



## *Permanent Mission of Japan to the United Nations*

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### Explanation of Vote

On the United Nations Declaration on the Rights of Indigenous People

By Ambassador Takahiro Shinyo, DPR of Japan

General Assembly

Sixty-first session

13 September, 2007

New York

From the view point of respect for the rights of Indigenous Peoples, the Government of Japan voted in favor of the Declaration. We would like to record here our views on the Declaration.

The revised version of Article 46 correctly clarifies that the right of self-determination does not give indigenous peoples the right to be separate and independent from their country of residence, and this right shall not be invoked for the purpose of impairing the sovereignty of a State, its national and political unity, or territorial integrity. The Government of Japan shares this understanding on the right and we welcome the revision.

While the Declaration stipulates some rights as collective rights, it seems that the concept of collective human rights is not widely recognized as a well-established concept in general international law and most states do not accept it. Nevertheless, we are fully aware and would like to emphasize here that everyone including indigenous peoples has fundamental human rights in international law.

In that respect, taking note of the thinking for which the Declaration aims, the Government of Japan thinks that indigenous individuals bear the rights contained in this Declaration and that with regard to certain rights they can exercise them along with other individuals who have the same rights.

The Government of Japan thinks that the rights contained in the Declaration should not harm the human rights of the others. We also aware that, regarding property rights, the contents of the rights of ownership or others relating to land and territory are firmly stipulated in the civil law and other laws of each State. Therefore, the Government of Japan thinks that the rights relating to land and territory in this declaration, as well as the way these rights are exercised, are limited by due reason in light of harmonization with and protection of the third party interest and other public interests.