

STATEMENT BY THE CHAIRMAN, GLOBAL INDIGENOUS CAUCUS

By Les Malezer

13 September 2007

[... INTRODUCTION AND GREETINGS ...]

The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations marks a momentous and historic occasion for both Indigenous Peoples and the United Nations.

One quarter of a century ago the United Nations agreed that the situation of indigenous peoples around the world was so desperate and consistently exploited, that it warranted international attention.

Within a few years of brief examination and assessment, the United Nations decided that a human rights standard on the rights of indigenous peoples was required.

Simultaneously, the indigenous peoples of the world were uniting, because of our increasing capacity to communicate to each other, but also out of necessity to achieve an international voice.

Together we found out that Indigenous Peoples around the world shared a common situation of loss of control of our lands, territories and resources and a history of colonisation.

The Declaration, as a deposition, represents a meeting of authorities, i.e. the United Nations and the indigenous peoples.

Today's adoption of the Declaration occurs because the United Nations and the Indigenous Peoples have found the common will to achieve this outcome.

The Declaration does not represent solely the viewpoint of the United Nations, nor does it represent solely the viewpoint of the Indigenous Peoples.

It is a Declaration which combines our views and interests and which sets the framework for the future.

It is a tool for peace and justice, based upon mutual recognition and mutual respect.

We emphasise once again that the Declaration on the Rights of Indigenous Peoples

contains no new provisions of human rights. It affirms many rights already contained in international human rights treaties, but rights which have been denied to the Indigenous Peoples.

As Indigenous Peoples we now see a guarantee that our rights to self determination, to our lands and territories, to our cultural identities, to our own representation and to our values and beliefs will be respected at the international level.

The Declaration is a framework for States to link and integrate with the Indigenous Peoples, to initiate new and positive relations but this time without exclusion, without discrimination and without exploitation.

These rights in the Declaration are already recognised in international law, but they are rights which have been denied to Indigenous Peoples everywhere.

They are rights which are seen by Indigenous Peoples as essential to our successful survival, dignity and well-being, and to maintain our strong cultural and spiritual relationship with mother earth and nature.

It has, after all, been our determination to defend our identity and our lands, territories and resources which has helped to protect and preserve the biological diversity of the world, the cultural diversity of the world, and the environmental stability of the world.

These are the very issues that governments are now so desperately trying to address, as matters requiring of emergency, recovery actions.

The Declaration carries a message for all States that have links and association with Indigenous Peoples.

That message is not about secession, as some States may fear, but about co-operation and partnership to ensure that all individuals, regardless of race or beliefs, are truly equal and that all peoples are respected and allowed to develop.

Indigenous Peoples' right to self-determination is about our right to freely determine our political status and freely pursue our economic, social and cultural development.

It also includes our right to freely manage our natural wealth and resources for mutual benefit, and our right to maintain and protect our own means of subsistence.

'Free, prior and informed consent' is what we demand as part of self-determination and non-discrimination from governments, multinationals and private sector.

We realise that a number of States have insisted that the Declaration affirm 'territorial integrity' (which by the way is not a human right) as defined in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States and in the Vienna Declaration.

We confirm that 'territorial integrity' in fact obligates every State to promote realization of the principle of equal rights and self-determination of peoples, and to bring a speedy end to colonialism, with due regard to the freely expressed will of the peoples concerned.

'Territorial integrity' also requires that a State represent the whole people without distinction, and reaffirms that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

The Declaration ensures treaties signed between Indigenous Peoples and States are respected and honoured. This provision in the Declaration is extremely important for Indigenous Peoples who have always placed much importance upon the integrity and truthfulness of historical treaties, for these treaties may contain special rights and economic and political agreements with States.

However it is important that we keep focus on the integrity of the Declaration, noting how each article is meant to be interpreted in conjunction with the entire Declaration, its principles and its purposes.

We are also assured by Article 46(3) that states: "The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith."

Now that the Declaration has been adopted by the General Assembly, Indigenous Peoples can reasonably expect that the States will, if they do not already have such a relationship, form a collaborative and cooperative relationship with the representatives of the indigenous peoples to ensure that the rights contained in the Declaration are protected and promoted.

In 2004 the General Assembly resolution 59/174 called upon Governments to ensure that activities and objectives for the Second Decade are planned and implemented on the basis of full consultation and collaboration with indigenous people.

The programme of action, approved by consensus by the General Assembly in December 2005, urged governments to launch a review of national legislations to eliminate possible discriminatory provisions with the full and effective participation of indigenous experts.

The Programme of Action recommends that national constitutions should recognize the existence of indigenous peoples and make explicit reference to them, where relevant, and that governments should consider integrating traditional systems of justice into national legislations in conformity with international human rights law and international standards of justice.

This is the challenge for the future.

With a Declaration now in place, affirming the rights of Indigenous Peoples, it will be important that States respond positively.

The Declaration gives us the platform for addressing the continuing abuses of human rights against Indigenous Peoples and for shaping a future where it can be realised that all peoples are truly equal.