

My government acknowledges the critical nature of the principles enunciated in Part III of the draft Declaration for the survival of indigenous people. Indigenous representatives, like parents of all cultures, stress that they must have the opportunity to teach their children about the religion, language and culture of their community, in order for their culture to survive. These rights then are of universal concern, and as such, are protected in the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, and the *Convention on the Rights of the Child*, which apply to indigenous and non-indigenous alike. We support the elaboration of these principles in Part III which sets out how these rights may be exercised by indigenous people and clarifies the role of States in ensuring that indigenous people may enjoy fully their cultural, linguistic and religious rights.

Article 12

Article 12 in dealing with the right to practise and revitalize cultural traditions and customs identifies two elements: the protection and development of culture; and the restitution and return of property. These are important issues and perhaps should be addressed in two separate paragraphs.

The right to practise one's language and culture in community with others is a vital right. My delegation believes that states should facilitate, subject to national laws, the efforts of indigenous people to maintain, protect and develop manifestations of their cultures, while respecting the legitimate rights of others.

With respect to the return of cultural property, there is an evolution at both international and national levels. A number of international instruments now relate to the return of cultural property, including the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*, the recent *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*, which specifically refers to property created by indigenous artists, and the recent *Commonwealth Scheme of the Protection of Cultural Heritage within the Commonwealth*. There are positive developments in international law and the domestic practices of states in this area. The provisions in this declaration should build on those developments and in this context we believe that states should make best efforts, in accordance with applicable international and domestic law, to facilitate the return to indigenous people of their cultural property.