1 September 2007
New York

Re: ADOPTION OF THE UN DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES AS AMENDED BY CO-SPONSORS AND AFRICA
GROUP OF STATES

Dear colleagues, sisters, brothers and friends in the Asia Region,

The Regional Coordinators of the Global Indigenous Peoples’ Caucus on the Declaration Steering Committee has met here in New York from August 27-31, 2007. As has been mentioned to you earlier, the co-sponsors of the UN Declaration on the Rights of Indigenous Peoples have been holding negotiations with the Africa Group of States who were the ones responsible for the resolution deferring the adoption of the Declaration last November 2006.

A final agreement has already been reached between these States, yesterday 30 August 2007 at around 2 p.m. We are attaching a copy of this in this letter. (Attachment 2 – Final Agreement between co-sponsors and Africa Group) We are also attaching a copy of the report of the Global Indigenous Peoples’ Steering Committee (Attachment 1) which contains what transpired in the meetings between the Steering Committee and the co-sponsors.

As you can see there only 9 amendments in the final agreement on the text of the Declaration. This is a far cry from the 36 amendments presented by the African Group of States early in May this year and the proposal for 20 amendments from Canada, New Zealand, Russia and Colombia. (Canada, et al Proposals). The proposals of Africa (Attachment 2) and the Canada, et al proposals (Attachment 3) are also attached to this letter so you can make a comparison between these and the final amendments agreed upon by the co-sponsors and the Africa Group.

While the co-sponsors initially thought that they can push the HRC text and risk the votes, after a thorough analysis, they concluded that there is a high probability that they will lose the vote and will be left with the HRC text which has only been voted by 30 states. This will not be considered an international instrument if it will not be adopted by the General Assembly. Thus, they decided not to take this risk as it is an irresponsible step and it will not do justice to the work done by indigenous peoples in the past 22 years or so.

What you will see in the amended text is that the articles on self-determination (Article 3), lands, territories and resources (Articles 26-30) Articles on free, prior and informed consent (Art. 10,11,19,28), Articles on right to redress and reparations, and many others which we have fought for in the past 22 years have been left untouched.

The co-sponsors will be meeting the Asian states and Eastern European and Carribean States next week. They are optimistic that since the Africans now will fully support this
text, these remaining countries will likewise vote for its adoption. This will leave Canada, Australia, New Zealand, Russia and Colombia (4 states) to vote against it. However, there is a possibility that they might just abstain. The US, we have been told, will abstain. The agreement between the co-sponsors and Africa group is that if there will be amendments from the floor from these opposing countries the majority will just vote against it.

In our view, the most important rights which we would like to see in a UN Declaration on the Rights of Indigenous Peoples are found in this negotiated document. Therefore, we strongly recommend that you endorse the adoption of this Text (Attachment 1) as it has not detracted in any significant way from the Declaration adopted by the Human Rights Council.

In terms of timelines you have to send in your position whether you will endorse or not the amended Declaration by Sept. 4, 2007, New York time. We again apologize for this short period but we do not have the luxury of time as the 61st Session of the General Assembly is ending on 17 Sept. 2007. The vote on this Declaration is set for 13 Sept. We have to present our regional position to the Global Steering Committee on 4 Sept. at 4 p.m. as there will be a meeting between us and the co-sponsors on Wednesday, Sept. 5.

In terms of ways ahead until the adoption on Sept. 13, we would like to lobby the Asian governments and others to be co-sponsors of the resolution which will present this amended Declaration. If states will become co-sponsors they will not make interpretative statements on the floor wherein they will state their reservations about the Declaration. So the more states we get to become co-sponsors the less interpretative statements we will get. So we are urging all of you to please still lobby your governments to become co-sponsors for the adoption of the Declaration.

We look forward to receiving your endorsements before 4 September.

Respectfully yours,

Vicky Tauli-Corpuz and Joan Carling