



**Statement by
H.E. Desra Percaya
Permanent Representative of
The Republic of Indonesia
On Agenda Item 66
on Rights of Indigenous Peoples**

New York, 21 October 2013

Mr. Chairman,

I wish to begin by thanking the Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya, for providing us with his final report. We appreciate his work in the implementation of the mandates given by the Human Rights Council through resolution 15/14 since 2008.

Indonesia attaches great importance to the mechanism of constructive dialogue with the UN Human Rights Council Special Procedures, including the Special Rapporteur on the rights of Indigenous Peoples. We recognize the important role the Special Rapporteur has played in undertaking its mandates, in a manner that maintains objectivity and impartiality while also engaging in constructive dialogue and cooperation with all governments and relevant stakeholders, including the indigenous peoples.

The work of the Special Rapporteur is indeed crucial not only in the promotion of the rights of indigenous peoples but also their protection. We reiterate our call, in this regard, for the Special Rapporteur, as in the past, to work closely with other UN relevant mechanisms, such as the Permanent Forum for Indigenous Issues, as well as the Experts Mechanism of the Human Rights Council.

We in Indonesia appreciate the significance of their work. We will continue to sustain our engagement with all of them. We wish to stress that all these mechanisms, including the Special Rapporteur on the Rights of Indigenous Peoples continue to undertake their respective work in a balanced and impartial manner resulting in tangible recommendations.

We trust that in the end, they will take into account both the initiatives, that respective Member States, including Indonesia, have taken and the challenges that many developing countries—not least a country such as Indonesia with its vast ethnic, religious and cultural diversity—must confront.

Mr. Chairman,

As pointed out in his report, the Special Rapporteur is specifically mandated to promote the Declaration on the Rights of Indigenous Peoples and consequently he considers the Declaration to constitute the primary normative framework for carrying out all aspects of his work.

We concur with the importance of promoting the UNDRIP in a manner that strengthens better understanding of the rights of indigenous peoples, and the applicability of this declaration in certain settings, while taking into account the importance of the rights therein in the absence of any definition of what constitutes indigenous peoples.

In this connection, I wish to recall that Indonesia was among the first countries that supported this declaration when it was adopted at the early session of the Human Rights Council in 2006 in Geneva, followed by its adoption in the General Assembly in 2007.

I wish to take this opportunity to reiterate the Indonesian interpretative statement at that adoption, which stressed that *“given the fact that the entire population of Indonesia at the time of colonization, independence, and successors remains unchanged and the fact that Indonesia is a multicultural nations that is not discriminate its peoples on any grounds, therefore 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 very instrumental for the promotion and protection of human rights of peoples to whom this declaration is intended to be applicable.”*

Mr. Chairman,

The Permanent Forum also uses this Declaration in their recent work, particularly when considering the issue relating to the promotion of the right to self-determination, as set forth in its article 3.

We are however concerned that the promotion of this right is not fully linked with the Article 46, particularly its point which stipulates that *“Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would*

dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States”.

This particular element of article 46 is the most imperative in the Declaration particularly when the right to self-determination is to be invoked.

We call upon the Special Rapporteur as well as all relevant UN mechanisms dealing with this issue to take this into account, and to continue undertaking their work in accordance with the principles of mutual respect and good faith, and avoid politicizing the issue at hand.

Mr. Chairman,

On the forthcoming World Conference on Indigenous Peoples in 2014, we particularly look forward to the intergovernmental deliberations, as mandated by GA resolution 65/198 conducted by the President of the General Assembly to determine the modalities for the meeting, including the participation of indigenous peoples in the Conference.

Such consultations should be undertaken in a transparent manner within the open-ended format of consultations, involving the participation of Member States, representatives of indigenous peoples within the framework of the Permanent Forum on Indigenous Issues, as well as the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples.

Mr. Chairman,

Being the largest archipelagic state and one of the most ethnically diverse nations in the world, Indonesia has continuously aspired for, and will remain steadfast in its efforts to enhance its democracy, respect for human rights and rule of law.

Based on those principles, Indonesia will continue with efforts in the promotion and protection of the human rights of all its citizens, including those belonging to traditional communities, as well as ethnic and religious minorities.

Let me conclude by reiterating our readiness to continue our engagement in the discussion of various issues *relating* to indigenous peoples. We believe that this positive gesture can contribute to promotion and protection of the rights of Indigenous Peoples.

I thank you.

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