

Permanent Mission of Australia
Permanent Mission of Canada
Permanent Mission of Colombia
Permanent Mission of Guyana
Permanent Mission of New Zealand
Permanent Mission of the Russian Federation
Permanent Mission of Suriname

H.E. Hilario G. Davide
Permanent Representative of the Philippines to the United Nations
New York

Excellency,

As you know, our countries place great importance on the rights of indigenous peoples and on reaching a broader agreement on the Draft Declaration on the Rights of Indigenous Peoples, and one which includes the diverse range of countries with significant indigenous populations. We reaffirm our commitment to participating constructively in an open, inclusive and transparent process to that end.

Only through amendments to the text of the Declaration, which address our most significant concerns, will it be possible for us to consider supporting the Declaration. We reiterate our support for a limited re-opening of the text, based on a thematic approach, and with the objective of achieving an irreducible minimal number of amendments.

The attached non-paper of 29 June outlined a thematic approach to concerns. We consider that such an approach would provide the necessary flexibility for interested parties to achieve an irreducible minimum. We can advise that countries in our group are working intensively to provide amendments based on key concerns and with this objective. These will be provided to the President of the General Assembly shortly.

In an effort to narrow concerns, amendments are being discussed in eight areas to 16 Articles:

Self-Determination, Self-Government and Indigenous Institutions (3, 4, 5, 33)
Lands, Territories and Resources (26, 29)
Redress (11, 27, 28)
Free, prior and informed consent (19 and 32(2))
Rights of Third parties (46 only)
Intellectual Property Rights (11, 31)
Military Issues (10, 30)
Education (14)

For many countries, this represents a significant narrowing down of concerns and preparedness to address minor concerns through interpretative statements. We are also aiming to make only the most minimal amendments to the Articles identified while still addressing key concerns.

Not all members of the group have identified all of these Articles: the list is a composite.

We draw your attention to the decision that countries in our group have agreed not to pursue the concern regarding the definition of indigenous peoples. In our view a definition is not necessary if the text is consistent with international law and does not imply that indigenous rights prevail over others. Our countries share, however, the concern with the Africa Group that indigenous situations vary from State to State and group to group, and that this text must be capable of being universal in its scope and application. For that reason, amendments to the Declaration to render it consistent with international law and constitutional frameworks are essential.

We would be grateful if you could ensure that this information is included in your report to the President of the General Assembly and circulated to all member States.

18 July 2007