



Permanent Mission of the Republic of Namibia to the United Nations
360 Lexington Avenue, Suite 1502, New York, NY 10017
Tel: (212) 685-2003 • Fax: (212) 685-1561 • E-mail: namibia@un.int

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STATEMENT
IN EXPLANATION OF VOTE
BY
H.E. DR. KAIRE MBUENDE
AMBASSADOR AND PERMANENT REPRESENTATIVE OF
THE REPUBLIC OF NAMIBIA,

ON THE
UNITED NATIONS DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES

A/61/L.67

NEW YORK
13 SEPTEMBER 2007

Madam President

Today we have reached another historic milestone. Namibia is pleased to support the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly today. We have walked a long way to come where we are today. You may recall that it was Namibia as Chairman of the Africa Group for the month of November 2006 that moved, on behalf of the African Group, a motion for deferment of consideration of the Declaration on the Rights of Indigenous Peoples by the General Assembly in order to allow Members States to consult with the view to adopting the Declaration before the end of the 61st Session.

We did everything in our power to live up to that promise. We engaged in protracted consultations and negotiations with states that had concerns like ourselves, those who supported the declaration and we also had audience with representatives of several indigenous organizations.

We made very clear from the outset that Namibia is not opposed to the idea of having a Declaration on the Rights of Indigenous People. We as historical victims of deprivation of rights could not do anything that would be construed to deny other people human rights. We have experienced first hand what it is to be denied rights. We have experienced first hand the pain and anguish of being treated as second class citizen in the land of one's birth. Having been victims of injustice we became champions of human rights and rights of people to self-determination. We have been friends of human rights instruments.

The Declaration on Rights of Indigenous People as adopted by the Human Rights Council presented a number of legal problems for Namibia. The argument that the Declaration is not binding did not appeal to us. We take our obligations seriously. Once we adopt an instrument we want to promote, defend and protect it. That could not have been done if we did not effect the amendments that we did.

Namibia therefore wishes to place on record its understanding of certain provisions of the Declaration.

Firstly, Namibia understands that nothing in this Declaration may be interpreted in any way to mean that measures adopted by States for securing the equal enjoyment of human rights and fundamental freedoms of indigenous peoples and individuals create, as a consequence, new separate rights.

Secondly, Namibia wishes to place on record its understanding of Article 46(1) to confirm that this Declaration does not in any way authorize or encourage any action which would dismember or impair, totally or in part, the territorial integrity and political unity of sovereign independent States.

Thirdly, Namibia understands that the wording "law" in Article 46(2) of the Declaration means the national laws of States. Accordingly, Namibia understands that the exercise of the rights set forth in this Declaration are subject to the limitations as determined by the constitutional frameworks and other national laws of States.

Madam President

Indigenous peoples are part and parcel of our society. They are not a distinct entity from the rest of us be it culturally, linguistically or indeed their mode of life. Hunting and gathering is a transient mode in the life of any society and not a permanent feature. We do recognize however that there are historically marginalized communities that need special assistance for them to be able to enjoy the rights that are enshrined in our Constitution and take advantage of political, social and economic opportunities. To this end, the Government of Namibia has designated the Deputy Prime Minister to spearhead a programme for the social and economic empowerment of the marginalized communities. We believe that it will no be long before these marginalized communities are empowered to participate on equal footing with others in the life of society and to enjoy social and economic benefits accruing to all members of the society.

In conclusion, Madam President, Namibia requests that this statement be made part of the official records of the General Assembly.

Thank you.