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Chairman: Mr. Wolfe (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 67: Indigenous issues

(a) Indigenous issues (A/62/286)

(b) Second International Decade of the World's Indigenous People

1. **Mr. Scholvinck** (Director of the Division for Social Policy and Development, Department of Economic and Social Affairs), speaking on behalf of Mr. Sha Zhukang, Under-Secretary-General for Economic and Social Affairs and Coordinator of the Second International Decade of the World's Indigenous People, said that the General Assembly's adoption of the Declaration on the Rights of Indigenous Peoples on 13 September 2007 had improved the prospects of the more than 370 million indigenous people around the world and was a major achievement of the Second International Decade. It was fundamentally about respect for the human rights of indigenous peoples, including their right to participate in the States while pursuing their own vision of economic, social and cultural well-being.

2. The sixth session of the United Nations Permanent Forum on Indigenous Issues, held in May 2007, had been extremely well attended, with 30 indigenous parliamentarians participating for the first time. It had adopted clear recommendations on the session's special theme: "Territories, lands and natural resources", urging States to review legislation in relation to lands and territories, ensure that the customary land tenure systems and resource management systems of indigenous peoples were recognized and respected and ensure that such laws and policies were consistent with international human rights law. It had reaffirmed indigenous people's central role in decision-making processes concerning their land and resources. With a regional focus on Asia, it had made a number of recommendations on capacity-building, health, education and other issues. It had also considered the issue of urban indigenous peoples and migration.

3. For the period 2006-07, the Trust Fund on Indigenous Issues relating to the Second International Decade had received nearly 100 project proposals from around the world. In 2007, it would be able to support 20 projects, at a cost of some US\$ 190,000. He expressed his appreciation to the Governments of Algeria, Canada, Chile, Cyprus, Ecuador, Estonia,

Japan, Luxembourg, Mexico and Peru, and to the International Fund for Agricultural Development (IFAD) and the United Nations Children's Fund (UNICEF), for their generous contributions to the Fund.

4. The special theme for the seventh session of UNPFII was "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges". Indigenous peoples were particularly vulnerable to the environmental impacts of climate change and could be valuable partners in global efforts to address that challenge. He was pleased to note that climate change had been the special theme of the annual meeting of the Inter-Agency Support Group on Indigenous Issues (IASG), held in Montreal in September 2007, and that IASG had agreed to prepare a paper on the impact of climate change on indigenous peoples for the seventh session of the UNPFII.

5. The opportunity finally existed to promote and transform into reality the United Nations Declaration on the Rights of Indigenous Peoples. He invited all States, indigenous peoples, civil society, UNPFII and the entire United Nations system to pursue and propel the Declaration's implementation.

6. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), introducing his report (A/62/286), said that he had continued to focus on three areas of work: thematic investigation of issues that had an impact on the situation of human rights and fundamental freedoms of indigenous people; country visits; and urgent appeals concerning alleged violations. In December 2006, he had made an official visit to Kenya, where he had concentrated on the hunter-gatherer and pastoralist communities living in the country's arid and semi-arid areas. The object of historical discrimination and social, political and economic marginalization, those communities had suffered the progressive loss and environmental deterioration of their lands, traditional forests and other natural resources as a result of the different processes of dispossession experienced during the colonial and postcolonial eras. He had also made non-official visits to Cambodia, the Philippines and Nepal and his report included general comments on the rights of indigenous peoples in Asia.

7. His report to the Human Rights Council at its fourth session (A/HRC/4/32) focused on some of the new trends and challenges affecting the rights of indigenous people. Despite new norms, institutions and policies that had strengthened the legal situation of indigenous people, an implementation gap remained. Serious violations of their individual and collective rights persisted. Moreover, the decrease in indigenous territories had intensified as a result of increased exploitation of energy and water resources in the context of economic globalization. For instance, isolated communities living in remote areas of tropical forests were at risk of disappearing. Extractive activities, large commercial plantations and non-sustainable consumption patterns had led to widespread pollution and environmental degradation, dramatically affecting indigenous ways of life that were closely linked to their traditional relationship with the land. The situation of various Arctic peoples suffering the direct consequences of global warming was also cause for concern.

8. All too often, however, social protest by indigenous people was criminalized, generating new human rights violations, such as extrajudicial executions, forced disappearances, torture, arbitrary detention, threats and other forms of harassment. Some Governments had even been using anti-terrorist legislation to suppress protests by indigenous groups defending their ancestral territories. Such cases were documented in his reports to the Human Rights Council.

9. Indigenous migrants were particularly vulnerable to violations of their human rights in agricultural and mining activities, in urban environments and at the international level. Although many Governments had adopted social policies to close the gap between human and social development indicators for indigenous and non-indigenous people, the results were limited. Despite initiatives by governments, international agencies, civil society and indigenous peoples themselves, the low level of implementation of his recommendations was cause for concern. There had been some positive developments, however, such as the recent ratification by Spain and Nepal of the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples in Independent Countries (No. 169), which other countries, including some members of the European Union, were also considering ratifying. International human rights treaty

bodies were also increasingly paying attention to the rights of indigenous peoples, as were regional mechanisms such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights.

10. The General Assembly's adoption on 13 September 2007 of the United Nations Declaration on the Rights of Indigenous Peoples was testimony to the growing international consensus on the content of the rights of indigenous peoples. The Declaration strengthened the legal force of existing international and regional human rights instruments and was a key tool for their interpretation with regard to indigenous people's rights. It would also help strengthen the framework for governments' responses to indigenous people's longstanding claims for recognition of their rights. Strong political will was required to refocus poverty reduction policies on indigenous peoples' rights. Lastly, article 42 of the Declaration provided renewed legal and political support for his mandate, which had been extended for a further three years to enable his successor to promote the Declaration.

11. **Ms. Pérez-Álvarez** (Cuba) asked the Special Rapporteur to comment on the proposal to establish a Geneva-based mechanism to replace the former Sub-Commission on the Promotion and Protection of Human Rights, in particular its Working Group on Indigenous Populations.

12. **Mr. Gauthier** (Canada) said that Canada was committed to strong mechanisms within the United Nations system for addressing indigenous human rights issues and therefore supported the role of the Special Rapporteur and the extension of his mandate. The current Special Rapporteur enjoyed the respect of indigenous and non-indigenous people alike and his reports and studies had helped raise the profile of indigenous issues. He wondered what advice the Special Rapporteur intended to impart to his successor.

13. **Mr. Pham Hai Anh** (Viet Nam) voiced concern at two points in the Special Rapporteur's report (A/62/286). Firstly, paragraph 47 of the report referred to the "eradication of traditional forms of shifting cultivation", for example in Viet Nam, as a "deliberate State policy of pursuing so-called economic modernization". He wished to point out that, the "slash-and-burn" method practiced by some minority groups in mountainous areas of Viet Nam had

devastating effects on the environment and forests and exacerbated flooding during the rainy system, resulting in untold loss of life. Saving lives could not be classified as “modernization”. Secondly, paragraph 55 made the assumption that some minority groups in Viet Nam were being repressed for their involvement in past conflicts. The Hmong people had never been involved in conflict however, while a handful of the Montagnard people that had been involved were currently in exile, where they were pursuing separatist objectives. He also cautioned against the use of the word “Degar” in a United Nations document, as it was being used by separatists to promote secession and the establishment of a state under that name in Vietnamese territory. He was concerned that the Special Rapporteur must have drawn on unreliable sources and urged him to exercise diligence in gathering and reproducing information.

14. **Mr. Sisoulath** (Lao People’s Democratic Republic) said that paragraphs 47 and 55 of the Special Rapporteur’s report (A/62/286) were both ambiguous and misleading. Over the past 30 years, his Government had made every effort to consolidate national stability and improve the living conditions of its multi-ethnic population. The “shifting cultivation” mentioned in paragraph 47 was being discouraged for environmental reasons and replaced by more permanent forms of livelihood. Ethnic people were resettling voluntarily in “development villages” in lowland areas, with access to roads, schools, health care and other social services. With regard to “infrastructure mega-projects”, all countries had the legitimate right to choose their own route to economic development. His Government had in fact taken appropriate measures to mitigate the environmental and social impact of large-scale development projects and to compensate affected communities. The NT2 hydropower project, the country’s largest development project, affected 1,240 households and had been launched only following years of studies and public consultations involving all interested parties. To date, 780 households had received resettlement assistance, while the remaining households would be assisted according to schedule. Turning to paragraph 55 of the report, there was no “repression” of any group in his country. On the contrary, his Government attached importance to solidarity, equality and non-discrimination among all ethnicities.

15. Human trafficking occurred in his country as it did in others and illegal emigration had nothing to do

with political reasons. Lao nationals were lured abroad with promises of better economic opportunities. His Government was cooperating in international efforts to combat that form of transnational crime and its repatriation and reintegration of victims of trafficking had been praised.

16. **Ms. Mizarela** (Portugal), speaking on behalf of the European Union, welcomed the increased visibility that the Special Rapporteur had brought to indigenous issues, as well as the dialogue that his activities had helped to promote among indigenous peoples, governments and international organizations. The European Union would be interested to know what activities the Special Rapporteur believed his successor should focus on in the near future and how cooperation might be advanced with relevant United Nations bodies, including the Permanent Forum on Indigenous Issues, human rights mechanisms and specialized agencies. Since the situation of indigenous women and girls was a particular focus of his mandate, how might the United Nations promote action by States, civil society and multilateral organizations for the protection and support of indigenous women?

17. **Mr. Heller** (Mexico), referring to the implementation gap with regard to the rights of indigenous peoples, said that it was vital that the Special Rapporteur, pass on recommendations to his successor, whose role had been reinforced by the Declaration on the Rights of Indigenous Peoples.

18. **Ms. Matlhako** (South Africa) asked the Special Rapporteur to comment on the proposal to establish a Geneva-based forum on indigenous issues in the context of the review of the mandates of the former Sub-Commission on the Promotion and Protection of Human Rights, in particular its Working Group on Indigenous Populations.

19. **Mr. Stavenhagen** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) said that the Human Rights Council’s decision to entrust the Special Rapporteur with promoting the Declaration involved new and specific activities for the Special Rapporteur, the Council and the High Commissioner for Human Rights, opening up the possibility of creating a mechanism to continue the work of the Working Group on Indigenous Populations. He believed that there should be a Geneva-based entity responsible for follow-up to the Declaration and other activities related

to indigenous peoples and that the Special Rapporteur's mandate should be closely coordinated with it so that, rather than duplicating each other's efforts, they would operate as two entities with separate but complementary functions.

20. One recommendation that he would pass on to his successor was that he or she should work closely with groups representing indigenous populations throughout the world. Civil society and non-governmental organizations were important in that respect. The new mechanism, the Special Rapporteur and the New York-based Permanent Forum on Indigenous Issues would need to closely cooperate to ensure compliance with the Declaration and with the various resolutions on indigenous peoples.

21. He thanked the representatives of Viet Nam and the Lao People's Democratic Republic for their clarifications. His report was based on information received from governments, academic institutions and groups representing indigenous populations and he urged both Governments to consider extending an official invitation to the Special Rapporteur to visit their countries in order to examine those issues more closely. He hoped that the adoption of the Declaration would result in more in situ visits, thereby facilitating objective reporting.

22. **Ms. Pérez-Álvarez** (Cuba) said that the landmark adoption of the United Nations Declaration on the Rights of Indigenous Peoples must not be an end in itself but the beginning of a new era in which all countries would work together to achieve recognition of the equality and right to self-determination of the more than 370 million indigenous people in the world. Together with ILO Convention No. 169, the Declaration should serve as a yardstick for the preparation of national guidelines to help meet the five objectives of the Second International Decade of the World's Indigenous People.

23. Taking into account the human rights component of the indigenous issues included in the Declaration, her delegation reaffirmed the role of the Human Rights Council and its subsidiary bodies in the follow-up to that instrument. It eagerly awaited a decision on the appropriate mechanism to continue the work of the Working Group on Indigenous Populations. Lastly, it believed that the Second Decade should not be limited to defining the rights of indigenous peoples or trying to integrate them into development patterns that were

alien to their traditions and did not meet their basic needs. Those rights should be exercised freely through mechanisms that guaranteed indigenous peoples' overall well-being.

24. **Mr. Siles** (Bolivia) said that with the landmark adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which contained a set of international norms and principles that recognized the fundamental rights of indigenous peoples, the Declaration had become the new normative and practical framework for guaranteeing and protecting indigenous rights. That essential instrument must be accompanied by an action plan that fostered an alliance among indigenous peoples, governments, international organizations and specialized agencies and academic institutions. Public awareness of the Declaration must also be raised, using all available communication media.

25. A recent meeting held in Bolivia to celebrate the adoption of the Declaration had adopted resolutions that would be submitted to the seventh session of the Permanent Forum on Indigenous Issues, on the theme "Climate change, bio-cultural diversity and livelihoods". Under the leadership of its President, Evo Morales, the Government of Bolivia had taken legal steps to allow vast areas of unused land currently owned by a handful of landowners to be redistributed among indigenous communities. A privileged minority were opposed to that measure and the Government required international support in implementing it. Because they were so dependent on the natural world, indigenous peoples were the most vulnerable to disasters caused by unbridled capitalism, such as global warming. It was therefore essential to promote food sovereignty, by respecting indigenous production patterns, for the benefit of the whole population.

26. It was also necessary to highlight the role of indigenous women and to provide intercultural bilingual education and health care to all. Because indigenous children living in rural and mountainous areas of Bolivia often had to travel long distances to school, the Government was building boarding schools where they could engage in both academic and productive activities during the week.

27. Implementing all the provisions of the Declaration would be a major challenge for Member States, but he was confident that they would take the necessary steps to attain that objective.

28. **Mr. Feng Zhou** (China) said that his Government, which was active in the work of the Permanent Forum on Indigenous Issues, welcomed the adoption of the Declaration. However, it wished to draw the Secretariat's attention to a different Chinese translation of the term "indigenous peoples", which it favoured.

29. **Mr. Lukiyantsev** (Russian Federation) noted that indigenous issues were increasingly prominent on the international agenda. His country participated actively in the Permanent Forum on Indigenous Issues, where it was represented by both government and indigenous representatives. The consensus extension of the Special Rapporteur's mandate was testimony to the importance that the international community attached to his role.

30. While the adoption of the Declaration on the Rights of Indigenous Peoples had been a significant event, the text had not enjoyed a consensus, since the concerns of all States with large indigenous populations had not been accommodated. Thus, the Declaration was not the balanced and authoritative instrument that many Member States had hoped for, even if a provision on the territorial integrity and political unity of sovereign and independent States had been added at the last minute. Although many of the Declaration's provisions were fully acceptable to it, his delegation had abstained in the voting on its adoption. His Government was nevertheless concerned to strengthen international cooperation in promoting the rights and interests of indigenous people, including within its own borders, and was making active efforts to that end in the fields of culture, education and the environment, as well as social and economic development. Accordingly, a national coordinating committee had been established to further the goals and objectives of the Second International Decade of the World's Indigenous People. In 2007, two major international events concerning the protection of the rights of indigenous people had been hosted in the Russian Federation, one in the Yamal-Nenets Autonomous Area on resource extraction in indigenous areas and the other in Khabarovsk, Far East Russia, on environmental problems facing indigenous people. The latter event had also been supported by the Russian Association of Indigenous Peoples of the North (RAIPON) and by the Secretariat of the Permanent Forum on Indigenous Issues.

31. Responsibility for solving the problems of indigenous people did, of course, rest primarily with

States. For his Government, the protection of indigenous people's rights and interests was a domestic priority. Efforts continued to be made to strengthen the legislative basis regulating relations between the central authorities and the country's indigenous people. The right of indigenous minorities to their own social, economic and cultural development, and to protection of their environment and traditional way of life and use of natural resources was duly protected, in line with the Declaration. A comprehensive strategy for the economic and social development of the indigenous peoples of the North, Siberia and Far East of the Russian Federation (2009-2015) was being elaborated that would replace the current strategy, which had been due to expire in 2011.

32. His Government accorded special attention to protecting the rights of indigenous people in the context of industrialization. As was well known, the areas in which indigenous people resided had played a significant role in the economic development of the Russian Federation. Efforts were currently under way to regulate relations between indigenous minorities and mining companies, as part of an overall strategy for the sustainable development of such minorities. The issue of compensation was also being addressed at the legislative level. Sadly, however, the problems facing indigenous peoples were still far from being resolved. The promotion and protection of their human rights required continued efforts at the international, regional and national levels and his Government would continue to play an active part in such efforts.

33. **Mr. Skinner-Klée** (Guatemala) welcomed the adoption of the Declaration on the Rights of Indigenous Peoples as a further step towards improving the situation of indigenous peoples, who had spent over two decades working towards it. Although it had not been possible to adopt the Declaration by consensus, the fact that it had been adopted by the vast majority of States demonstrated the international community's desire to redress historic injustices and provide indigenous peoples with an instrument that was consistent with the general principles of international law and human rights and embodied those rights that were essential to preserving their identity and promoting their economic, social, and cultural development while recognizing their right to be different and to be respected as such.

34. The Universal Declaration on Cultural Diversity adopted by the United Nations Educational, Scientific

and Cultural Organization (UNESCO) in 2001 had recognized cultural diversity as the common heritage of humanity. It had been essential to acknowledge the invaluable contributions that indigenous peoples had made to humankind through their knowledge and traditional practices. His delegation hoped to see the Declaration on the Rights of Indigenous Peoples become part of the heritage of the United Nations, ushering in a new culture of inter-ethnic relations.

35. He called on the United Nations agencies, funds and programmes, governments and indigenous peoples to use the Declaration as a guide for improving the lives of indigenous peoples, facilitating their economic, political, social and cultural development and ensuring their full enjoyment of human rights and fundamental freedoms. The Declaration was a step towards achieving a better world; all that remained was to put into practice the principles and rights that it embodied.

36. **Ms. Critchlow** (Guyana) said that Guyana's Constitution guaranteed equality for all citizens and that public policies were geared towards ensuring that each individual was afforded the opportunity to realize his or her full potential. That guarantee of equality pertained to Amerindians as well. In ensuring their well-being and full integration in the mainstream of Guyanese society, policymakers were also mindful of their unique culture and way of life, as well as their right to development in accordance with their own needs and interests.

37. Although attention had been concentrated on a wide array of socio-economic issues affecting indigenous communities, particular success had been achieved in education, health care and land rights issues. Access to quality education had been improved through the construction of additional schools in Amerindian communities, distance education programmes to improve teachers' qualifications without removing them from their communities and the provision of scholarships to Amerindian students. As a result, Amerindians were attaining higher levels of education in Guyana and were also being funded to study abroad. A recent initiative was the teaching of indigenous children in their mother tongue, which facilitated learning and language retention. Access to health care in Amerindian communities had also improved.

38. The Amerindian Act, which recognized the linkage between the spiritual well-being, identity and

sustainable livelihood of indigenous peoples, as well as their connection to their lands, had been revised in 2006. As a result, the Government had accelerated action with respect to the demarcation and allocation of land to Amerindians, whose communities were granted perpetual ownership of it. Community leaders were also being taught about Amerindian rights.

39. At the second Latin American Parks Congress, held in Argentina, representatives of indigenous peoples had reaffirmed their commitment to the conservation and sustainable development of lands, territories and resources under their control. The leader of the Wai Wai community of Guyana had reported on the community's plan to ban loggers and miners from their area and to pursue an economic strategy based on ecotourism, research and traditional crafts in order to create employment while preserving their land for future generations.

40. While progress had been made, more needed to be done for the Amerindians in Guyana. Achieving the Millennium Development Goals (MDGs) required parallel efforts by the international community, including the honouring of commitments with regard to the provision of development assistance.

41. **Mr. Lundberg** (Finland), speaking on behalf of the Nordic countries, said that the two major goals of the First International Decade of the World's Indigenous People — finalizing a United Nations declaration on the rights of indigenous peoples and establishing a permanent forum for indigenous issues within the United Nations system — had been accomplished. The work must continue, however.

42. The Permanent Forum on Indigenous Issues had a central role to play in the follow-up activities of the Second International Decade. The possibilities for indigenous peoples to contribute to and have an impact on the outcome of the Millennium Development Goals implementation process and the follow-up to major United Nations conferences also needed to be strengthened. The input and participation of indigenous peoples themselves in the design, implementation and monitoring of MDG policy interventions remained inadequate. Despite their enormous contribution to society, indigenous women still suffered from multiple discrimination, both as women and as indigenous individuals, experiencing extreme poverty, trafficking, illiteracy, non-existent or poor health care and violence in the private and public spheres. Such violence was

exacerbated in cases of armed conflict, where indigenous women became targets of politically motivated violence.

43. **Mr. Heidt** (United States of America) reiterated his Government's strong commitment to promoting indigenous rights at home and abroad. His delegation had had to vote against the Declaration on the Rights of Indigenous Persons, however, because many of its core provisions were either unclear or not capable of implementation. A full statement of his Government's views was available on the Permanent Mission's website. When the Human Rights Council had renewed the Special Rapporteur's mandate in September 2007, it had made it clear that he was to promote the Declaration only where appropriate, meaning that he had no mandate to promote it in States that had voted against its adoption by the General Assembly.

44. **Mr. Riofrío** (Ecuador), noting that Ecuador was culturally and ethnically diverse, said that the Declaration did not create any new rights, but simply reiterated those contained in international human rights treaties, applying them to indigenous peoples. The Declaration was fundamental for advancing the economic, social and cultural development of indigenous peoples, and their achievement of the MDGs.

45. His Government was at the forefront in recognizing the rights of indigenous peoples, including the right to education in their own languages and traditions, and had established a national system of intercultural bilingual education in 1993. Indigenous people participated actively in public life, were represented in Parliament and headed a number of local governments. The clear State policy of inclusion of indigenous peoples had led to the creation of a ministerial level national council for the development of indigenous peoples which, with support from indigenous organizations, was taking practical steps to achieve the goals of the Programme of Action for the Second International Decade.

46. His delegation reiterated its support for the work of the Permanent Forum on Indigenous Issues and welcomed the adoption of the issue of climate change and its consequences for indigenous peoples' survival as the theme of its next session. It welcomed the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/62/286), which expressed concern at the steady

decline in indigenous territories, including indigenous peoples' loss of control over their natural resources. Taking development to mean the attainment of a good standard of living for all, in peace and harmony with nature, his delegation welcomed the General Assembly's debate on the devastating and unjust impact of climate change, particularly for indigenous communities. In recognition of indigenous peoples' right to the lands and territories that they inhabited, his Government had decided not to exploit the oil reserves of certain areas where indigenous peoples lived in voluntary isolation.

47. **Ms. Daes** (Greece), noting that the Declaration on the Rights of Indigenous Peoples was the outcome of an arduous 22-year process, said that it had already had a major effect on the morale of indigenous peoples. It established an important standard for their treatment and was a significant tool for the eliminating the injustices, discrimination, marginalization and human rights violations that had been suffered by indigenous peoples for centuries. It was also a milestone from which governments and indigenous peoples would work together to build new equal, democratic, constructive relations and fruitful cooperation.

48. While the right of self-determination set forth in article 3 of the Declaration was of cardinal importance to indigenous peoples, it did not carry with it a right to secession. Instead, respect for the principles of territorial integrity and political unity of sovereign and independent States was provided for expressly in article 46 of the Declaration. Articles 25 and 26 dealing with the question of lands, territories and resources made it clear that indigenous peoples had full rights of ownership and control of their lands and resources without discrimination. Thus, the doctrines of *terra nullius* and dispossession were no longer valid for indigenous lands, territories and resources. The Declaration also recognized expressly that indigenous peoples held many rights as peoples, collectivities, communities or groups; that was an important advance in the international understanding of human rights and the rights of peoples.

49. **Mr. Guillén** (Peru) said that his Government continued to make progress in the promotion and protection of the fundamental rights and freedoms of indigenous peoples. The Congress of the Republic had been organizing a series of forums to permit an open dialogue between indigenous peoples and the State, on such topics as indigenous medicine and environmental

protection, the outcomes of which would underpin the legal structure in favour of indigenous rights.

50. It was evident that the cultural wealth of indigenous peoples was inversely proportional to their income levels. The poverty and inequalities affecting developing countries, such as Peru were exacerbated for indigenous people. In adopting the Declaration, the General Assembly had risen to the challenge of filling a significant gap in the protection and promotion of human rights, namely, the protection of indigenous peoples, who were among the most vulnerable groups. That step was only a beginning, however, and much remained to be done. In that regard, his delegation supported the work of the Permanent Forum on Indigenous Issues and believed that the Programme of Action for the Second International Decade should be the focal point of international action to promote the rights of indigenous peoples.

51. **Mr. Navoti** (Fiji) noted that the Declaration on the Rights of Indigenous Peoples might never have been adopted had Member States insisted on a consensus. One of the main reasons for the failure to reach a consensus had been the appearance in the text of the term “self-determination”, which some delegations had feared might be construed as encouraging actions that would impair the territorial integrity of States. While it acknowledged that the principle of self-determination was being used increasingly as a convenient pretext for a new form of reactionary tribalism, his delegation did not feel that that threat was sufficient to justify outright rejection of the Declaration. The concept of self-determination was founded on the premise that peoples themselves were holders of that right, and it could be interpreted in different ways. As used in the Declaration, his delegation interpreted it as meaning the right of ethnic minorities to benefit from certain collective rights, although in Fiji’s case, the holders of those rights were indigenous peoples who were not necessarily in the minority. His Government would not accept any interpretation of articles 3 and 4 on self-determination that might lead to or was aimed at the disruption of the national unity or territorial integrity of any country.

52. Another reason for the failure to reach a consensus had been concern over the meaning of “free, prior and informed consent”, which could be interpreted as giving indigenous peoples rights that did not apply to others in the population. His delegation interpreted it as an attempt to make restitution for

historical inequities, and, as such, had been able to accept it. His Government reaffirmed that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences were racist, scientifically false, legally invalid, morally condemnable and socially unjust. It would interpret the provisions of the Declaration in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

53. **Ms. Abdelhak** (Algeria) said that her delegation had voted in favour of the Declaration, in order to do justice to long-marginalized indigenous peoples by allowing their full integration in their societies. If the Declaration was to contribute to social justice and peace, however, it must not give rise to misinterpretations that might threaten the territorial integrity and political unity of sovereign and independent States or compromise the aspirations of peoples under colonial domination or foreign occupation. The Declaration, in particular its provisions on self-determination, should be read carefully, taking into account the specificities of each region.

54. In Africa, the principle of intangibility of borders adopted in the wake of independence had permitted the creation of nation-States that must be secured and stabilized. In no case should the Declaration be interpreted to allow that important achievement to be called into question on the pretext of promoting tribal or cultural differences. The principle of self-determination was applicable only to Non-Self-Governing Territories. Any policy of fragmentation in Africa would only weaken newly independent States and undermine the African Union. Her delegation read article 46, paragraphs 1 and 2, of the Declaration as allowing States to interpret all the provisions of the Declaration, including those on self-determination, in the context of their own national legislation. Lastly, her Government would continue to support the just cause of indigenous peoples in the framework of both the Declaration and such other mechanisms as the International Decade of the World’s Indigenous People.

55. **U Kyaw Tin** (Myanmar) said that the Declaration, although non-binding, would serve as a useful instrument in promoting and protecting the rights of the world’s indigenous peoples. Myanmar was a multi-ethnic nation with over 100 national races, all

of which were indigenous. As a result, issues between indigenous and non-indigenous groups did not arise. It was on that understanding that his delegation had joined in endorsing the Declaration, making clear its position that the right of self-determination applied only to peoples under colonial domination seeking to gain national independence. The exercise of self-determination by national races living within a sovereign State was strictly governed by its laws and the Declaration could only be interpreted in accordance with the principles of sovereignty, territorial integrity and national unity.

56. The national races in Myanmar had lived in harmony throughout the ages, until colonialism had created discord, leaving the country to contend with numerous insurgencies after independence. Myanmar's remote border regions, where the large majority of ethnic groups lived, had lagged behind in development because of the protracted insurgencies. The Government had been able to bring peace and stability to those regions, however, and only one ethnic armed group remained outside the legal fold. That painful experience had strengthened the Government's belief in the importance of consolidating national unity. Accordingly, a ministry had been established in 1992 to focus on the implementation of the Border Areas Development Programme. The Government was also helping ethnic farmers to end opium poppy cultivation by providing them with alternate means of livelihood. That strategy had resulted in the establishment of opium-free zones in the Mongla, Eastern and Wa Special Regions, where opium cultivation had ceased in 2005. Steps had also been taken to ensure that national races enjoyed the right to participate in the political process, including the recently concluded National Convention. Lastly, the adoption of the Declaration should not be an end in itself, but must lead to greater national and international efforts to promote and protect the rights of indigenous peoples, especially the fundamental right to economic and social development.

57. **Ms. Pyakurel** (Nepal) said that the implementation of the Declaration on the Rights of Indigenous Peoples would require the international community to provide technical and financial support to developing countries, particularly in devising legislative and institutional measures to be taken at the local level.

58. Her Government attached great importance to the work of the United Nations on indigenous issues and had participated regularly in the Permanent Forum on Indigenous Issues, the working groups of the Office of the High Commissioner for Human Rights and the Human Rights Council. It had also ratified ILO Convention No. 169. Nepal was home to various ethnic groups, including diverse indigenous peoples, and the Government was committed to safeguarding their interests, based on a strong foundation of inclusive democracy, peace, justice and the rule of law, human rights and fundamental freedoms. The Nepalese people had participated overwhelmingly in the April 26 popular movement that had brought an end to armed conflict and ushered in a new era of pluralism and inclusion. The multi-ethnic character of Nepalese society was enshrined in the Interim Constitution and the recently amended Civil Service Act reserved 45 per cent of posts for women, indigenous and ethnic groups, Madhesi, people from remote areas and persons with disabilities. The reservation of posts for women, indigenous groups and Madhesi had recently been extended to the police force. She reiterated her Government's full commitment to protecting and promoting the human rights of all people, including members of ethnic and indigenous groups, and hoped that the international community would lend its technical support and cooperation to those efforts.

59. **Mr. Hermoso** (Philippines) said that the rights of indigenous cultural communities in the Philippines were recognized in the Constitution and reaffirmed in the Indigenous Peoples' Rights Act. His delegation had played a key role as Facilitator for the negotiations on the Declaration on the Rights of Indigenous Peoples at the sixty-first session of the General Assembly and had voted in favour of its recent adoption.

60. His Government had instituted policies and actions to put into practice its commitment to its indigenous citizens, ensuring that indigenous members of society were mainstreamed in the development process. As land was central to the lives of indigenous communities, the Government was working to secure land tenure for them, while implementing a plan for the sustainable development and protection of ancestral domains. It also provided livelihood projects, reinforced by capacity-building programmes. The Department of Health was involved in protecting indigenous peoples' right to health, particularly through the elimination of tuberculosis, malaria and

filariasis. In the area of education, a culture-sensitive core curriculum had been developed for students from indigenous communities. Several important initiatives had been taken to respond to emergency situations facing indigenous communities and to reports of human rights violations against them. With the adoption of the Declaration, his Government expected the international community to exhibit the same dedication that it had shown to its marginalized indigenous peoples. If nations worked together to preserve and protect indigenous peoples, the survival of cultural diversity would be assured.

61. **Mr. Kinyanjui** (Kenya) said that the Constitution of Kenya provided rights to all citizens without discrimination and provided for redress if any person or group felt that their rights had been violated. With regard to land ownership, the Constitution guaranteed the right to protection of property and stipulated that an individual could not be deprived of property except by law. There were several land tenure systems in Kenya. The Government had always identified land as a very important resource and several initiatives had been put in place over the years to harmonize the laws governing land ownership, use and transfer. Colonialism had led to the dispossession and displacement of many communities and, after independence, it had not been possible to resettle all displaced persons despite the land tenure policies put in place. Successive Governments had attempted to correct those historical injustices. Recent initiatives included a National Land Policy, formulated after a wide consultative process, which would encourage a multisectoral approach to land use, provide social and economic support and establish an enabling environment for agriculture and livestock development and exploitation of resources. The policy's guiding principle was to deal with principle rather than personalities or groups of persons. The Government had also initiated programmes for the equitable distribution of resources to all citizens. With the measures currently in place and the continued engagement of all stakeholders, the living standards of all Kenyans should improve.

62. **Mr. Dicko** (Mali) said that his delegation had voted in favour of the Declaration on the Rights of Indigenous Peoples. Drawing attention to article 46, paragraphs 1 and 2, of the Declaration, which upheld the principle of the territorial integrity and political unity of States and stipulated that the exercise of the

rights set forth the Declaration was subject only to limitations determined by law and in accordance with international human rights obligations, he noted that the Declaration represented a political and moral ideal to strive towards while strictly respecting the sovereignty and territorial integrity of States.

63. **Mr. Adamou** (Niger) said that his delegation had voted in favour of the Declaration and interpreted article 46, paragraphs 1 and 2, thereof in line with the principles of the African Union.

64. **Mr. Ochoa** (Mexico) said that Mexico had deep multi-ethnic roots and had made considerable progress recently in protecting the rights of its indigenous peoples. The adoption of the Declaration would ensure that indigenous rights received consideration in the Human Rights Council and other United Nations bodies. His Government had increased its support for the Voluntary Fund for Indigenous Populations and urged other delegations to follow suit.

65. **Ms. von Lilien-Waldau** (International Fund for Agricultural Development (IFAD)) said that indigenous peoples were among the poorest and most marginalized people in the world and were disproportionately represented among the rural poor. Over the past 30 years, IFAD had channelled a significant proportion of its loan and grant funds to supporting indigenous and tribal peoples. It welcomed the adoption of the Declaration, which validated the tireless struggle of indigenous peoples worldwide for human rights and equality.

66. IFAD had intensified its focus on indigenous issues. In 2006, it had signed an agreement with the World Bank to transfer the latter's grants facility for indigenous peoples to IFAD. The Indigenous Peoples Assistance Facility supported the aspirations of indigenous and tribal peoples and helped fulfil their development needs through small grants. IFAD was encouraged by the steady progress made by indigenous peoples towards greater recognition of their rights, safeguarding of their heritage and promotion of their unique culture. Climate change would have an enormous impact on their livelihoods, however. Already, many indigenous communities were being forced to adapt their way of life to the changing environment or were being displaced from traditional lands due to coastal and land erosion and rising sea levels. High altitude areas were not only experiencing melting glaciers and ice peaks but also witnessing

negative impacts on their agriculture as a result of climate change and drought. That was yet another battle that the indigenous peoples of the world had not sought but would have to fight. The international development community must act urgently to help indigenous peoples adapt to and mitigate the effects of climate change.

67. **Mr. Dall’oglio** (International Organization for Migration (IOM)) said that indigenous peoples were often thought of as sedentary groups with strong ties to their land. However, a number of factors were bringing to light the importance of migration of indigenous peoples, all too often forced migration or displacement. While lack of economic, health and educational opportunities was the root cause of their migration, the migration process itself reinforced a pattern of marginalization and social exclusion, including vulnerability to trafficking and smuggling, which often continued at their destinations.

68. The 2006 High-level Dialogue on Migration and Development and the 2007 Global Forum on Migration and Development had shown how far the international community had come in recognizing the nexus between migration and development. The sixth session of the Permanent Forum on Indigenous Issues had also highlighted the importance of migration to indigenous peoples and had called for return, compensation and restitution mechanisms for indigenous peoples displaced from their lands. As a member of the Inter-Agency Support Group on Indigenous Issues, IOM had been asked to promote a migration contact group, consisting of various United Nations agencies that dealt with indigenous peoples’ migration, to strategize on how to raise the specific issues of indigenous peoples within the development and migration debate. IOM welcomed the adoption of the Declaration, which was the culmination of more than two decades of commitment by stakeholders, and would support its ideals in its work.

The meeting rose at 1.15 p.m.