



General Assembly

Distr.
GENERAL

A/HRC/1/SR.17
13 July 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL

First session

General segment

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 June 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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GE.06-12771 (E) 070706 130706

The meeting was called to order at 3 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 4) (continued)

Consideration of the report of the open-ended intersessional working group on a draft United Nations declaration on the rights of indigenous peoples (E/CN.4/2006/79; A/HRC/1/NGO/1-5) (continued)

1. Ms. GÁLVEZ (Mexico) thanked the Chairperson-Rapporteur of the working group on a draft United Nations declaration on the rights of indigenous peoples for his report, which had been presented at the previous meeting, and for his guidance in the long and complex negotiations. Mexico fully supported his proposal, as did a majority of indigenous peoples and States. The Human Rights Council’s adoption of the draft declaration would be a clear demonstration of the political will to give full recognition to the rights of indigenous peoples.
2. The concerns that had been raised by certain States and indigenous organizations were minority positions. A number of the amendments to the draft declaration put forward by States had been accepted, and throughout the negotiations the Chairperson-Rapporteur had suggested compromises in the interest of consensus and balance. The draft included safeguards for States in such areas as self-determination, territorial integrity, land and territories and third party rights, and would pave the way for more harmonious relations between States and indigenous peoples.
3. It had been said that those who supported the draft were unwilling to make compromises in the interest of improving the text. At the same time, the motivation of the delegations that were in favour of further negotiations on the text was open to question. It seemed that there were still some who wished to restrict the recognition of indigenous rights. While Mexico would have preferred to obtain a declaration by consensus, there came a time when the search for consensus began to hinder progress.
4. Mr. MEYER (Canada) said that, in order to be truly effective, the declaration must clearly set out expectations for the States in which indigenous peoples actually lived. While the Chairperson-Rapporteur’s conclusions and proposals reflected recent progress within the working group on a range of issues, certain key provisions, such as the section on lands, territories and resources, remained unclear and open to competing interpretations.
5. Canada wished to ensure that the draft declaration could be supported by as many countries as possible. Since the latest draft had not been discussed by all parties, the Council should authorize the working group to hold further consultations on the Chairperson-Rapporteur’s text and report back to the Council at its next session. The effective participation of representatives of indigenous organizations in that process should continue.
6. Mr. HUGUENEY (Brazil), speaking on behalf of the Group of Latin American and Caribbean States, said that both the Durban World Conference against Racism and the 2005 World Summit had called for an early conclusion to the negotiations on the draft declaration on the rights of indigenous peoples. The draft contained a series of measures to ensure the continued existence and development of indigenous peoples and to put an end to discrimination against them; it also proposed means of redressing historical injustices and

reaffirmed indigenous peoples' rights on the basis of international law. The members of the Group of Latin American and Caribbean States were committed to the recognition of and respect for the rights of indigenous peoples, and considered that the draft declaration was ready for adoption.

7. Speaking on behalf of the delegation of Brazil, he said that the text before the Council was the outcome of efforts by all parties to accommodate States' concerns. It revitalized the core principle of non-discrimination, acknowledged diversity as a contribution to the wealth of countries, and underlined the past and present contribution of indigenous peoples to the material and spiritual development of all States. At the same time, the rights recognized in the draft declaration respected the political unity and territorial integrity of the sovereign and independent States in which indigenous peoples lived and would contribute to democracy, good governance, stability, social and economic equity and greater justice in those States.

8. As a multi-ethnic and multicultural country, Brazil was convinced that the declaration would be of the utmost importance not only in correcting the distortions created by centuries of exclusion but also in promoting a harmonious relationship between indigenous peoples and other segments of society.

9. Ms. DONG Zhihua (China) said that the Human Rights Council should use the Chairperson-Rapporteur's text as a blueprint in order to facilitate the early adoption of the declaration on the basis of full consultation. Her Government was ready to join other parties and play an active and constructive role in achieving that objective.

10. Mr. ZHIGITOV (Russian Federation) said that the Russian Federation had participated actively in the working group, and had hoped that the draft declaration would be a balanced document that met the requirements of States and indigenous peoples. While the adoption of the declaration would be an important step towards guaranteeing the rights and interests of indigenous peoples and broadening their development opportunities, the draft currently under discussion was far from acceptable and his delegation was disappointed that the Chairperson-Rapporteur had decided to submit the text to the Council. Several aspects of the text were unacceptable even to States with large indigenous populations, including the Russian Federation. The text had not been agreed by consensus, nor could it be considered a compromise. The adoption of the draft declaration as it stood would set a bad precedent for the Council's future work. His delegation considered that the mandate of the working group should be extended so that it could reach a consensus on a truly effective and authoritative declaration on the rights of indigenous peoples.

11. Mr. PETRITSCH (Observer for Austria), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia, The former Yugoslav Republic of Macedonia and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina and Serbia, and, in addition, Liechtenstein and the Republic of Moldova, said that the European Union regretted that the working group had not been able to reach agreement on all articles of the draft declaration and, in particular, that some States with indigenous peoples could not accept the Chairperson-Rapporteur's text. However, the final compromise text offered the best achievable outcome to the process, and the European Union would therefore support the adoption of the draft declaration by the Council at its current session.

12. Mr. ARROYAVE PRERA (Guatemala) said that all parties had demonstrated great flexibility in efforts to reach consensus on the draft declaration. In particular, his delegation appreciated the concessions made by the indigenous peoples. Since further discussions would jeopardize the balance that had been struck, his delegation urged the Council to adopt the draft declaration.

13. Ms. MTSHALI (South Africa) said that the Council's adoption of the draft declaration would do much to restore the hope of society's marginalized and vulnerable people that their rights would be recognized.

14. Mr. YAMADA (Japan) said that the adoption of the Chairperson-Rapporteur's proposal without prior discussion in the working group might set a procedural precedent for the future adoption of legal documents. Japan was willing to cooperate with other delegations that were seeking ways of reaching agreement on a strong and well-supported declaration.

15. Mr. GARCIA (Philippines) said that, while the Philippines wished to see the draft declaration finalized as soon as possible so that it could be adopted by the General Assembly, delegations should have an opportunity to amend the Chairperson-Rapporteur's text. Moreover, as a new body with new membership, the Human Rights Council should have an opportunity to examine the text. Further discussion would make it possible to reach consensus or broad agreement.

16. Mr. JAZAIRY (Algeria), speaking on behalf of the African Group, expressed full support for the draft declaration and appealed to those States that advocated further improvements to the text to withdraw their reservations in order to allow the draft declaration to be adopted by consensus.

17. Ms. MELONO (Cameroon) said that, in its constitutional reforms of 1996, Cameroon had specifically recognized the rights of minorities and indigenous peoples. In that regard, the Pygmies, a particularly vulnerable indigenous group, had benefited from sustained assistance from the authorities and non-governmental organizations (NGOs). The route of the proposed oil pipeline between Chad and Cameroon had been changed several times in order to preserve Pygmy villages and hunting grounds. Her delegation was disappointed that a consensus had not been reached in the draft declaration on such fundamental issues as land, natural resources and collective rights. She called on the Council to adopt the draft declaration by consensus.

18. Mr. RIPERT (France) said that his delegation hoped that the draft declaration on the rights of indigenous peoples would be adopted by consensus. France was concerned with indigenous issues in its overseas territories and was conducting programmes to support their economic and social development. The draft declaration completed the base of norms set out in United Nations instruments for the promotion and protection of human rights. During the negotiations, his delegation had drawn attention to the legal difficulties and inconsistencies that remained in the text, particularly in respect of constitutional norms. Although France had been unable to ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries owing to the nature of its constitutional system, France complied with most of the provisions of the Convention. France was committed to international norms in respect of human rights and democratic values, and was a sponsor of the draft resolution on the adoption of the draft declaration on the rights of indigenous peoples.

19. Ms. NUORGAM (Finland), speaking on behalf of the Nordic countries and Estonia, welcomed the finalization of the text of the draft declaration on the rights of indigenous peoples and hoped that the draft would be adopted by consensus. Any deferral of the adoption of the draft declaration would jeopardize the progress made by the working group.

20. The rights of indigenous peoples were of great importance to the Nordic countries, which considered the draft declaration as an important tool for reaffirming the principle of full and effective participation of indigenous peoples in the decision-making process. Once adopted, the declaration would serve as a comprehensive framework for partnership between States and indigenous peoples. Indigenous peoples and organizations should be allowed to participate fully in the work of the Human Rights Council in order to enable the Council to make informed decisions based on the realities of indigenous life.

21. Mr. GONZÁLEZ ARENAS (Uruguay) said that his delegation fully endorsed the view of the Group of Latin American and Caribbean States that the drafting process, which had been under way for more than two decades, should be brought to a close. Uruguay would continue to support measures to prevent all forms of discrimination, including discrimination against indigenous peoples. Steps must be taken to remedy past injustices and to promote respect and tolerance as prerequisites for the harmonious coexistence of peoples. Since the adoption of the draft declaration would fill a protection gap, Uruguay associated itself with the many delegations that had long been calling for its adoption.

22. Mr. LARENAS SERRANO (Ecuador) said that the question of indigenous peoples' rights was intimately bound up with Ecuador's historical roots. The international community had the moral obligation to recognize the rights of peoples whose very existence had been ignored for centuries. The adoption of the draft declaration would indicate to the international community that the Human Rights Council was capable of exercising political will and reaching agreement on legal principles. His delegation had therefore sponsored a draft resolution that would end a negotiating process that could not be extended indefinitely.

23. Mr. ALFONSO MARTÍNEZ (Cuba) said that his delegation shared the dissatisfaction of many representatives of States and indigenous peoples with the shortcomings of the draft declaration, which had not been formally adopted. The draft contained alternative wording on issues of such importance for indigenous peoples as the principle of self-determination, their inalienable right to their ancestral lands and resources, and collective rights. Unfortunately, the working group had not been able to achieve consensus on those issues.

24. The inability of the Commission's working group to produce an acceptable text had been an important factor in the Commission's loss of credibility in the eyes of a broad spectrum of international public opinion. Nevertheless, Cuba had decided not only to support the adoption of the draft declaration proposed by the Chairperson-Rapporteur but to join the sponsors of the draft resolution on the subject. Cuba's decision had been strongly influenced by the consensus in the Group of Latin American and Caribbean States in favour of the speedy adoption of the Chairperson-Rapporteur's proposal. Furthermore, all previous extensions of the negotiations had only served to introduce additional shortcomings or flaws into the text and there was nothing to indicate that the outcome of yet another extension would be any different.

25. Mr. MALHORTA (India) said that, although progress had been made in recent years in the working group's discussions, it had not yet been possible to reach a common understanding on several aspects of the draft declaration. Since the draft should be supported by as many States as possible, particularly those with significant indigenous populations, the viewpoints contained in the text should be reconciled. His delegation was prepared to participate in further discussions with a view to achieving a broad consensus on the text before it was adopted.

26. Mr. AHMED (Bangladesh) said that the adoption of the draft declaration should be deferred until the text was finalized. Although further consultations on the draft declaration were necessary, his delegation considered that the Council should focus its attention on other issues that required more urgent consideration, such as the right to development.

27. Mr. RODRÍGUEZ-CUADROS (Peru) said that the draft declaration was the product of extensive consultations that had sought to identify points of convergence between different positions without losing sight of the ultimate goal of adopting the draft at the Council's first session.

28. The basic purpose of international human rights law was to protect victims against State interference. The text of the draft declaration struck a balance in that regard, safeguarding the basic prerogatives of States and at the same time recognizing the rights of millions of indigenous peoples to self-determination, internal and local autonomy subject to respect for national constitutions, and preservation of their political, legal, economic, social and cultural institutions, their cultural diversity and traditional medicine and health practices. The international community further recognized indigenous peoples' right to their own natural resources, land and territories and declared its opposition to assimilation and forced displacement.

29. Peru and 40 other sponsors were submitting a draft resolution to the Council in support of the adoption of the draft declaration. He urged States that were in favour of postponing adoption of the draft resolution to demonstrate flexibility so that the draft could be adopted by consensus.

30. Ms. MILLAR (Observer for Australia), also speaking on behalf of New Zealand and the United States of America, said that Australia was deeply disappointed that the working group had not been able to reach consensus on the text of the draft declaration on the rights of indigenous peoples. The text had not been discussed collectively, and should therefore not be adopted. Moreover, the text was confusing and lent itself to conflicting interpretations. The provisions on self-determination and lands and resources were unworkable and the term "indigenous peoples" was not defined, which meant that separatist or minority groups with traditional connections to the territory where they lived could exploit the declaration to assert their right to self-determination, including their right to the exclusive control of territorial resources. NGOs had argued against language limiting the right to self-determination in order to safeguard the political and territorial integrity of States. She wondered whether the States that wished to adopt the text could accept it in the absence of such safeguards.

31. Australia, New Zealand and the United States of America were in favour of a declaration that was universally accepted, observed and upheld with political and moral force. The current text of the draft declaration was not the best compromise, and a quality instrument could be adopted if States were given time to resolve their differences. One possible solution might be to appoint a facilitator or friend of the Council to undertake consultations with a view to seeking

agreement on the most contentious provisions of the text. The declaration must be based on genuine agreement, and be consistent with international law, non-discriminatory, capable of being implemented and able to stand the test of time.

32. Mr. DE ARISTEGUI LABORDE (Observer for Spain) said that Spain strongly supported the draft declaration proposed by the Chairperson-Rapporteur. The negotiations could go no further without breaking the consensus. Moreover, the text took account of the reservations expressed by States over the years regarding such issues as self-determination, the rights of third parties and the framework for cooperation with indigenous peoples. Further negotiations would be unproductive.

33. The Council should set the tone for its future proceedings by producing concrete results at its current session. Spain was therefore one of the sponsors of the draft resolution on the adoption of the draft declaration.

34. Mr. MENGA (Observer for the Congo) said that the rights and interests of indigenous peoples did not receive sufficient attention and, despite the efforts of the international community, indigenous peoples continued to be marginalized. The Government of the Congo had drafted a bill on the promotion and protection of the rights of Pygmies in the Congo. The bill was the first of its kind in Africa and, once adopted, would enable the Pygmy population to enjoy all rights guaranteed by law. His delegation therefore supported the draft declaration and hoped that it would be adopted.

35. Ms. DE REYES (Observer for Panama) said that respect for the rights of indigenous peoples was an integral component of human rights protection and, in particular, of measures to eliminate racial discrimination. Panama therefore supported the draft resolution on the adoption of the draft declaration. At the current stage, any decision to defer adoption of the draft or to reopen negotiations would be counterproductive. Panama was confident that the Council would adopt the new instrument, which would facilitate dialogue between States and the more than 350 million indigenous people around the world. Nevertheless, some countries were still not prepared to recognize that indigenous peoples were entitled to all human rights. The draft declaration represented a positive development in the promotion and protection of the basic rights and fundamental freedoms of indigenous peoples, and his delegation hoped that it would be adopted by consensus.

36. Mr. ALAEI (Observer for the Islamic Republic of Iran) said that, throughout the world, indigenous peoples suffered disproportionately in various aspects of their daily lives: they were denied access to their traditional lands and resources and use of their native languages, and lacked access to adequate health care, education, food, shelter and economic development.

37. Ms. PALOMEQUE (Observer for Bolivia) said that the democratically elected Bolivian Government was currently in the hands of indigenous people who had previously been marginalized and virtually debarred from running the country. The Government intended to bring about fundamental change by means of peaceful dialogue through the Constituent Assembly, building a more just society in which indigenous peoples would benefit from the distribution of public land and other measures.

38. The draft declaration was a small but significant step towards establishing minimum conditions for the promotion of and respect for the rights of indigenous peoples, and she called for its adoption by consensus.

39. Mr. MARTABIT (Observer for Chile) said that all democratic governments in Chile had been committed to placing the rights of indigenous peoples on an equal footing with the rights of other members of society. At the Mapuche new year's celebrations the previous weekend, the Chilean President had reaffirmed the Government's commitment to promote the constitutional recognition of the indigenous peoples, ratification by Congress of ILO Convention No. 169, and closer involvement of indigenous peoples in policymaking.

40. Representatives of the Chilean Government and indigenous organizations had played an active part in the preparation of the draft declaration. Considerable progress had been made recently, and Chile had hoped that negotiations would continue in order to achieve consensus, which would have conferred greater legitimacy on the text. However, in spite of its continuing reservations regarding certain paragraphs of the draft declaration, Chile had joined other delegations in supporting its submission for consideration by the Council.

41. Ms. KAINANG (Asociación Kunas Unidos por Napguana), speaking on behalf of more than 200 Latin American indigenous peoples and organizations, said that the draft declaration was a compromise document that struck a reasonable balance between the demands of indigenous peoples and States' concerns and reflected the progressive development of international human rights law. The fate of more than 350 million indigenous people around the world was in the hands - and on the conscience - of Council members. The draft declaration sought to ensure the gradual elimination of discrimination and was in line with the Millennium Development Goals of eradication of hunger and poverty. Moreover, the declaration would promote better relations between indigenous peoples and States based on mutual respect.

42. The attempts by Canada, the United States of America, New Zealand, the Russian Federation and others to postpone its adoption were insensitive and incomprehensible. Their intention was clearly not to reach consensus on any text. The organizations and peoples that she represented categorically rejected the amendment proposed by Canada, which was in fact a "no-action motion" intended to defeat the draft declaration.

43. She urged all members of the Council, especially those from the Latin American and Caribbean region, to honour their commitments to indigenous peoples by voting in favour of the draft resolution on the adoption of the draft declaration at the current session.

44. Mr. ID BALKASSM (Observer for the International Work Group for Indigenous Affairs), speaking on behalf of the Indigenous Peoples African Caucus, said that several African countries had adopted important national legislation and policies to protect and promote the rights of indigenous peoples. Morocco and Algeria had recognized the Amazigh culture, language and identity, Burundi and the Congo had recognized the Batwa peoples, South Africa had established an interdepartmental working group on Khoe and San issues, and Gabon and Cameroon had signed the World Bank Operational Directive for Indigenous Peoples. The

African Commission on Human and Peoples' Rights had adopted a resolution to recognize and promote the rights of indigenous peoples in Africa. His delegation urged the Council to adopt the draft resolution concerning the adoption of the draft declaration on the rights of indigenous peoples. He urged the members of the Council not to vote in favour of any amendments that would delay the adoption of the declaration.

45. Mr. MALEZER (Observer for the Foundation for Aboriginal and Islander Research), speaking on behalf of the Pacific Regional Caucus of Indigenous Peoples, said that, while his delegation was not satisfied that all indigenous people's interests were accommodated in the draft declaration, it supported the immediate adoption of the declaration as proposed in the working group's report. He drew the attention of the members of the Council to the collective statement that had been organized by the Grand Council of the Crees and signed by over 150 indigenous organizations from all regions of the world; the collective statement called for the immediate adoption of the proposed text without amendment.

46. Ms. TAULI-CORPUZ (Tebtebba Foundation), speaking on behalf of the Asian Indigenous Peoples' Caucus, which was composed of more than 1,000 indigenous peoples' organizations, expressed support for the adoption of the draft declaration at the current session. The Caucus opposed any amendment of the relevant draft resolution and any attempt to delay action on its adoption. Consensus had been reached on some 80 per cent of the text, and, while not entirely satisfactory, the remaining compromise text was acceptable. The draft declaration captured the basic aspirations and rights of the indigenous peoples of Asia and laid down minimum standards that could be used as a framework for their dealings with States.

47. Further negotiations to reach consensus were at best an illusion and at worst a ploy to prevent the adoption of the text. The States that were seeking such negotiations had been blocking consensus for 24 years. Although Canada had long claimed to be sincerely working towards a positive result, it had lost its credibility by proposing a further postponement. The draft declaration provided an opportunity to implement the objectives of the Second International Decade of the World's Indigenous People, the theme of which was "partnership in action and dignity".

48. Mr. TODYSHEV (Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation) said that his Association represented more than 40 indigenous peoples living in two thirds of the territory of the Russian Federation. A large number of indigenous organizations meeting in Moscow earlier in the month had expressed support for the draft declaration as it stood. He therefore strongly urged the Council to adopt it as soon as possible.

49. Anyone who had attended the negotiations on the text knew how difficult it had been to agree on compromise wording. In any case, it was clear that full consensus was unattainable, primarily on account of the opposition of a small group of States. The text as it stood represented a balance of the interests of States and indigenous peoples and enjoyed the support of many States, as reflected in the number of sponsors of the draft resolution. His Association was disappointed and surprised that the list of sponsors did not include the Russian Federation, which in previous years had assured the Association of its support for the adoption of the draft declaration as soon as possible. He urged the Russian Federation to review its position so that the draft declaration could be adopted by consensus.

50. Mr. LITTLECHILD (International Organization of Indigenous Resource Development), speaking on behalf of some 700 indigenous peoples, first nations and tribal governments and organizations in the United States and Canada, said that heads of State and Government had committed themselves in the 2005 World Summit outcome document to cooperate with indigenous peoples so that a final draft of the declaration on their rights could be submitted for adoption as soon as possible. Unfortunately, one Council member and one observer State from her Organization's region had failed to honour that commitment and continued to promote double standards based on narrow domestic political and economic interests.

51. Most of the provisions of the draft declaration reflected a consensus reached after many years of lengthy negotiations. Where consensus had not been possible, the concerns of States and third parties had been taken into account without undermining the fundamental rights of indigenous peoples. It was ironic that the States in question, while charging other States with human rights violations, continued to deny indigenous peoples their title to lands, territories and natural resources and a variety of political, social, cultural and economic rights, many of which were treaty-based.

52. She strongly urged the Council to defend the over 350 million indigenous people around the world by rejecting any proposal to extend the negotiations on the pretext of building consensus and by adopting the text without amendment.

53. Ms. DOROUGH (Inuit Circumpolar Conference and Saami Council), speaking on behalf of the Arctic Regional Caucus of Indigenous Peoples, called for the adoption of the draft resolution on the adoption of the draft declaration on the rights of indigenous peoples. States should reject any proposal by the delegation of Canada to reopen discussions. Although the wording of the draft declaration accommodated States' concerns, the Governments of Australia, New Zealand and the United States of America remained entrenched in their extremism and their absolutist interpretation of the text. The new Canadian Government had recently called the declaration a "radical" document, and its actions should be recalled during the Council's universal periodic review of Canada's human rights record.

54. Mr. SPLINTER (Amnesty International), speaking on behalf of 35 human rights NGOs, said that in every region of the world, indigenous peoples suffered gross violations of their fundamental human rights. It was fitting that, at its historic first session, the Council should propose the draft declaration on the rights of indigenous peoples for adoption by the General Assembly. The draft declaration was the culmination of exhaustive deliberations between States and indigenous peoples that had been held for more than two decades. There was no justification for further delay.

55. Mr. COULTER (Indian Law Resources Center), speaking also for the Citizen Potawatomi Nation and with the support of the Navajo Nation, said that the goal of winning universal recognition in international law for the rights of indigenous peoples could be achieved not by a majority vote, but only by consensus. Human rights declarations were normally adopted by consensus in the United Nations, since that ensured that they had the legal and moral force to create customary international law. A declaration adopted by a vote would be feeble and inadequate, and no more than a political statement.

56. The goal of consensus was not unattainable. Tremendous progress had been made, especially in the past two years. The Council should consider appointing a group of five States to serve as a facilitating group to seek consensus in a transparent and inclusive manner. Submitting the declaration to a vote would be a premature and defeatist act that would do practically nothing to benefit indigenous peoples.

57. Mr. ALARCÓN (Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos) said that, although a full consensus had not been achieved and the text of the draft declaration was incomplete, the document submitted to the Council was useful to indigenous peoples and would help them to resist exploitation and continue to fulfil their vocation of caring for Mother Earth, working the land and ensuring harmony between the people and the land. The peoples of the Andes and Latin America associated themselves with the other indigenous peoples who had spoken in support of the adoption of the draft declaration.

58. Mr. PARY (Indian Movement “Tupaj Amaru”) said that 11 years of sterile debate had produced a deficient draft declaration owing to the intransigence, arrogance, and disdain for indigenous peoples on the part of Australia, Canada, the European Union, France, New Zealand, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Those countries had undermined the text, removing from it the right to self-determination, collective rights, the right to the land and to sovereignty over natural resources and the right to legal protection of cultural and intellectual property. Although the Chairperson-Rapporteur’s proposal had reinstated the original version of article 3, it also included obstacles to the free exercise of the right to self-determination and excluded the crime of genocide from the text. The Chairperson-Rapporteur had lacked impartiality, objectivity and independence, and it would be wrong to say that his proposal incorporated contributions from indigenous peoples.

59. Mr. MAMANI (Indian Council of South America) regretted that the Chairperson-Rapporteur had unilaterally selected the parts of the draft declaration that he had considered to be the subject of consensus and that, as a result, the scope of the original text had been severely restricted. As it stood, the draft declaration was unacceptable, since it placed individuals on the same level as their communities, which meant that they would be able to sell or transfer indigenous lands and natural resources. It treated self-determination as an internal matter, and did away with the right of indigenous peoples to protection and security in periods of armed conflict. The draft allowed States to interpret the present and future consequences of past exploitation, and limited the exercise of the declaration to the framework of national laws and conformity to a Western model of society. The proposal to discuss the draft declaration for another two or three sessions in the same conditions, with the same Chairperson and the same system of participation, was unacceptable. The Council should consider new ways of achieving consensus based on the original text of the draft declaration.

60. Mr. BARNES (International Human Rights Association of American Minorities and Indigenous Peoples and Nations Coalition) said that, with regard to any meeting at the United Nations, including any sessions dealing with the draft declaration on the rights of indigenous peoples, the Indigenous Peoples and Nations Coalition reserved its rights under

existing international instruments and international law. While the Coalition had left the deliberations on the draft declaration, it would not stand in the way of promoting the strongest possible attainment of the recognition and protection of the rights of indigenous peoples in the draft declaration.

61. Mr. SIDOTI (International Service for Human Rights) said that the International Service for Human Rights associated itself with the statement made by the representative of Amnesty International. Canada had proposed an amendment to the draft resolution on the adoption of the draft declaration on the rights of indigenous peoples, which would require further consultations on the draft. That would involve not merely a few more months, as the delegation had suggested, but would begin a process that would take years. The Council must decide whether it wished to adopt the draft declaration at its current session - or never.

62. Mr. VEGAS (Peru) said that the proposal put forward by the Chairperson-Rapporteur contained no surprises or elements that had not been discussed at length in the working group. A large number of States had accepted it as the outcome of negotiations that had involved concessions on all sides. The text was also supported by an overwhelming and unprecedented majority of indigenous organizations. The negotiation process had been one of the most democratic ones in the history of the United Nations. The draft declaration was not confrontational, but rather constructive and inspirational; it sought to establish a new kind of relationship between States and indigenous peoples. No one should feel threatened by its wording, which was not even binding. His delegation would do everything to ensure that the draft declaration was adopted at the current session of the Council.

63. Ms. GÁLVEZ (Mexico) said that, since a consensus could not be reached, the members of the working group had requested the Chairperson-Rapporteur to draw up a compromise text. It was no surprise that the text had been submitted without prior circulation, as that had been the agreed way of proceeding. The overwhelming majority of indigenous organizations supported the proposed text, which included no provisions that were at variance with international law. The declaration was intended to protect indigenous peoples, not States, which were called upon to make concessions in various areas. That was not unreasonable, since indigenous communities lived in poverty and were victims of marginalization. The declaration simply defended the right of indigenous people to be different within a framework of freedom, and encouraged recognition and respect for cultural diversity.

64. Mr. CHÁVEZ (Chairperson-Rapporteur of the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples) said that it was clear from the statements that had been made that there was no consensus for adopting the draft declaration. However, it was evident that there was broad support for his proposal, while there was no agreement that negotiations on the draft declaration should be extended. His proposal had not introduced any new wording in the draft declaration and had been limited to selecting options that had the best chance of securing support from Governments and indigenous peoples.

Statements in exercise of the right of reply

65. Ms. MAHILUM WEST (Philippines), replying to a comment made at a previous meeting by the representative of Families of Victims of Involuntary Disappearance during the consideration of the report of the Intersessional Open-ended Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, said that the Philippines was urgently addressing alleged cases of disappearances and other crimes, inter alia through the creation of a high-level police task force to investigate such cases. Her Government was firmly resolved to bring all perpetrators of such crimes to justice.

The meeting rose at 5.35 p.m.