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Press Conference

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PRESS CONFERENCE ON INDIGENOUS RIGHTS DECLARATION

Indigenous peoples' representatives, at a Headquarters press conference this morning, endorsed the amended text of the draft Declaration on the Rights of Indigenous Peoples and called for its adoption by consensus by the General Assembly next week.

Speaking to the press about the latest developments regarding the negotiations on the draft were: Les Malezer, Chair of the Global Indigenous Caucus; Victoria Tauli-Corpuz, Chairperson of the United Nations Permanent Forum on Indigenous Issues; and Joseph Ole Simel, Coordinator of the African Regional Indigenous Caucus.

The draft was forwarded to the Assembly following its approval by the United Nations Human Rights Council on 29 June 2006, and action on the text is expected on 13 September. Initially scheduled for November 2006, the adoption of the text was deferred, on a motion by African States, until the end of the Assembly's current session in September 2007, so that further consultations could take place.

Mr. Malezer said that, presented with an agreement between the African Group and co-sponsors of the draft, the Steering Committee -- a body made up of representatives from seven regional groups -- had asked for indigenous peoples' opinions on the Declaration and formed its response on the basis of those communications. While many of the indigenous peoples supported the amended Declaration, many others took the position not to oppose its adoption. Some felt strongly that they should not be bound by the process and emphasized the right of indigenous peoples to decide their own arrangements in their own time frame.

Of most significance, however, was the level of support for the introduction of the modified text for adoption, based upon numerous important provisions preserved in the draft, he continued. Therefore, the Steering Committee endorsed the adoption of the text, as modified, conditional upon assurances that any further proposals to amend the Declaration would be opposed by the African Group and co-sponsoring States. The level of support given to the text in the Assembly would demonstrate the degree of commitment and good faith by the international community for the implementation of that standard, upholding and implementing the rights of indigenous peoples.

Mr. Simel recalled that the reason the text had not been adopted at the end of last year was a resolution sponsored by African countries. This year, Africa had played a major role again, providing leadership where it was lacking. The Group served as a meeting point between some very extreme and more liberal positions.

The developed nations, in particular Canada, New Zealand, Australia and the United States, had been dictating to African countries and developing countries in general about human rights, accountability, democracy and transparency, he continued. However, third world countries had now taken a very progressive step in terms of human rights and demonstrated a lot of goodwill and commitment to the rights of indigenous peoples, leaving the United States, Canada, Australia and New Zealand behind. Indigenous peoples were now looking to benefit from the Declaration, because of the provisions that related to restitution, land and natural resources, territorial integrity and self-determination.

“We want to take this opportunity to send a message and a humble appeal to those countries that still have difficulties . . . that indigenous peoples all around the world wish that the Declaration be adopted by consensus and, therefore, Canada, Australia and the United States need to take the same direction Africa has taken,” he said. He looked forward to celebrating the adoption of the text next week.

Ms. Tauli-Corpuz said that, in the short time since the amended text had been presented to the Forum, the majority of its members had expressed support for the draft. “We believe that the most important provisions of the declaration were kept intact and we, therefore, endorse that this text be presented at the General Assembly for adoption,” she said. The adoption of the text would be an historical milestone. It would be a key instrument for raising awareness of indigenous peoples’ rights, a major reference document, and an important foundation for the work of the Permanent Forum.

Asked to elaborate on the changes to the text, Mr. Malezer said that there were nine amendments, including five deletions and four additions. Four of the changes were in the preambular part, and five in the operative part of the draft. Indigenous peoples’ representatives had studied closely two areas of concern, as far as the changes were concerned. One of those areas was article 46 of the text, which relates to “territorial integrity and political unity of sovereign and independent States”. “When we looked at this, we were not given the option to test the amendments, we were not given the option to accept this amendment or reject that amendment, or to make a further amendment,” he said. Indigenous peoples had to look at the Declaration afresh to see whether they could support it.

Looking at the text, “we were quite inspired by it, as we were inspired at the time of the Human Rights Council,” he continued. “We would not have gone for the amendments. We called for the Declaration to be adopted without amendments, but . . . presented with the amended Declaration, presented with an agreement made between approximately 130 States and given the prospect that they could almost go to a consensus, then we have a very good result,” he said. Just on the numbers alone, the adoption by an overwhelming majority meant that the Declaration was “right” and should be implemented. If a few States did not accept the Declaration, then it would be a reflection on them, rather than the document.

Speaking about an addition to the preambular part of the text, he said that, while it could be open to interpretation, he believed that any reasonable interpretation would find that it did not affect the rights of indigenous peoples. That amendment was very important to the African Group, because they were trying to say that their history of colonization had been very different from the rest of the world. They were trying to “nation-build”, while dealing with the issues of indigenous peoples at the same time.

Addressing concerns about article 46, Ms. Tauli-Corpuz said that the first priority of the indigenous peoples was not to have that language in the body of the Declaration, but they realized that the issue was very important to Member States, especially the African States. Article 26 of the draft also proclaimed the rights of indigenous peoples to their lands, territories and resources. Therefore, she felt that there were enough safeguards in the main body of the text that would balance the statement about the political unity and territorial integrity of States.

To a question about Canada’s reluctance to support the draft, Mr. Simel said that the Declaration would become an international human rights standard. Canada had its own challenges in dealing with indigenous peoples, but those should not be reflected at the international level, because over 300 million indigenous people around the world were waiting for the adoption of that instrument. He was concerned over Canada’s double standard in trying to dictate to developing nations what they should do.

Asked what Canada had done, he said that, by approaching Africa, which had so many problems, and trying to use aid as a tool, Canada was committing a crime. Many poor countries did not have the ability to negotiate, because they were dependent on aid from developed countries. Canada had tried to use any kind of “sweet language” for the Declaration to be blocked. However, the African countries had now refused to “go the Canada way” and taken an independent position on the matter.

Mr. Malezer added that Canada had initially supported the Declaration, but had completely reversed its position between January and June 2006 -- from being a lead advocate of its adoption to a State that had called for a vote in the Human Rights Council. Clearly, it was a political flip that was not based on the text. Since then, Canada had actively opposed the Declaration. In the last couple of weeks, Canada had produced a number of amendments, which went four or five years back in the discussions on the draft, in some cases reinstating text that Canada had not supported in the working group. Now, Canada was most likely to stand up in the General Assembly and call for a vote to stop a consensus on the Declaration.

Asked to comment on a statement by the Ambassador of Kenya that his country had no indigenous people, Mr. Simel said that the position taken by the Governments of Kenya and a number of other countries, including Botswana, Namibia and Nigeria, was a total contradiction. In fact, Kenya had several indigenous programmes in place, including one funded by the World Bank. Many articles in the country's proposed constitution were stronger than those in the draft Declaration. If Kenya had no indigenous peoples, why had it invited the Special Rapporteur for the Rights of Indigenous Peoples? As a representative of an indigenous people, he believed that the Ambassador's statement had been made under pressure from the Canadian Government and others.

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