

Indigenous Peoples' Caucus

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H.E. Mr. Hilario G. Davide
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Your Excellency

We note that it is time for you to present your report to the President of the General Assembly on the outcome of your efforts to achieve a consensus on the *Declaration on the Rights of Indigenous Peoples*.

We thank you for your very positive approach and your openness to the various parties, including representatives of indigenous peoples. We are aware that you have made every effort to listen to all perspectives and concerns.

On behalf of indigenous peoples we continue advance the fundamental principles that:

- (1) the integrity of the *Declaration* be maintained as accepted by the Human Rights Council, in accordance with United Nations protocol for human rights standards, and
- (2) that there be 'nothing about us without us'.

Indigenous peoples have always sought consensus from UN Member States in the adoption of the *Declaration*. Our delegations from around the world worked very hard to find the balance between development of a standard consistent with human rights of all other peoples and persons and the demands of States. Unfortunately, we found that a consensus of States was not an available option without our concession to discriminatory provisions in the *Declaration*.

Thus we have considered the repeated and continued statements by certain States that consensus is readily achievable, and that they ultimately support the adoption of the *Declaration*, to be disingenuous and ill-intentioned.

Of course we would be most pleased to realise that your work has concluded otherwise, and that consensus can be achieved without undermining those fundamental principles.

The decision by the United Nations to allow States more time for the consideration of the *Declaration*, while sending the wrong signals to indigenous peoples, has been accepted by our delegations in good faith. We fully understand that States which did not participate in the many UN fora, over two decades, on the draft *Declaration* and the situation of indigenous peoples may well have needed more time to understand the *Declaration* in terms of its individual components and integrated formation.

Correspondingly, it is of concern that such States may have therefore failed to meet expectations within the United Nations to re-evaluate their relationships with indigenous peoples, as resolved, by consensus, by the General Assembly each year since 1993, which was the International Year of the World's Indigenous Peoples, and in the Programmes of Action for the International Decade of the World's Indigenous Peoples (1995-2004) and the Second International Decade of the World's Indigenous Peoples (2005-2014).

Indigenous delegates have heard on a number of occasions that the *Declaration* is now under consideration in terms of its political effect. That is inevitable and expected by us, because in general we have only experienced relationships with States under such conditions. Nevertheless we continue to insist that the United Nations act in accordance with its Charter and underlying principles, especially the rights of all peoples to freedom and non-discrimination. In this regard we point out it is the United Nations, and not the *Declaration*, which may be under scrutiny here.

Indigenous peoples look forward to the adoption of the *Declaration on the Rights of Indigenous Peoples* in the forthcoming weeks. Of course we would be most pleased if a high proportion of Member States of the United Nations voted positively on the *Declaration*. However we would also consider the adoption by a majority of UN Members to be sufficient. Our work can then focus upon the implementation of human rights standards and the end of widespread abuses against the First Peoples of the colonised world.

In thanking you for your role in advancing the adoption of the *Declaration* we ask that you give consideration in your report to these matters:

- (1) consensus on the *Declaration* is not likely to be achieved even with further time;
- (2) misconceptions and misunderstanding continue to exist about the *Declaration* which prevent progress towards consensus;
- (3) further delay in the adoption of the *Declaration* is counterproductive to the interests of the United Nations; and
- (4) those States confused by commotion surrounding the *Declaration* should observe the recommendation of the Human Rights Council.

With respect,



Les Malezer
Chairperson