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COMMISSION ON HUMAN RIGHTS
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Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Report on the Working Group on Indigenous Populations
on its eleventh session

Addendum

Comments by the Government of Canada

The Government of Canada commented on the following paragraphs of the report of the Working Group on Indigenous Populations:

1. Paragraph 50 should read as follows:

"50. The majority of the governmental observers expressed reservations on the issue of self-determination. The observer for Canada emphasized that his country supported the principle that indigenous people qualified for traditional rights of self-determination in international law on the same basis as non-indigenous people if they otherwise met the criteria of international law. In all other cases 'self-determination' of indigenous people had to be granted within the framework of existing nation States recognizing the need for the negotiation of harmonious arrangements and the interrelationship between the indigenous and non-indigenous jurisdictions. The notion of self-determination as used in the draft declaration might imply the right of indigenous people to unilaterally

determine their political, economic and social status within the existing State. What was not clear was how the concepts of self-determination, self-government and autonomy which were addressed in articles 3 and 29 of the draft interrelated so as to identify what range of powers indigenous governments would have and how they would relate to the jurisdiction of existing States."

2. In paragraph 62, the fourth sentence should read: "If such a clarification were not made it might imply that there was a right to secede; even if secession were not chosen, [it might still imply] the right of indigenous people to enact laws concerning their political, economic, social and cultural status without regard to or application of the laws of the surrounding State."

3. In paragraph 70, first sentence, the words "legal titles to all lands ... " should read "legal rights or all lands ... ".

4. In paragraph 194, the first sentence should read: "194. The observer for Canada indicated that his Government would endorse extending the Working Group's mandate, once the draft declaration had been finalized."
