

**Draft Statement by Asian Group on the Report
of the Special Rapporteur on the situation of human rights
and fundamental freedoms of indigenous people**

Mr. President,

I have the honour to make this statement on behalf of the Asian Group in regard to the Addendum to the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, titled "General considerations on the situation of human rights and fundamental freedoms of indigenous peoples in Asia."

The Asian Group would like to express its concern over the approach adopted by the Special Rapporteur on preparation of this report. The report is based on information gathered by the Special Rapporteur primarily from non-governmental sources and does not take into account the views of the States. Article 6(b) of the Code of Conduct of Special Procedures Mandate-holders of the Human Rights Council, which states, and I quote, "the mandate-holders shall take into account in a comprehensive and timely manner, in particular information provided by the State concerned on situations relevant to their mandate". Thus, the approach of the Special Rapporteur has been in clear disregard of this provision of the Code of Conduct

The Asian Group also finds it difficult to understand why the Special Rapporteur decided to commence this regional focus from Asia, particularly so, since a large number of Asian countries do not have indigenous peoples as vulnerable groups among their populations since their entire populations are indigenous. This position of many Asian countries, which is consistent with the ILO conventions, has not been adequately reflected in the report. Meanwhile, we are also concerned of the misuse of the concepts of indigenous peoples and ethnic minorities in the report.

Further, while the report states in the introduction that it does not attempt to provide a full picture of the situation in the region, yet it jumps to conclusions and makes sweeping recommendations for countries in the region. This is indicative of the unbalanced nature of the report.

Mr. President,

We would like to reiterate that in discharge of their mandates, the Special Procedures Mandate-holders should abide by the provisions of the Code of Conduct, and give due consideration to the information provided by States in their reports or else their analysis and conclusions will lack balance as we see in the report of Mr. Stavenhagen.

In conclusion, the report should have been done in a constructive manner without any prejudice against any specific country while its accuracy has yet to be proved.

Thank you, Mr. President.