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President: Mr. Burayzat (Vice-President).....(Jordan)
later: Mr. De Alba (President).....(Mexico)

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The meeting was called to order at 12.20 p.m.

**Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled
“Human Rights Council”** (*continued*)

**Report of the Intersessional Open-ended Working Group to elaborate a draft legally
binding normative instrument for the protection of all persons from enforced
disappearance** (E/CN.4/2006/57)

1. **Mr. Kadiri** (Morocco) thanked the Chairperson-Rapporteur of the Working Group for his clear and thorough report and commended Mr. Kessedjian for having brought the Group’s deliberations to a successful conclusion. The new instrument would fill a gap and strengthen the capacity of international law to protect and promote human rights. Since the beginning of the Group’s deliberations, Morocco had supported and participated actively in the drafting of a legally binding international instrument that would prevent disappearances and guarantee the rights of victims to truth and to reparation. Morocco had shown its commitment to putting an end to forced or involuntary disappearances and arbitrary detention by setting up the Equity and Reconciliation Commission, which had investigated abuses, reviewed requests for reparations from victims and recommended the provision of financial, medical and psychological assistance. The Commission had also suggested that collective reparations should be made in recognition of the suffering experienced by entire communities. Finally, Morocco confirmed its full support for the adoption of the instrument on the protection of all persons from enforced disappearance by the Council at its first session.
2. **Mr. Hugueney** (Brazil), speaking on behalf of the Group of Latin American and Caribbean States, said that the drafting of the legally binding instrument on the protection of all persons from enforced disappearance had been a lengthy process set against the background of a painful past in which anti-democratic regimes had overseen systematic violations of human rights in order to silence opponents and intimidate society as a whole.
3. Following the 1992 Declaration on the Protection of all Persons from Enforced Disappearance and the 1994 Inter-American Convention on Enforced Disappearances, it was important to complete the legal framework by adopting a binding international instrument. The text drafted by the Working Group highlighted the fundamental need to prevent enforced disappearances and introduced the new concepts of international habeas corpus and the appropriation of children. The new instrument would help Member States to combat impunity. The right to truth and to learn what had happened to loved ones was also enshrined in the new instrument. It was essential that States should have full powers to identify and punish the perpetrators of enforced disappearances. The adoption of a new convention on the subject, preferably by acclamation, would be a fitting event to mark the first session of the Council. It was to be hoped that the convention would enter into force as soon as possible.
4. Speaking on behalf of his own country, he said that Brazil supported the draft resolution concerning adoption of the convention which had been submitted to the Council. Between the 1960s and the 1980s, many countries in Latin America had been ruled by authoritarian regimes or military dictatorships, and cases of death, torture and disappeared persons had been widespread. In the 1960s, members of his family and close friends had lost their lives to the military regime. It was a moment of joy to see that the Council was about to approve a historic instrument that would promote freedom, dignity and justice.
5. **Ms. Korunova** (Russian Federation) said that it would be hard to overstate the importance of the draft convention, especially in the light of the kidnappings and other terrorist acts which were becoming a daily occurrence. One example was the recent kidnapping and murder of four Russian Federation Embassy staff in Iraq. Hostage-taking

was the most flagrant violation of human rights and could not be justified under any circumstances. She requested that the Council confirm the inalienable right of all people to be protected against terrorism.

6. She thanked the Chairperson-Rapporteur of the Working Group for having guided the drafting of the international convention and expressed her conviction that the adoption of that document would strengthen international human rights law and support global efforts to combat terrorism. She was particularly pleased that the draft convention contributed to the further development of the concept of non-State actors. The adoption of the document would serve to convince those who had rejected the concept and believed that human rights violations were committed only by Governments.

7. **Mr. Kimura** (Japan) said that his Government attached great importance to combating enforced disappearances, a crime that affected not only the disappeared persons, but also their grieving families. The international community must combat that crime and make every effort to return the victims to their families. The Government of Japan appreciated the work of the Chairperson-Rapporteur of the Working Group, who had taken into account all opinions and concerns in drafting a fair, well-constructed and balanced draft convention. The Government of Japan not only supported the draft convention but was pleased to be a sponsor of the draft resolution.

8. **Ms. Rodríguez Mancía** (Guatemala) congratulated the Chairperson-Rapporteur of the Working Group for having brought its deliberations to a successful conclusion and expressed full support for the statement made by Brazil on behalf of the Group of Latin American and Caribbean States. During the Working Group's deliberations, Guatemala had advocated the formulation of an international convention and the establishment of a supervisory and follow-up body that would provide a greater level of protection against enforced disappearance. Guatemala endorsed the statement contained in the draft text that, in certain circumstances, an enforced disappearance could be defined as a crime against humanity and agreed that, in addition to the right of victims and family members to obtain certain forms of reparation, a victim had the right to know the truth about the circumstances of an enforced disappearance.

9. Guatemala had introduced an amendment into its criminal code in 1996 to include the crime of enforced disappearance. Since that time, a further addition had been made to the code concerning perpetrators who did not have a link with the State, and Guatemala therefore welcomed the statement in the draft convention that enforced disappearances could be committed by persons or groups of persons acting without the authorization, support or acquiescence of the State. The 1994 Inter-American Convention on Enforced Disappearances had entered into force in Guatemala in 2000 and, in 2003, the Government had set up a national reparations programme for civilian victims of human rights violations committed during internal armed conflicts. In 2004 and 2005, the Government of Guatemala had publicly asked victims of human rights violations and their families, including victims of enforced disappearances, for forgiveness. Her Government supported the adoption of the draft convention by the Council and recommended that it should be adopted by the General Assembly at its next session.

10. **Mr. Larenas Serrano** (Ecuador) praised the report submitted by the Chairperson-Rapporteur and said that the right to life was one of the most important human rights, and it was the duty of States and of the international community to protect it. Enforced disappearances were flagrant violations of the right to life. His Government confirmed its staunch support for the creation of an internationally binding legal instrument enshrining the right to protection from enforced disappearance. The principles set out in the 1992 Declaration on the Protection of all Persons from Enforced Disappearance were reinforced in the draft international convention produced by the Working Group, and his delegation

was particularly pleased to be a sponsor of the draft resolution that recommended its adoption.

11. **Ms. Janjua** (Pakistan) commended the Chairperson-Rapporteur for the gradual and consensual approach that he had taken during the drafting process. Enforced disappearance was a serious violation of the fundamental right to life, and all States had an obligation to combat and prevent enforced and involuntary disappearances. Pakistan had consistently supported the Working Group and believed that a sincere effort had been made to achieve a balanced instrument. It would be a fitting opening for the Council if it were to adopt the international convention at its first session.

12. **Ms. Dong Zhihua** (China), expressing her delegation's gratitude to the Chairperson-Rapporteur of the Working Group, said that China had participated actively in the drafting of the binding instrument for the protection of all persons against enforced disappearance. Its adoption by consensus by the Working Group showed that international instruments should reflect the general concerns of the international community and the trend in human rights reform if they were to enjoy broad support and be effectively implemented. The Chinese delegation welcomed the consensus-based approach that had been taken and saw it as a way to fully display international solidarity and cooperation. The draft convention had been completed relatively quickly and would assist many countries in resolving situations within their own borders.

13. **Mr. Talibov** (Azerbaijan), noting with appreciation the achievements of the Working Group and the excellent stewardship of its Chairperson-Rapporteur, said that his delegation shared the view that enforced disappearances should be prevented and that impunity for that crime should be combated. His delegation fully supported the adoption of the convention and had sponsored the draft resolution. The unanimous adoption of the resolution would illustrate the solidarity of the international community and its intention to punish the crime of enforced disappearance, as well as bringing one of the initiatives of the Commission to a successful conclusion

14. **Mr. Jazairy** (Algeria) congratulated the Chairperson-Rapporteur of the Working Group; thanks to his exceptional skills as a diplomat, a consensus document had been produced in record time. The draft convention on protection from enforced disappearance covered acts committed by groups of persons without the authorization of the State or, in other words, by terrorists, who were the main perpetrators of those crimes in many countries. The case cited by the representative of the Russian Federation illustrated that problem.

15. **Mr. Haidara** (Senegal) thanked the Chairperson-Rapporteur and the members of the Working Group, whose perseverance and tenacity had made it possible to reach agreement on the draft convention. He recalled that the matter had been included on the agenda of the Commission with difficulty. Effective implementation of the draft convention would go a long way towards providing protection from the crime of enforced disappearance and protecting associated freedoms, such as the right to liberty of movement.

16. **Mr. Hemayetuddin** (Bangladesh) congratulated the Chairperson-Rapporteur and his team on their work. The crime of enforced disappearance was surely among the worst human rights violations, as it affected not only one individual or group, but brought untold trauma and misery to the families of victims and to society at large. The Government of Bangladesh had consistently spoken out against enforced disappearance and had stringent laws against it. His Government was wholeheartedly in favour of international instruments on enforced disappearance and supported the adoption of the draft convention.

17. **Mr. Mvondo Ayolo** (Cameroon) thanked the Chairperson-Rapporteur of the Working Group for the report and for having conducted the negotiations so successfully. He commended the Working Group for the balanced text that it had drafted and for the

many innovations that the document contained. The resulting instrument would assist States in punishing the universal crime of enforced disappearance. Perpetrators of such acts, whether they were State or non-State actors, had been warned. Cameroon fully supported the draft convention and wished to become a sponsor of the draft resolution.

18. **Ms. Droege** (International Committee of the Red Cross (ICRC)) said that the issue of enforced disappearance was of particular importance to ICRC, which had followed and supported the deliberations of the Working Group under the able chairmanship of Mr. Kessedjian. Enforced disappearance constituted a violation of international humanitarian law and of human rights. It violated customary rules such as the prohibition of arbitrary deprivation of liberty, of torture and other cruel and inhuman treatment, and of murder. Leaving families without news about the whereabouts of their relatives not only placed them in a cruel situation of uncertainty; it was also a denial of the right to family life and the families' right to know the fate of their relatives. The prohibition of enforced disappearance allowed for no exceptions; no war or national security consideration could justify enforced disappearance. No State or person was above the law, and no person could be placed outside the law, which was what enforced disappearance sought to do.

19. The convention enshrined the legal obligations of States to prevent enforced disappearance. All persons deprived of their liberty must be officially registered and have regular contact with their families, and they were entitled to legal procedural guarantees. For the first time, those obligations would be codified in a legally binding human rights treaty that would also uphold the right of families to know the fate of their relatives. The convention would certainly contribute to greater legal protection against enforced disappearance, and ICRC therefore strongly encouraged the Council to adopt it at its first session. Finally, she wished to pay tribute to the families of disappeared persons; their courage and perseverance commanded respect and admiration and was a constant reminder of all the work that lay ahead.

20. **Mr. Varela Quiros** (Observer for Costa Rica) said that his delegation endorsed the statement made by the representative of Brazil on behalf of the Group of Latin American and Caribbean States. Costa Rica had participated in the drafting negotiations and firmly supported the adoption of the convention. Although the inter-American system did have a large body of standards and jurisprudence, a universal instrument was required in order to respond to the concerns of all States and to confirm their commitment not to practice, permit or tolerate enforced disappearance, even in a state of emergency. The adoption of the draft convention would encourage States to put in place the necessary legislative, administrative and judicial measures and to sanction perpetrators of enforced disappearance. The draft convention also provided for the establishment of the Committee on Enforced Disappearances to ensure compliance, and steps should be taken to make certain that its members would be independent.

21. He commended the Chairperson-Rapporteur on his negotiating skills and expressed appreciation for the contributions of the experts to the Working Group. He hoped that the adoption of the convention would bring an end to enforced disappearances and ensure that both States and non-State actors respected human life and dignity.

22. **Mr. Aristegui Laborde** (Observer for Spain) thanked the Chairperson-Rapporteur for the report and paid tribute to the Working Group. His delegation endorsed the statement made at the preceding meeting by the representative of Austria on behalf of the European Union. His Government regarded the matter of enforced disappearance as a priority which the Council should continue to address as part of its positive legacy from the Commission. The adoption of the convention would be one of the most important achievements of the first session of the Council, both from a legal perspective and from a political and moral viewpoint. He paid tribute to the human rights defenders who had worked on behalf of victims and thanked members of civil society who had provided advice during the

negotiations. Spain fully supported the adoption of the convention and its submission to the General Assembly. Spain would be one of the first signatories to the convention upon its adoption.

23. **Mr. Utreras** (Observer for Chile) expressed his delegation's support for the adoption of the draft convention for the protection of all persons from enforced disappearance.

24. **Mr. Ouvry** (Observer for Belgium) said that Belgium endorsed the statement made at the preceding meeting by the representative of Austria on behalf of the European Union. He commended the Chairperson-Rapporteur, whose optimism and hard work had paved the way for the drafting of the convention. The document produced by the Working Group presented a successful compromise and would ideally be adopted by consensus.

25. During the 1970s, the Commission on Human Rights had begun to hear reports of enforced disappearances and had been struck both by the suffering of the families of the disappeared and by their determination. In 1980 the Commission had created the Working Group on Enforced or Involuntary Disappearances, and in 1992 it had issued the Declaration on the Protection of All Persons from Enforced Disappearance. It was to be hoped that the adoption of the international convention would significantly improve the situation of the disappeared and their families.

26. Thanks to the convention, which had been drafted with the valuable participation of NGOs and civil society, enforced disappearance was finally being considered as a crime in its own right. Once adopted, the convention should be ratified by the greatest possible number of States and implemented effectively so that families never again experienced the enforced disappearance of a loved one.

27. **Ms. Barton** (Observer for the United States of America) thanked the Chairperson-Rapporteur of the Working Group and all participants in the negotiations, especially the families of the disappeared and representatives of civil society. She referred the Council to the written statement of the United States of America that had been submitted to the secretariat. It contained her Government's legal interpretation and reservations on the instrument and requested that it should be made part of the official record.

28. **Mr. Verros** (Observer for Greece) said that Greece fully supported the statement made at the preceding meeting by the representative of Austria on behalf of the European Union. He thanked the Chairperson-Rapporteur of the Working Group for the report and for his exemplary work, which had resulted in the elaboration of the draft convention. His Government fully endorsed the draft convention and called upon the Council to adopt it by consensus at its first session. The delegation of Greece had participated in the drafting of the convention and believed that it was a step forward in protecting the victims of enforced disappearance and their families. Once adopted, the convention would fill a gap in international law by requiring States to recognize the right of every individual to be protected from enforced disappearance and to criminalize the practice in domestic law. In cases where an enforced disappearance was considered to be a crime against humanity, it could be subject to international criminal jurisdiction, and the monitoring mechanism would ensure the effective implementation of the convention. Its adoption would demonstrate to families of victims of enforced disappearances that the newly created Council would strengthen the protection of human rights.

29. **Ms. Palomeque** (Observer for Bolivia) said that her delegation supported the statement made on behalf of the Group of Latin American and Caribbean States. Enforced disappearances were a form of torture for the families left behind and were a crime against humanity. International legal instruments were urgently required in order to effectively prevent and punish the perpetrators of such acts. The new legal instrument would contribute to standard-setting and prevention by prohibiting secret detention and by requiring States to

maintain up-to-date official registers and to make them available to families and third parties. To ignore family members and associations that spoke out against those crimes would be tantamount to negating the right to life, integrity and freedom. She therefore urged the Council to adopt the draft text by consensus.

30. **Ms. Bacalso** (Philippine Human Rights Information Center), speaking also on behalf of Nonviolence International, the International NGO Forum on Indonesian Development (INFID), Forum Asia and the Humanist Committee on Human Rights (HOM), said that she echoed the voices of the families of the disappeared in Asia, the continent which had submitted the highest number of cases to the United Nations Working Group on Enforced Disappearances and in which regional and national human rights mechanisms for the criminalization of enforced disappearance were non-existent. The voiceless families of the disappeared included Ding Zilin, of the Tiananmen Mothers, who could not even mourn in public; Parveena Ahangar, who searched for her son and many other disappeared in Kashmir; Toti Koto, of Indonesia, who searched for her son; and so many other families of the disappeared in the Philippines, Sri Lanka and Thailand. Families and members of the wider society who had been traumatized by the scourge of enforced disappearance expected the Council to adopt the draft convention. That instrument overcame the limitations of existing mechanisms for addressing the crime and protected the right to participate freely in organizations supporting the cause of the disappeared. That right was extremely important as, in the course of their work, many of her colleagues had been subjected to enforced disappearance and killed. She called on the Council to prevent further disappearances and the resulting suffering by adopting the draft convention without delay.

31. **Ms. Ocampo Vásquez** (Latin American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM)), speaking also on behalf of the International Commission of Jurists, the International Federation for Human Rights, Human Rights Watch, the International Service for Human Rights and Amnesty International, said that enforced disappearance was one of the most odious violations of human rights and a crime under international law. Disappeared persons were deprived of all their rights; they were at the mercy of their killers and had no protection under the law. Enforced disappearance denied the right to be human. The practice caused deep suffering to the families and friends of the disappeared. The theft of children born to the disappeared was one of the most repugnant practices. Enforced disappearance went against the most fundamental principles of humanity and undermined the rule of law.

32. Since 1981, immense efforts had been made to ensure that an international convention on enforced disappearance was adopted by the United Nations. The current draft convention under consideration by the Council filled a vacuum in international law and, if adopted, would also send a strong political message that the practice could not be tolerated and would be eradicated. She urged the Council to give priority to the adoption of the draft convention.

33. **Ms. Molina Faidutti** (World Federation of United Nations Associations) commended the Intersessional Working Group and its Chairperson-Rapporteur on the draft convention on enforced disappearance and said that it had been thanks to the families of the disappeared that the abhorrent practice of enforced disappearance had been made public and condemned by the international community. Tribute should also be paid to the Special Rapporteur on the situation of human rights in Chile, who had first brought the question to the attention of the Commission on Human Rights in 1980 and to the NGOs, experts and Member States that had worked tirelessly on the text. Once approved, the convention would fill a legal gap in the international protection of human rights. It defined disappearances as a crime and, above all, it gave people the right to learn the truth about the circumstances of the disappearances and the fate and whereabouts of the disappeared. The proposed

committee of experts, which would be authorized to conduct visits in situ, would assist in monitoring implementation of the convention. The international community had a duty to teach future generations that enforced disappearance must not be tolerated and for that reason, she hoped that the convention would be adopted by the General Assembly.

34. **Ms. Sumilla** (Families of Victims of Involuntary Disappearances) said that, some 20 years previously, nine families of disappeared persons in the Philippines had decided to form Families of Victims of Involuntary Disappearances and had joined the global campaign for the adoption of a legally binding instrument for the protection of all persons from enforced disappearance. A bill was before the Philippine Congress that would define and penalize enforced disappearance. That bill and the draft international convention before the Council were mutually reinforcing. The eyes of the world and, indeed, of the souls of the disappeared, who included her brother, a labour and human rights lawyer at the time her country had been under martial law, were on the Council, which would, she hoped, adopt the international convention at its first session.

35. **Mr. Ravenna** (Permanent Assembly for Human Rights) said that, although the draft convention did not meet all of the desired objectives of the Permanent Assembly for Human Rights, it had chosen to accept the version before the Council in order to achieve a consensus text. The definition of enforced disappearance contained three elements: the deprivation of liberty; the fact that the crime was committed by agents of the State; and the refusal to provide information and, as a result, remove people from the protection of the law. He welcomed the definition of enforced disappearance as a crime against humanity and the reaffirmation of the principles of extradition and non-return.

36. The draft convention further developed the preventive measures that States could take to eradicate the crime, which were supported by the requirement that deprivation of liberty must take place only in an officially recognized establishment. Article 25 adequately protected the rights of children not to be subjected to enforced disappearance or to have their true identity concealed. The draft convention thus made an important contribution to human rights, and he appealed to the Council to adopt it by consensus.

37. **Mr. Zahna** (Union de l'Action Féminine (FUA)) said that the draft convention would surely help to strengthen the protection of human rights following its ratification by Member States. The Equity and Reconciliation Commission, established in Morocco in 2003, had helped to investigate cases of enforced disappearance and arbitrary detention that had taken place between 1956 and 1999, although additional cases remained to be investigated. The ratification of the convention for the protection of all persons from enforced disappearance by the Government of Morocco would undoubtedly serve to strengthen human rights and combat impunity in the country. In line with the progress being made by the Council in protecting human rights, he hoped that the Council would help to put an end to the human rights violations suffered by Moroccans imprisoned in Tindouf in Algeria.

38. **Mr. El Haiba** (Consultative Council for Human Rights in Morocco) thanked the Chairperson-Rapporteur of the Working Group for the report and said that the Consultative Council supported the adoption of the draft convention, which was an essential element in ensuring the right to truth for disappeared persons and their families. It would also help to put an end to impunity in line with the efforts of the Equity and Reconciliation Committee to promote transitional justice.

39. **Mr. Kessedjian** (Chairperson-Rapporteur of the Intersessional Open-ended Working Group for the protection of all persons from enforced disappearance) thanked the Council members and noted the high quality of the discussions that had taken place. He was grateful that the Council appeared to favour a consensual approach to the adoption of the convention. He had been touched by the positive comments made concerning the work of

the Intersessional Working Group and wished to pay tribute to all those who had contributed to the drafting process. The draft convention was the result of a magnificent collective effort, which he had been honoured to lead.

The meeting was suspended at 2 p.m. and resumed at 2.30 p.m.

40. *Mr. de Alba (Mexico), President, took the Chair.*

41. **Mr. Bessedik** (Algeria), speaking in exercise of the right of reply, recalled that the representative of one NGO had qualified the Sahrawi held in the Tindouf camps as “Moroccan prisoners”. His delegation wished to point out that a mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) had visited the Sahrawi refugee camps. The claims made by the NGO were without foundation; they were neither objective nor credible, since United Nations agencies, including the Office of the United Nations High Commissioner for Refugees and OHCHR, were present on the ground.

Consideration of the report of the Open-ended Intersessional Working Group on a draft United Nations declaration on the rights of indigenous peoples (E/CN.4/2006/79; A/HRC/1/NGO/1-5)

42. **Mr. Chávez** (Chairperson-Rapporteur of the Open-ended Intersessional Working Group on a draft United Nations declaration on the rights of indigenous peoples) said that it was an honour to present the report of the eleventh session of the Working Group (E/CN.4/2006/79). Paragraphs 11 to 30 contained a summary of the discussions held by the Working Group and its conclusions. The second part of the report contained two annexes: annex I detailed the Chairperson’s proposals and traced the changes made in the text since the Working Group’s deliberations had begun. Annex I made clear whether questions were still pending or had been agreed upon and the options for resolving pending issues. The annex was divided into three columns. The first showed the “original text”, which was the result of deliberations up to the eleventh session. The second gave a summary of the proposals that had been made. All of the preambular paragraphs and most of the articles had been agreed upon in principle. Where such an agreement had not been reached, he had made proposals that reflected the discussions in the Working Group. Those suggestions were shown in the third column.

43. Turning to those articles on which the Working Group had not reached consensus, he explained that the original version of article 3, on self-determination, had been retained because he believed that it would be impossible to reach consensus if amendments were made to it. Article 31 had been removed and replaced by article 3 bis (former article 31) in order to clarify the meaning of self-determination in the declaration and to address concerns as to the bearing that the concept might have on territorial integrity. Some States had requested that the term “territorial integrity” should be explicitly mentioned, but indigenous States and the majority of States as a whole had been firmly opposed to its inclusion. In his view, the reference to territorial integrity was not necessary because all peoples had the right to self-determination under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and therefore indigenous peoples who wished to declare their independence of a host State did not require a declaration to achieve that goal.

44. The real threat to the territorial integrity of States was the uncertain situation in which many indigenous peoples were placed. The declaration would foster a new type of relationship between States and indigenous peoples, as it was designed to remove sources of tension while strengthening the States themselves. In addition, article 45 of the Chairperson’s proposal stated that nothing in the declaration could 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. Article 45 ensured the

declaration's compatibility with international human rights law and guaranteed the rights and freedoms of third parties.

45. Article 39 provided for the resolution of conflicts, while the subject of redress was dealt with in article 21, as well as in the articles on lands and territories. Debates on those issues had been lengthy, and all points of view had not yet been reconciled. Many indigenous peoples felt that they should have the right to compensation, while many States had preferred the option of having the declaration put forward mechanisms for obtaining redress. He had proposed that the right to compensation should be established in the declaration because logic dictated that it was appropriate to recognize substantive rather than procedural rights. All persons were entitled to redress, and indigenous peoples should not have a lower level of protection than others.

46. Part IV of annex I concerned lands, territories and resources. It was composed of six articles on which it had not yet been possible to achieve consensus. Consequently, he had proposed texts based on the views expressed during the Working Group's debates. He had also proposed the deletion of article 11 on the right to protection in armed conflicts, since its provisions were covered in other international human rights instruments, and of article 8, since it was the only article that had never been discussed by the Working Group.

47. It would only be possible to make headway in discussing the declaration if sterile debate on the definition of "indigenous people" was avoided. He believed that the declaration was a balanced reflection of the Working Group's views and was therefore the best possible text on which all could agree. The declaration could send a message about human rights protection to the international community, and he called upon the Council to take the opportunity to do so.

The meeting rose at 3 p.m.