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INDIA.

EDV

Action on Draft Declaration on the rights of indigenous peoples

EOV ~~General Comment made~~ before the vote by India

29 JUNE 2006.

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India has consistently favoured the promotion and protection of the rights of the indigenous people.⁵ We have been supportive of the efforts made in the framework of the working group of the Commission on Human Rights to elaborate a Draft Declaration for the rights of indigenous people. The text before us is the result of eleven years of hard work. The fact that we have not been able to reach a consensus on every aspect of the declaration despite such prolonged negotiations is only reflective of the complexity of the issue.

The Draft Declaration does not define who constitute "indigenous peoples". In our understanding, the issue of indigenous rights pertains to peoples 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. C169 of 1989. Accordingly, we regard the entire population of India at Independence, and their successors, to be indigenous, consistent with this definition.

As regards the references to the right to self-determination in the draft Declaration, it is our understanding that the right to self-determination applies only to peoples under foreign domination and that this concept does not apply to sovereign independent states or to a section of people or a nation, which is the essence of national integrity. We note that the Declaration clarifies that this right to self-determination will be exercised by indigenous peoples in terms of their right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

~~It is~~ With these understandings ~~that the delegation of~~ India is ready to support the proposal for adoption of the draft Declaration on the Rights of Indigenous Peoples. *and will vote in its favour.*

-X-X-X-

"yes"