

JOINT STATEMENT OF THE ASIAN INDIGENOUS PEOPLES CAUCUS ON THE REPORT OF THE COMMISSION ON HUMAN RIGHTS WORKING GROUP ON THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (E/CN.4/2006/79)

27 June 2006, Palais des Nations, Geneva

PRESENTED BY VICTORIA TAULI-CORPUZ OF TEBTEBBA FOUNDATION

Mr. Chairman, thank you for the opportunity to present to you the views of the Asian Indigenous Peoples' Caucus, which is composed of more than 1000 indigenous peoples' organizations all over the region. The caucus has met several times during the last session of the Working Group on the Draft Declaration and before and during the 5th Session of the Permanent Forum on Indigenous Issues to agree on a position regarding the current text of the Draft Declaration on the Rights of Indigenous Peoples. The various members of the Caucus have also been apprised of the present developments here at this first session of the Human Rights Council.

We would like to report to you where we stand on Draft Declaration on the Rights of Indigenous Peoples as enunciated in the Annex of the Document E/CN 4/2006/79) and on the latest developments here at this session.

1. We fully support the adoption of this text by the Human Rights Council and the General Assembly at its 61st Session.
2. We fully support the Resolution tabled by the Government of Peru (Doc. A.HRC.1. L3) calling on the Human Rights Council to adopt the United Nations Declaration on the Rights of Indigenous Peoples as proposed by the Chairman-Rapporteur in the annex of document E/CN.4/2006/79 and recommending that the General Assembly adopts this at its 61st Session.
3. We are against any amendments proposed to change the content of the resolution tabled by the Government of Peru.

Mr. Chairman,

We participated in most of the meetings of the Working Group on the Draft Declaration and presented our own proposals for changes in the language of each of the preambular paragraphs and operative articles. We believe that 80% of the present text has been reached by consensus and the remaining 20% as formulated by the Chairperson-Rapporteur is acceptable to us. Having gone through the processes where this draft has been negotiated, we believe that we cannot go further to reach a consensus on the remaining 20%. This text which we have before us, represents the floor or the minimum standards which indigenous peoples in Asia can live with. This is not a perfect draft but it does capture the basic aspirations and rights that indigenous peoples in Asia would like their governments to protect and respect. In no way, can we accept a declaration that will go lower than this.

Therefore, any proposal pushing for more negotiations to reach consensus is at best, an illusion, and at worst, a deceptive ploy to kill the adoption of this present text by the Human Rights Council. We do not trust the governments who are putting this proposal as records would show that they are the same ones who made it difficult to arrive at consensus on the most important articles in the Declaration. They are also the ones who voted against the Declaration on the Right to Development and the Durban Agreements, which are very important for indigenous peoples.

Even Canada, which we thought all along was sincerely working with us towards a positive conclusion of this process, now shows a totally opposite face by proposing that we postpone the consideration of the Declaration for the future. We cannot comprehend the shift in her position. What we know is that her credibility, especially with indigenous peoples and even with governments has gone down to zero because of these latest moves. We do not, for a moment, believe that CANZUS (Canada, Australia, New Zealand and the US) will work to further strengthen the Declaration.

We are appealing therefore to all the remaining members of the Human Rights Council, in particular Asian governments, to vote against any amendments pushed by the CANZUS. We strongly urge you to adopt the Universal Declaration on the Rights of Indigenous Peoples now, in this First Session of the Human Rights Council. This is one important test of your sincerity to carry out your pledge to uphold the highest standards in the promotion and protection of human rights. We are aware that many of you have not taken active part in the negotiations so you might not have an appreciation of the dynamics and the great efforts put by representatives of Asian indigenous peoples' organizations into this. But your absence in these processes should not be used by you as an excuse that you need more time to consider the Draft and therefore fall for the Canadian proposal. Indigenous peoples should not suffer further because of your absence in these negotiations.

Your act of adopting the Universal Declaration on the Rights of Indigenous Peoples at this First Session of the Human Rights Council will be recorded in history and indigenous peoples of the present and future generations will remember all the governments who have voted yes for this Declaration.

This Declaration will be the fundamental framework which will define how we will implement the objectives of the Second Decade of the World's Indigenous People and how we can bring about "partnership in action and dignity" which is the theme of the Decade. There is still a long way to go before we reach a satisfactory situation where indigenous peoples' rights are respected and peace, stability and genuine development prevail in indigenous peoples' territories. But there is always a brave first step which can be taken and the adoption of this Draft is that brave first step.

Thank you, Mr. Chairman.