrow language from Canada's partners on this issue, Australia, New Zealand and the United States – “fundamentally flawed”, for the following reasons, among others:

- **Canada says one thing to the states from who they seek support and another thing at home.** Canada has suggested to States that the language changes it seeks are minor and that its proposed alternative would take little time to reach consensus on. A very different story is being portrayed back in Canada. The Canadian government has insisted that the *Declaration* is “profoundly imperfect” and must go “back to the drawing board”. The Canadian government has further stated that no Canadian administration has supported the Declaration, and probably never will.
- **Once Canada has gotten what it wants, it keeps on asking for more.** Major concessions were made by both state and indigenous delegates in the final Working Group on the Declaration. Canada too, raised some concerns and tabled a number of text proposals, almost all of which were catered for. Indeed, it is fair to say that Canada has had more influence on the text submitted for adoption by the Council than any other delegation. Thus, Canada led other delegations to believe that Canada was on board on the agreement when leaving Geneva in February. Yet Canada now comes to the Council and works harder against the Declaration than any other delegation. Those who attended the WCAR will recall that Canada used the same tactic before at the end voting against the Durban Declaration.
- **Canada's position will not lead to consensus but will unravel the consensus that exists.** Canada claims that more time will lead to a greater consensus. This position completely contradicts the view of almost all other participants in the standard-setting process, as well as of the Special Rapporteur of the Working Group, obviously the person best equipped to make this judgment. There is a broad agreement that the Working Group has come as far as its possible can, and that re-opening negotiations on the *Declaration* will only unravel the consensus already reached.
- **Canada aligning with U.S., Australia and New Zealand.** These states have repeatedly blocked consensus in the Working Group. It is the same block that voted against the Durban Declaration and repeatedly votes against any action on the right to development. The changes that Canada wants to see in the Declaration are not minor. They are similar to the proposals of Australia, New Zealand and the United States, which have prevented consensus in the Working Group. These positions are unacceptable to most other states and to almost all indigenous peoples. If taking Canada's concerns on board, the chances of reaching a consensus are thus non-existing. Canada is aware of this. If given until September, Canada will not use this time to find a consensus on the Declaration. Rather, it will use the time to try to unravel the broad agreement that it has taken more than 20 years to reach.

- **Request for delay is a non-action motion.** As stated above, Canada is not seeking any constructive arrangements. It only wants to delay the Council's decision on an important human rights matter. In the former Commission on Human Rights, Canada strongly criticized the use of "non-action" motions. Yet, at the first session of the Human Rights Council, Canada is now relying upon a similar strategy to advance its domestic interests in the context of the Declaration.