

## Resumed sixth session of the Human Rights Council

### Statement by India

Mr. President,

I make this statement in reference to the Addendum to the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples titled "General considerations on the situation of human rights and fundamental freedoms of indigenous peoples in Asia". We associate ourselves with the statement made by China on behalf of the Asian Group.

We regret ~~that~~ the fact that the Special Rapporteurs' approach in preparation of this report was not in accordance with the provisions of the Code of Conduct. In order to carry out an objective analysis of the issues, it is imperative that the mandate holders give due consideration to the views of the States.

The report contains several references to the situation of *Adivasis* or tribal population in India and terms them as '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. We regard the entire population of India at Independence, and their successors, to be indigenous, consistent with this definition. Our position on this issue has been articulated on several occasions including at the time of adoption of the Declaration on the Rights of Indigenous Peoples by the Human Rights Council and the General Assembly, which India supported.

Accordingly, Mr. President, the identification of only a part of our population by the Special Rapporteur as 'Indigenous Peoples' is unacceptable.

-X-X-X-