

September 13, 2007

*Explanation of vote by Robert Hagen, U.S. Advisor, on the Declaration on the Rights of Indigenous Peoples, to the UN General Assembly, September 13, 2007*

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Madam Chair, we regret that we must vote against the adoption of the declaration on the rights of indigenous peoples. We worked hard for 11 years in Geneva for a consensus declaration, but the document before us is a text that was prepared and submitted after the negotiations had concluded. States were given no opportunity to discuss it collectively. It is disappointing that the Human Rights Council did not respond to calls we made, in partnership with Council members, for States to undertake further work to generate a consensus text. This declaration was adopted by the Human Rights Council in a splintered vote. This process was unfortunate and extraordinary in any multilateral negotiating exercise and sets a poor precedent with respect to UN practice.

The declaration on the rights of indigenous peoples, if it were to encourage harmonious and constructive relations, should have been written in terms that are transparent and capable of implementation. Unfortunately, the text that emerged from that failed process is confusing, and risks endless conflicting interpretations and debate about its application, as already evidenced by the numerous complex interpretive statements that were issued by States at its adoption at the Human Rights Council. We cannot lend our support to such a text, Madam Chair.

Madam Chair, our views with respect to the core provisions of the text can be found in a separate document entitled Observations of the United States with respect to the Declaration on the Rights of Indigenous People, will be available at the back of the room, is posted on the website for the US Mission to the United Nations, and will be circulated as an official UN document. This document is incorporated by reference herein and discusses the core provisions of the declaration, including but not limited to self-determination, lands and resources, redress, and the nature of the declaration. Because the flaws in this text run through its most significant provisions, the text as a whole is rendered unacceptable.

Although we are voting against this flawed document, my government will continue its vigorous efforts to promote indigenous rights domestically. Under United States domestic law, the United States government recognizes Indian tribes as political entities with inherent powers of self-government as first peoples. In our legal system, the federal government has a government-to-government relationship with Indian tribes.

In this domestic context, this means promoting tribal self-government over a broad range of internal and local affairs, including determination of membership, culture, language, religion, education, information, social welfare, maintenance of community safety, family relations, Economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.

At the same time, the United States will continue its work to promote indigenous rights internationally. In its annual human rights report, the United States Department of State reports on the situation for indigenous persons and communities throughout the world. In our diplomatic efforts, we will continue our opposition to racial discrimination against indigenous individuals and communities and continue to press for full indigenous participation in democratic electoral processes throughout the world. We will also continue with our international assistance programs involving indigenous peoples.

Madam Chair, we are deeply disappointed that in seeking to make a practical difference in the lives of indigenous people around the globe, the international community has not been presented with a text that is clear, transparent or capable of implementation. These fundamental shortcomings, unfortunately, mean that this document cannot enjoy universal support to become a true standard of achievement.

Thank you.