

PRESS STATEMENT

ASIA INDIGENOUS PEOPLES CAUCUS ON THE OCCASION OF THE ADOPTION OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

**Victoria Tauli-Corpuz,
Regional co-coordinator for Asia for the Steering Committee of the
Indigenous Peoples' Caucus**

The Asian Indigenous Peoples' Caucus celebrates the adoption of the UN Declaration on the Rights of Indigenous Peoples. This as a historic milestone in the struggle of Indigenous Peoples for their human rights and fundamental freedoms. This Declaration affirms our collective rights to self-determination, to our lands, territories and resources, our cultures and intellectual property rights, our right to free, prior and informed consent and our right to determine what development should be in our communities, among others. We celebrate this as a major victory for Indigenous Peoples of the world, in general, and Asia, in particular.

It will be an instrument and tool which we will use to raise the awareness of the society at large on our rights and to make governments address the situation of indigenous peoples who have long been suffering from injustice, discrimination and marginalization. It will be an instrument that will be used for enhance further the empowerment of Indigenous Peoples.

This Declaration is a testimony of the capacity of indigenous peoples, independent experts and States to balance firmness and flexibility to arrive at a text which most States and most Indigenous Peoples organizations are comfortable with.

It took twenty three years to finally have this adopted by the highest body of the United Nations, the General Assembly. While it took this long it also allowed more States to develop a better understanding of what we, Indigenous Peoples, are struggling for and what we expect the UN Member-States to do to meet our demands and aspirations.

For the Indigenous Peoples of Asia who have a population of around 200 million, the significance of the adoption of this Declaration is legion. Some of these are the following;

- It affirms that Indigenous Peoples have collective and individual rights which are consistent with International Human Rights Law.
- It establishes the minimum international standards for the protection, respect and fulfilment of Indigenous Peoples' human rights and fundamental freedoms.
- It is the yardstick to assess the laws, policies and programmes on indigenous peoples and to establish new ones at all levels and arenas.

- Bodies, funds and programs of the United Nations at the global, regional and local levels will have to adhere to this and ensure that this will be their main guide and tool in their work which impacts on indigenous peoples.
- It is the framework and foundation on which the work of the UN Permanent Forum on Indigenous Issues will be based.
- This will be the basis for the partnership between Indigenous Peoples and States in the implementation of the Second Decade of the World's Indigenous Peoples Declaration and Program of Action and beyond.

This Declaration is the result of more than two decades of drafting and negotiations between independent experts, representatives of States and Indigenous Peoples' nations and organizations. Representatives from the Igorot peoples of the Cordillera region in the Philippines and the Chakma from the Chittagong Hill Tracts in Bangladesh participated in the very first session of the UN Working Group on Indigenous Populations in 1982. While the drafting of the Declaration started only in 1984, the preparations for this started much earlier. This long process saw an increasing number of indigenous representatives from around 14 countries in Asia actively participating. When the modified version of the Draft was out around 400 indigenous organizations and networks of organizations from the region confirmed that they support the move to bring this before the General Assembly for adoption.

While we respect the interpretative statements presented by States we believe that the significance and legal implications of this Declaration should not be minimized in any way because this will amount to discrimination against indigenous peoples. For us, the correct way to interpret the Declaration is to read it in its entirety or in a wholistic way and to relate it with existing international law. Article 46 paragraph 1, for instance cannot be interpreted in a way which discriminates indigenous peoples. The first preambular paragraph, a new addition, which says "Guided by the purposes and principles of the Charter of the United Nations..." immediately establishes that indigenous peoples' rights in the Declaration are within the context of international law.

Preambular Paragraph 16 confirms that the right of self-determination of "all peoples" is the right referred to in the Charter of the UN, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and *Vienna Declaration and Programme of Action*. The right of self-determination of Indigenous Peoples contained in Article 3 of the Declaration is the same right contained in international law. The reference to the *Vienna Declaration and Programme of Action* also affirms that the principle of territorial integrity found in Article 46 of the UN Declaration on the Rights of Indigenous Peoples only applies to the right of self-determination and not other rights. Furthermore, the *Vienna Declaration and the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations* say that for States to invoke territorial integrity, they must be "conducting themselves in compliance with the principle of equal rights and self-determination of peoples".

We express our heartfelt gratitude to the following:

- H.E. Ambassador Haya Rashid Al Khalefa (Bahrain) , the President of the 61st Session of the UNGA, who has exerted all efforts and kept her promise to have the Declaration adopted before the end of the 61st session.
- The expert members of the UN-Working Group on Indigenous Peoples, especially Madame Erica-Irene Daes. She played the key role as the Chair of the UNWGIP, in concluding the drafting process and submitting this for adoption by the Sub-Commission on Human Rights.
- Luis Enrique Chavez (Peru) who was the Chair of the UN Commission on Human Rights Open-ended Intersessional Working Group to Elaborate on a Draft Declaration. He succeeded in bringing to a closure the negotiations on the Declaration and submitted his text which captured the key elements fought for by indigenous peoples.
- H.E. Ambassador Luis de Alba, Permanent Representative of Mexico to the UN in Geneva, who was the Chair of the newly established Human Rights Council which adopted the UN Declaration on the Rights of Indigenous Peoples in 29 June 2006 during the First Session. We also thank the Asian States who voted for the adoption of the Declaration at the HRC.
- The Co-sponsors led by Mexico, Peru and Guatemala who engaged with the African Group of States to come up with the amended version of the HRC Declaration. We thank the States of the GRULAC Region and the EU.
- The African States Group of States who showed flexibility by agreeing to a few amendments to the Declaration.
- H.E. Ambassador Hilario Davide, Permanent Representative of the Republic of the Philippines to the UN , who was appointed as the facilitator by the President of the General Assembly and who tried his best to listen to the concerns of the various States.
- The UN Voluntary Fund For Indigenous Populations, the Office of the High Commissioner for Human Rights and the NGOs, e.g. IWGIA, NCIV, DOCIP, Rights and Democracy, Quakers, Amnesty International, ISHR, IFG, among others, who provided financial and technical support to indigenous representatives and who helped in the campaigns for the adoption of the Declaration.
- All indigenous sisters and brothers who took time away from their homes and communities to engage with the process of drafting the Declaration and to those who did not come but consistently supported our efforts.
- The members of the UN Permanent Forum on Indigenous Issues and the Secretariat and Mr. Rodolfo Stavenhagen, the UN Special Rapporteur on the

situation of human rights and fundamental freedoms of Indigenous Peoples who provided full support for the adoption of the Declaration.

- All the States who voted in favor of the adoption of this Declaration. We will imprint in our memories and in history the favorable decision you made when the adoption was put before you.

While we express our thanks to all the actors involved from the beginning to this point, we are also calling on everybody to take on further responsibility to ensure the effective implementation of this Declaration.

The battle for the respect, protection and fulfillment of Indigenous Peoples Rights has just begun. We foresee that there will be great difficulties in implementing this Declaration because of lack of political will on the part of the governments, lack of resources and because of the vested interests of rich and powerful individuals and corporations. However, we will be counting on the continuing good faith shown by States today who voted for the adoption of the Declaration.

We urge the Asian States to work in close partnership with indigenous peoples in their countries to implement this Declaration. We will be actively engaging the governments in our region to make sure that they implement the Declaration and we seek the support of the UN System and the NGOs in pursuing this. We call on the regional UN bodies, programmes and funds and the various Asian Departments of these bodies to analyze the implications of this Declaration on their policies, programmes and projects so they can realign these to conform with the Declaration.

Finally, we commit to help implement and disseminate widely to our communities this Declaration and we seek the support of the UN and the NGOs to support the translation of this into major indigenous languages in the Asia Region.

Dakkel ay iyaman ken dakayo am-in. Matago- tago tako nan nainsigudan ay umili isnan batawa. (Thank you very much. Long live Indigenous Peoples of the world!)

For more information contact:

Vicky Tauli-Corpuz

Phones; 1-647-761-4315 (US) and 63-9175317811 (international roaming)

Email: vicky@tebtebba.org, vtcorpuz2006@yahoo.com

Website : www.tebtebba.org

Joan Carling

Email : joan@cpaphils.org

Devasish Roy

Email: devasish59@yahoo.com

