

STATEMENT BY

( **H.E. I Gusti Agung Wesaka Puja** )  
Ambassador/Deputy Permanent Representative  
of the Republic Indonesia to the United Nations

at the Resumed Session of the Human Rights Council  
Item 3: Promotion and Protection of Human Rights including Rights to Development  
Report of the Special Rapporteur of Indigenous Peoples and Special  
Rapporteur on the Protection and Promotion and fundamental freedoms while  
countering terrorism.

Geneva, 12 December 2007

Mr President,

I should like to begin by thanking the Special Rapporteur for the report on Indigenous people, in particular, its Addendum, and the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

My delegation would align itself with the statement made by China on behalf of the Asian Group.

**On the report on the situation of human rights and fundamental freedoms of indigenous people**, particularly the aforementioned Addendum, we note his report that the Special Rapporteur, Mr. Stavenhagen, focuses exclusively on indigenous people in Asia. My delegation would like to seek clarifications from the Special Rapporteur on the reason behind the exclusion of other continents from this report.

In relation to the country specific comments on Indonesia, my delegation would like to make the following clarifications concerning the situation of indigenous people in Aceh and Papua as mentioned in the report.

First, it is important to point out that contrary to the assertions by the Special Rapporteur, Acehnese are Indonesian and most of Indonesians are indigenous people. Secondly, with regard to the political situation in Aceh, a well established agreement was reached between the Government of Indonesia and the Free Aceh Movement in August 2005 which has allowed the latter to have far more than "*limited autonomy*" in the region. The Free Aceh Movement has been able to establish its own political groups and through their chosen representatives, and actively participating in elections at the local and regional levels. Even the current Governor is a former Free Aceh Movement member who was elected in a democratic election witnessed by foreign observers. In the same manner, the Papuans have also been

able to enjoy similar autonomy. Moreover, in line with the special autonomy laws, several national and local norms have been established to further ensure the enjoyment and protection of their rights.

Furthermore, it should be recalled that Indonesia is a multi-ethnic society with more than 1000 ethnic and sub-ethnic groups. The Government of Indonesia continues to do its utmost to assure the equal status of all its citizens in order that all enjoy the same rights as mandated by the Indonesian constitution, the national laws and established principles.

My delegation is rather concerned about the sweeping conclusions reached by Mr Stavenhagen where he states that the rights of indigenous people are totally cut-off from the national legislations and constitutions of Asian countries.

My delegation would have hoped that the Special Rapporteur, as required in his mandate (**Resolution 6/12 para 1, sub section (b)**) and in constructing this report, would have actively sought to *receive and exchange information and communications from all relevant sources, including Governments* in order to assure a more balanced report.

It would have been our sincere wish that the Special Rapporteur working in this capacity would be able to offer an unbiased perspective into the situation of indigenous people all around the world without limiting it to only one continent.

*(On the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, my delegation concurs with the report's urgings that Israel must imperatively address the human rights situation in the Occupied Palestinian Territory, and with the recommendation to withdraw Jewish settlements from the OPT. Similarly, the construction of barriers has a severely negative and critical impact on the enjoyment of all human rights of the Palestinian people and should therefore be abolished.*

*Moreover, national legislation in Israel aligned with the international norms must protect fundamental freedoms, and acts of oppression and suppression should not be disguised as anti-terrorism measures.)*

Thank you.