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**INTERPRETIVE STATEMENT ON
THE DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES**

New York, 13 September 2007

UK Interpretative Statement on Declaration of the Rights of Indigenous Peoples

The United Kingdom welcomes this Declaration as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples. We recognise that indigenous peoples continue to be amongst the poorest and most marginalised peoples of the world. For too long, their voices were not sufficiently heard within the international system and their concerns received insufficient attention. The creation of the Permanent Forum on Indigenous Issues in 2002 was an important step forward in this regard. The adoption of this Declaration on the Rights of Indigenous Peoples, which Indigenous Peoples' representatives have played a key role in drafting, marks another significant advance for indigenous peoples.

The United Kingdom would like to record its regret that it has not been possible to reach wider consensus on this important text, and that some states with large indigenous populations have felt they have no recourse but to call a vote on it. It is of course not desirable either from the perspective of states, or, indeed, for the interests of indigenous peoples, that this should be the case. Nevertheless, the United Kingdom recognises and welcomes the efforts that *were* made to advance the Declaration to its current, final form, reflecting many concerns that we and others had raised in negotiations. We are therefore pleased to be able to support its adoption by this body.

The UK fully supports the provisions in this Declaration which recognise that indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law, on an equal basis to all other individuals. Human rights are universal and equal to all.

We would like to recall here that, since equality and universality are the fundamental principles underpinning human rights, we do not accept that some groups in society should benefit from human rights that are not available to others. With the exception of the right to self-determination (Common Article 1 of the two International Human Rights Covenants), we therefore do not accept the concept of collective human rights in international law. Of course certain individual human rights can often be *exercised* collectively, in community with others. Examples are freedom of association, freedom of religion or a collective title to property.

This remains a long-standing and well-established position of the UK. It is one we consider to be important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing rights of the group to supercede the human rights of the individual. This is without prejudice to the UK's recognition of the fact that the governments of many states with indigenous populations have granted them various collective rights in their constitutions, national laws and agreements. Indeed, we warmly welcome this fact, which has served to strengthen the political and economic position of and protections for indigenous peoples in those states.

In this regard the UK strongly endorses preambular paragraph 22 in the Declaration, which we understand to distinguish between individual human rights in international law

and other, collective rights bestowed at the national level by governments to indigenous peoples. The UK wishes to reaffirm that it reads all the provisions in this Declaration in the light of this preambular clause and according to this understanding of human rights and collective rights.

Furthermore, the UK understands Article 46 of the Declaration to underpin the provisions of the Declaration as a whole in emphasising that the exercise of the rights in this Declaration shall respect human rights.

The UK understands article 3 of the Declaration as promoting the development of a new and distinct right of self-determination, specific to indigenous peoples. We therefore understand the "right" set out in Article 3 of this Declaration to be separate and different from the existing right of all peoples to self-determination in international law, as recognised in common article 1 of the two International Covenants. Article 4 and subsequent articles of the Declaration seek to set out the content of this new "right", which is to be exercised within the territory of a state and is not intended to impact in any way on the political unity or territorial integrity of existing states. The UK therefore understands that the "right" put forward in this Declaration relates to the specific circumstances of indigenous peoples and their claims to self-determination within the territory of existing States.

Moreover, the UK welcomes pp17 of this Declaration, which reaffirms the right of all peoples to self-determination in international law, as recognised in common article 1 of the International Covenants. The UK notes that this affirmation of the general right in international law does not imply that the right of self determination in international law is automatically applicable to indigenous peoples per se and does not indicate that indigenous peoples automatically qualify as "peoples" for the purposes of common article 1 of the International Covenants. That existing common article 1 right of all peoples is not qualified, limited or expanded by this Declaration.

The UK fully supports Article 15 of the Declaration. UK museums are keen to promote understanding of the cultural achievements of indigenous peoples in their collections and to encourage tolerance and respect for different cultures.

The UK interprets the references to cultural, intellectual, religious and spiritual property in Article 12 and to ceremonial objects and human remains in Article 13 respectively as meaning only that property and those objects or remains where a sufficient connection with the relevant indigenous people is capable of being established.

The UK also understands the commitments in Article 12 to providing redress through effective mechanisms and the commitment in Article 13 to seeking to enable access and/or repatriation through effective mechanisms as applying only in respect of such property or of such ceremonial objects and human remains that are in the ownership or possession of the State. The UK notes that its national museums and galleries are separate legal bodies that operate independently within the framework of their founding legislation. In appropriate situations, the UK will therefore facilitate discussion between indigenous peoples and the relevant independent body. In this regard, the UK recognises

the relevance of Article 46 to both Articles 12 and 13 and notes that the interests of third party and other public interests may in individual cases limit the form of redress available and the ability to seek to enable access and/or repatriation respectively.

Additionally, the UK notes that the commitment to provide redress in Article 12 and the commitment to seek to enable access and/or repatriation in Article 13 are to be fulfilled through effective mechanisms developed in conjunction with the indigenous peoples concerned. The UK understands this to refer only to the particular indigenous peoples with whom the relevant property, ceremonial objects or remains is or are connected.

The UK emphasises that this Declaration is non-legally binding and does not propose to have any retroactive application on historical episodes. Nonetheless it will be an important policy tool for those States that recognise indigenous peoples within their national territories, in implementing policies which help to protect indigenous peoples' rights. The UK confirms that national minority groups and other ethnic groups within the territory of the United Kingdom and its Overseas Territories do not fall within the scope of indigenous peoples to which this Declaration applies.

The United Kingdom has long provided political and financial support to the economic, social and political development of indigenous peoples around the world. We will continue to do so. Today we add our voice in support of this important political document that is the Declaration on the Rights of Indigenous Peoples. We hope and trust that it will provide a powerful tool for indigenous peoples around the world to advance their rights and ensure their continued development and growing prosperity as peoples.