

# Urgent/Declaration Update - Please Forward

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From: American Indian Law Alliance

Dear Indigenous Brothers & Sisters,

1. We have very serious news to report. We have been informally advised today that the Mexican representative, apparently acting on behalf of Latin American and EU states ("supporting states") that supported the UN Human Rights Council's text of the Declaration on the Rights of Indigenous Peoples, has reached an agreement with representatives of the African Group of States (AGS) on a modified text which will be submitted to the G.A. for its adoption on September 13, 2007. We have also heard that the Mexican representative informed representatives of the AGS and other supporting states that the Indigenous Caucus had agreed to the modification. We have been told that the modification includes language in final article 46 that reproduces, or closely resembles, this paragraph taken from the 1993 Vienna Declaration and Programme of Action:

"In accordance with the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color."

2. We note that, from the start of the deliberations in the GA on the Declaration, the representatives of "supporting states" assured us publicly, over and over again, that they would not agree to any modification to the text without the approval of indigenous peoples. Yesterday morning, the representatives of Mexico, Peru, and Guatemala briefed a dozen or so indigenous persons and supporters on the ongoing negotiations they were conducting with AGS states WITHOUT showing us any language for our perusal, let alone approval which, in any event, would have to come from our nations and peoples and not a handful of indigenous persons meeting in New York even if they had seen the proposed language. We understand that the Mexican representative met later in the evening with two indigenous persons. We do not know what transpired between them but, regardless, two persons do not, there and then, have the authority to agree to language that affects 500 million indigenous peoples.

3. AILA fervently hopes that the report is not true. That, at most, Mexico told the AGS that it would report proposed language back to indigenous peoples who, in all decency, must see the actual text and have the time to confer with our peoples and nations back home regarding its content, just as state representatives confer with their capitals on issues of this importance.

4. AILA urges all of us to demand that Mexico and other supporting states meet and confer immediately with ALL interested indigenous persons and supporters in New York on the text of the Declaration to be adopted. AILA, for its part, will state that it cannot accept the insertion of the said paragraph from the Vienna Declaration as it could eviscerate the Declaration of our peoples' rights that so many of us, living and dead, have worked for arduously for over two decades.

#### 5. Permanent Missions to the United Nations

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Guatemala	212 679-4760	<a href="mailto:guatemala@un.int">guatemala@un.int</a>
Portugal	212 759-9444	<a href="mailto:portugal@un.int">portugal@un.int</a>
Current President of the European Union (EU), President Barroso	212 371 3804	<a href="mailto:delegation-new-york@cec.eu.int">delegation-new-york@cec.eu.int</a>
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