

Non-Paper

United Nations Draft Declaration on the Rights of Indigenous Peoples Negotiation Framework to Achieve an Irreducible Minimum of Amendments

28 June 2007

In a previous non-paper summarizing "Key Areas of Concern", a number of states with significant indigenous populations identified nine key areas of concern with the current Draft Declaration on the Rights of Indigenous Peoples. Amendments to the current text offer the possibility of further clarity and a much wider and significant consensus in its favour.

A methodology that will serve to achieve an irreducible minimum of amendments is required. The text should be addressed thematically, using the key areas of concern that have been identified as a way of organizing focused discussion. Text would be negotiated under the heading of each key area of concern.

During consultations held on June 25 and 26, 2007, the moderator invited states to comment on substance and process, with a view to identifying an irreducible minimum number of amendments to the current text. In response to this request, we note the following:

- There are *nine* key areas of concern in the current text: self-determination, self-government and indigenous institutions; lands, territories and resources; redress and restitution; free, prior and informed consent; lack of clarity as to who are "indigenous peoples"; military defence issues; protections for the rights of others; intellectual property rights; and education.
- A thematic approach will be the most effective means of working towards an irreducible minimum number of amendments to the current text, using the key areas of concern as a basis to structure discussions and negotiations. This would provide clear parameters for the exercise, while providing flexibility in addressing concerns.
- In a thematic approach, provisions of the current text would be discussed as they relate to each key area of concern, rather than sequentially as they appear in the text. Such an approach avoids unnecessary discussion of text on which there is already agreement, and enhances the ability of the moderator and delegations to focus on those areas on which further work is required. Following a thematic approach may also have the effect of reducing the numbers of Articles on which discussion and negotiation will be necessary.

- The Africa Group text helpfully provides a basis and reference point for consideration of text.

We are committed to working to minimize revisions to the current text to address outstanding concerns, and we will engage constructively and positively with all parties in efforts aimed at securing for this Declaration the widest possible consensus.