



ABORIGINAL TITLE ALLIANCE

CANADA'S LAND CLAIMS POLICIES UNDER FIRE AT UN HUMAN RIGHTS COMMITTEE HEARINGS IN GENEVA

(Geneva, Wednesday July 9) Canada's Comprehensive Land Claims policy was sharply criticized in Geneva this week by the UN Human Rights Committee that is reviewing Canada's human rights record.

The land claims policy was one of the main targets of the distinguished international jurist, Anja Seibert-Fohr (Germany). In the open session on July 8, she said she was very concerned that "disputes over Indigenous peoples' rights to benefit from and control lands are continuing." Part of the problem, she suggested was "the uncertainty of the scope of aboriginal titles and rights." She failed to understand why "constitutionally protected aboriginal rights are not specifically defined in legally enforceable terms" in a way that reflected their rights in Section 35 of the Canadian constitution.

When the Canadian Aboriginal Affairs spokesperson, François Weldon, said Canada prefers a case by case approach Seibert-Fohr replied: "It appears to me that the case by case approach is the very reason for the problems faced by aboriginal communities. I would think a clear document would help define future rights as well as present ones."

Seibert-Fohr also brought up the question of extinguishment of Aboriginal title and rights and pointed out it was something that the international community had criticized several times in the past 15 years.

In the private session with the Canadian NGOs the day before, she had put the same question to Arthur Manuel, spokesperson for the Aboriginal Title Alliance, which brings together Indigenous groups in British Columbia and the Algonquin nation in the Ottawa River watershed that have refused to negotiate with the government under its current process.

Manuel told her that the government's negotiations were designed to extinguish Aboriginal title and rights in Canada. "They say they are modifying or reconciling rights, but what they are trying to do is to extinguish our rights, which various UN bodies have already criticized Canada for. And that is also why the land claims negotiation in Canada is stalled. The government is demanding extinguishment and the people refuse to give up their rights."

Weldon told the committee that the government did not seek extinguishment of rights only "a clarification of rights and creation of certainty."



ABORIGINAL TITLE ALLIANCE

The Committee member Yuji Iwasawa (Japan) also took the Canadian government to task for its lack of support for the UN Declaration of the Rights of Indigenous Peoples. Mr. Iwasawa noted that when the Declaration was passed by the General Assembly in 2007, Canada was only one of four countries to vote against it. Since then, he noted, Canada had accepted the Declaration in a very conditional way and he wanted to know how Canada was implementing.

Margo Waterval (Suriname) and several others criticized the Canadian government's refusal to hold a national enquiry on the issue of Missing and Murdered Indigenous Women and demanded to know why large and growing number of Indigenous peoples held in Canadian jails.

The UN committee will be in a position to challenge some of Canada's answers in a private meeting with the 15-member Canadian delegation on July 20.

Manuel said he was pleased by the tone of the questions from the committee members. He noted that one thing missing from the public questions to Canada was a reference to the right to self-determination of Indigenous peoples that had been made in their last review of Canada in 2005. "But it is very encouraging that the UN Human Rights Committee is directly challenging Canada's Comprehensive land claims policy and its goal of extinguishing Aboriginal title and rights. Both of these are major abuses of the rights of Indigenous peoples and it is important for the world to recognize this."

The Human Rights Committee is expected to release its report on Canada on July 24.

-30-

Media Contact in Geneva

Arthur Manuel

Email: amanuel@telus.net

Cell: 1-250-319-0688