

Indonesia

**Statement of explanation of vote
Action on Draft Resolution to
Adopt the
draft Declaration on the Rights of Indigenous Peoples**

My delegation has voted in favour for the draft resolution on the Declaration on the Rights of Indigenous Peoples with following explanation:

Even after prolonged process of negotiation of this Draft declaration, it is deeply regretted that several important aspects of the declaration remained unresolved, in particular relating to the definition of what constitutes indigenous peoples. The absence of this definition will prevent us from having clear idea about individual or group of individuals to whom the provisions contained in the declaration are intended to be accorded or the exact situations in which this declaration are applicable.

It is in this context that my delegation deems it necessary to make this interpretative statement. It is our understanding, the issue of indigenous rights pertains to people in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. This is the definition used in ILO Convention No. 169 of 1989. According to this ILO Convention, indigenous peoples are distinct from tribal people which refer to peoples in independent countries whose social, cultural, economic conditions distinguish them

from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.

Given the fact that the entire population of Indonesia at the time of colonization and subsequent independence remains unchanged and the fact that Indonesia is a multicultural ^{and multi-ethnic} nation that does not discriminate its peoples on any grounds, the rights stipulated in this declaration accorded exclusively to indigenous peoples, are not applicable in the context of Indonesia.

We, however, are of the view that this declaration is instrumental for the promotion and protection of human rights of peoples to whom this declaration is intended to be applicable.

I thank you.

New York, September 2007

However,

In accordance with our national laws,
We will continue to promote and protect traditional collective rights of sub-ethnic communities we call "masyarakat adat" which are not equivalent to indigenous peoples as referred to in the Declaration.