

EXCERPTS from Human Rights Council Discussion of JUNE 27 2006 indicating

POSITIONS OF GOVERNMENTS AND INDIGENOUS PEOPLES

On immediate HRC approval of the Draft Declaration on the Rights of Indigenous Peoples

(Comments taken from The UN Office at Geneva (UNOG) News & Media Release At:

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/3D6782A76ABA3623C125719A0060D9F2?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/3D6782A76ABA3623C125719A0060D9F2?OpenDocument))

(Bold added in text below)

XOCHITL GALVEZ (**Mexico**) said Mexico expressed full support for the report of the Chairperson-Rapporteur. There had been major consensus on the consideration of the draft Declaration on the Rights of Indigenous Peoples.

PAUL MAYER (**Canada**) Canada would like the Human Rights Council to authorize further consultations based on the Chairperson-Rapporteur's text.

CLODOALDO HUGUENEY (**Brazil**), speaking on behalf of the **Group of Latin American and Caribbean Countries (GRULAC)**, said it was time to send a positive signal and bring to an end a situation that had been lasting for two decades already.

CLODOALDO HUGUENEY (**Brazil**) said the negotiation for the drafting of the draft Declaration had been long and painstaking. Although the text was not an ideal one, it would acknowledge the rights of the indigenous people in many countries.

DONG ZHIHUA (**China**) suggested that the Human Rights Council move forward on the basis of the text submitted. China urged the Human Rights Council to adopt one. The Chairman's text, although not perfect, nor completely satisfying the requirements of indigenous peoples, had found wide agreement.

ALEXEI AKGIGITOV (**Russian Federation**) said that it was necessary to extend the mandate of the Working Group and continue to work to reach a text that was acceptable to all.

WOLFGANG PETRITSCH (**Austria**), speaking on behalf of the **European Union**, said that the European Union was of the opinion that the final compromise text offered the best achievable outcome to the working group process. The Union therefore would support action being taken on the declaration by the Council

CARLOS ARROYAVE PRERA (**Guatemala**) said that Guatemala supported the statement made by Brazil on behalf of the Group of Latin American and Caribbean States. The text submitted by the Working Group represented an agreed text, and it was Guatemala's belief that the Human Rights Council should not prolong the consideration of the text any longer.

GLAUDINE J. MTSHALI (**South Africa**) It was important for the Council to consider the adoption of this instrument, as it was important for the Council to begin its work with issues that would have tangible outcomes.

YUKIKIO YAMADA (**Japan**) said that although Japan thought that the proposal of the Chairperson-Rapporteur was well thought-out, fair and balanced, it expressed concern about the procedure.

JESUS ENRIQUE G. GARCIA (**Philippines**) said that the Chair's text on a draft Declaration had not been discussed in the Working Group. As a new body, with new members, the Council should be allowed the opportunity to go over that text.

IDRISS JAZAIRY (**Algeria**), speaking on behalf of the **African Group**, expressed its concurrence with the text, and gave it support. Whilst some States had suggested improvements, they should withdraw their reservations so that the text could be adopted as it stood.

ODETTE MELONO (**Cameroon**) said that the negotiation of the draft Declaration did not achieve consensus in its drafting process. However, all States should now join the consensus in its adoption by the Council.

JEAN-MAURICE RIPERT (**France**) said that France hoped that the Human Rights Council would adopt the Declaration on the Rights of Indigenous Peoples. France reaffirmed its attachment to the international human rights standards and democratic values that the present Declaration sought to complement and reinforce, and to which France was a co-sponsor.

ANNE NUORGAM (**Finland**), speaking on behalf of the **Nordic Countries**, said the draft Declaration without amendments should be adopted. It was feared that any deferral of the process would risk jeopardising the achievements of the process, and the Declaration itself.

RICARDO GONZALEZ ARENAS (**Uruguay**) said it was high time to arrive to a conclusion by adopting the draft Declaration, which had taken quite a long time.

CARLO LARENAS SERRANO (**Ecuador**) said the international community was awaiting a signal from the Human Rights Council to put an end to its discussions on the subject. For that reason, Ecuador had put forward a draft resolution on the adoption of the present draft Declaration on the Rights of Indigenous Peoples, and Ecuador called on all members to adopt it.

MIGUEL ALFONSO MARTINEZ (**Cuba**) said Cuba had decided to support the idea of approving the draft as soon as possible, and to be co-sponsors when the text was sent to the General Assembly during the next session. Cuba attached particular importance to common regional positions.

AJAJ MALHORTA (**India**) said India was a fervent supporter of the rights of the indigenous peoples. The drafting of the Declaration had not been easy; however, it had gained the support of many States.

NAYEM U. AHMED (**Bangladesh**) said that Bangladesh felt that the draft Declaration on the Rights of Indigenous Peoples should be kept under consideration until the Council was ready.

EDUARDO RODRIGUEZ-CUADROS (**Peru**) said it was clear that the text in front of the Council was the reflection of a wide-ranging series of consultations with the Chair attempting to find consensus on a very difficult matter.

The overall objective of the lengthy consultations had gone back to the intentions of the victims, who required to be protected from the State, and the text enshrined this, including the rights of the indigenous peoples in a balanced manner. The document should be adopted by consensus during the current session.

CAROLINE MILLAR (**Australia**), also speaking on behalf of **New Zealand and the United States**, said they were deeply disappointed that it was not yet been possible to reach consensus on a text for the Declaration on the Rights of Indigenous Peoples. There had not yet been an opportunity to discuss it collectively. To adopt it without such an opportunity would set a poor precedent for the work of the Council.

JOAQUIN MARIA DE ARESTEGUI LABORDE (**Spain**) said that Spain felt that further negotiations would not contribute to anything, and that the Human Rights Council should move forward and adopt the resolution, to which Spain was a co-sponsor, to present the current draft Declaration to the General Assembly for adoption at its next session.

ROGER JULIEN MENGA (**Congo**) said at the beginning of the Council, the Government had appealed to Member States to adopt the draft Declaration, which was a major part of the infrastructure for the promotion and protection of the rights of all human beings.

UNA ALFU DE REYES (**Panama**) said Panama believed the text of the Declaration would be a base for the international human rights system and Panama would support its adoption.

MOSTAFA ALAEI (**Iran**) said that some countries were still not prepared to accept the fact that indigenous peoples had rights, including the right to own the land in the countries in which they lived. The draft United Nations declaration on the rights of indigenous peoples represented a positive development in the promotion and protection of the basic rights and fundamental freedoms of indigenous peoples. Its adoption would witness a new era in the area of human rights.

GUADALOUPE PALOMEQUE (**Bolivia**) said it was a true source of pride to refer to the subject of indigenous peoples in the framework of the Council, and Bolivia was pleased that in the international context there was a reflection of the struggle of the indigenous peoples in Bolivia, which had led to the Government being in the hands of indigenous peoples today.

JUAN MARTABIT (**Chile**) said Chile was committed to the drafting and adoption of the Declaration on the Rights of Indigenous Peoples. Chile would support the adoption of the draft Declaration by the Council.

AZELENE, of ***Asociacion kunas unidos por napguana***, said that the Association thanked all States that had called for the swift adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples. The new Human Rights Council had to send out a positive message to mankind by adopting at its first session the Declaration on the Rights of Indigenous Peoples.

HASSAN ID BALKASSM, of ***International Working Group on Indigenous Affairs***, said that hope rested on the vision of the African diplomatic caucus on how Africa wished to see the restructuring of the United Nations. The Council should adopt the Declaration, and support the resolution proposed by Peru and the co-sponsors, and should not vote in favour of any amendment that would delay the adoption.

LES MALEZER, of ***Foundation for Aboriginal and Islanders Research Action***, speaking on behalf of the ***Pacific Regional Caucus of Indigenous Peoples***, said the Pacific Caucus of Indigenous Peoples joined with **all other regional caucuses to call for immediate adoption of the draft Declaration**. The few States expressing intransigent positions for the past few years had domestic situations, which had been found, under the race convention, to be discriminatory against indigenous peoples. There was no indication or reasons to believe those countries would change their viewpoints to support a consensus on any reasonable, non-discriminatory standard for indigenous peoples now or at any time in the future.

VICTORIA TAULI-CORPUZ, of ***Tebtebba Foundation***, said that the Foundation supported the Chair's text on a Declaration on the Rights of Indigenous Peoples for submission to the General Assembly for adoption at its next session. The Foundation thanked the delegation of Peru for tabling a resolution to that effect. The Tebtebba Foundation was against any amendments proposed to change the content of the resolution tabled by the Government of Peru.

MIKHAIL TODYSHEV, of ***Association of Indigenous Peoples of the North, Siberia, and Far East of the Russian Federation***, said the recommendation of the Permanent Forum for Indigenous Peoples for the adoption of the draft Declaration without any amendments was supported, and the Council should rapidly adopt this Declaration. The initiative of the large group of States who had prepared the draft resolution was applauded, and there was disappointment that Russia was not one of these countries. The text should be adopted as soon as possible.

WILLIE LITTECHILD, of ***International Organization of Indigenous Resource Development***, speaking on behalf of the ***North American Regional Caucus of Indigenous Peoples***, said that during the historic session of the Council, a Member State and an observer State from their region had failed to honour the calls with their positions on the UN draft Declaration on the Rights of Indigenous Peoples. They continued to promote a double standard when it came to the rights of indigenous peoples, based on their narrow domestic, political and economic interests rather than the universality of human rights and freedoms for all peoples. It was ironic and sad that, while pointing their fingers at other States with accusations of human rights violations, those States continued to violate, extinguish and deny the rights of indigenous peoples.

DALEE SAMBO DOROUGH, of ***Inuit Circumpolar Conference***, said that their central message to all members of the Council was the urgent need to support the resolution of the Government of Peru calling for the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples. Despite proposals to accommodate State concerns, which were contained in the present declaration, the United States, Australia and New Zealand, remained entrenched in their extremism and absolutist interpretation of the text. It was widely recognized that human rights were relative and not absolute in nature. Yet the United States, Australia and New Zealand had opted to convey an alarmist perspective.

PETER SPLINTER, of ***Amnesty International***, said the Council was responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction, and in a fair and equal manner; and it was therefore most fitting that the first session had the opportunity to propose for adoption to the General Assembly one of the most urgently needed and long overdue standards for the

recognition and protection of human rights.

ROBERT COULTER, of **Indian Law Resource Centre**, urged that some new mechanisms or process be created for continuing work.

TOMAS ALARCON, of **Comision juridica para el autodesarrollo de los pueblos originarios andinos**, said that the text, which was not the subject of full consensus as they would have liked, was nevertheless the fruit of negotiation and it did serve to promote and protect indigenous rights.

LAZARO PARY, of **Indian Movement Tupaj Amaru**, said that Western countries had been inspired by geopolitical interests, and had undermined and restricted the minimum standards contained in the text.

NOLASCO MAMANI, of **Indian Council of South America**, said that with the Council, the conditions of the indigenous people in the Americas and Australia would be improved.

RONALD BARNES, of **International Human Rights Association of American Minorities**, said that it would not stand in the way of promoting and moving the strongest possible attainment of the recognition and protection for the rights of indigenous peoples in the Declaration that many indigenous peoples were asserting today.

CHRIS SIDOTI, of **International Service for Human Rights**, said the choice before the Council this week was clear. Many States had suggested that further consultation on the draft decision was necessary and desirable, while saying they supported the Declaration. Canada had proposed an amendment, which required a process for a few more years. **The choice of the Council was not a choice between the Declaration now or in a few short months: it was a choice between a declaration now or never. There was no doubt in the minds of indigenous peoples, NGOs and international public opinion that those States which voted for the Canadian amendment were voting against the Declaration itself.**

JUAN PABLO VEGAS (**Peru**) said many States had taken the text as a constructive one. It was an unprecedented fact that the process of the drafting was the most democratic one in the history of the United Nations. It did not attack any one, and did not take any unfavourable position. Action should be taken on the draft Declaration without any prolongation of the debate.

XOCHITL GALVEZ (**Mexico**) said that it was a draft Declaration for indigenous peoples, not for States; States would have to make concessions. When asked whether indigenous peoples should have access to their natural resources, the answer was of course they would, and States had to make that possible.

LUIS-ENRIQUE CHAVEZ, **Chairperson-Rapporteur of the Working Group**, said that the debate had born out points that he had made earlier: it was clear that there was no consensus on the text, but it was **also clear how much support there was for his proposal**. It seemed also clear that there was **no consensus to continue discussing the subject**.

This was the situation today, and it was difficult for the Council to reach an agreement on any possible continuation, extension or postponement of the issue. A decision needed to be taken in order to continue to build to create a new relationship between indigenous peoples and States.

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