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Rights of indigenous peoples

Report of the Third Committee

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled:

“Rights of indigenous peoples:

“(a) Rights of indigenous peoples

“(b) Second International Decade of the World’s Indigenous People”

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 19th, 20th, 31st and 46th meetings, on 17 and 25 October and 18 November 2011. An account of the Committee’s discussion is contained in the relevant summary records (A/C.3/66/SR.19, 20, 31 and 46).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the report of the Special Rapporteur on the rights of indigenous peoples (A/66/288).

4. At its 19th meeting, on 17 October, the Committee heard a statement by the Director of the Division for Social Policy and Development of the Department for Economic and Social Affairs (see A/C.3/66/SR.19).

5. At the same meeting, the Special Rapporteur on the rights of indigenous peoples made a presentation and engaged in a dialogue with the representatives of Costa Rica, Chile, Guatemala, Brazil, Bolivia (Plurinational State of), Mexico, the European Union, Peru and Nicaragua (see A/C.3/66/SR.19).



II. Consideration of draft resolutions A/C.3/66/L.26 and Rev.1

6. At the 31st meeting, on 25 October, the representative of Bolivia (Plurinational State of), also on behalf of Cuba, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled “Rights of indigenous peoples” (A/C.3/66/L.26), which read:

“The General Assembly,

“Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

“Reaffirming its resolution 65/198 of 21 December 2010, in which the General Assembly decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014,

“Recalling its resolution 59/174 of 20 December 2004 on the Second International Decade of the World’s Indigenous People (2005-2014),

“Recalling also the 2007 United Nations Declaration on the Rights of Indigenous Peoples, which addresses their individual and collective rights,

“Recalling further the United Nations Millennium Declaration, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,

“Recalling Human Rights Council resolution 18/8 of 29 September 2011 on human rights and indigenous peoples,

“Recalling also the first Peoples’ World Conference on Climate Change and the Rights of Mother Earth, hosted by the Plurinational State of Bolivia in Cochabamba from 20 to 22 April 2010,

“Stressing the importance of strengthening international cooperation to support national, regional and global plans for the benefit of indigenous peoples in relation to their full enjoyment of economic, social, cultural, civil and political rights, their full and equal participation and integration in all political, economic, social and cultural aspects of society, and the promotion of a greater knowledge of and respect for their holistic traditional scientific knowledge of their lands, natural resources and environment,

“Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

“Recalling its resolution 65/198, by which it decided to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it could assist representatives of indigenous peoples’ organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and urged States to contribute to the Fund,

“1. *Welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, as well as his most recent report;

“2. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Populations and the Trust Fund for the Second International Decade of the World’s Indigenous People, and invites indigenous organizations and private institutions and individuals to do likewise;

“3. *Encourages* those States that have not yet ratified or acceded to the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for the Declaration;

“4. *Encourages* States to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples;

“5. *Decides* to convene, within existing resources, a one-day high-level meeting to commemorate the fifth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, to be held on 10 December 2012;

“6. *Expresses its conviction* that a high-level meeting would contribute to raising awareness of the importance of the implementation of the Declaration for the realization of the rights of indigenous peoples around the world;

“7. *Decides* that the meeting will be chaired by the President of the General Assembly, who, in closing the meeting, will present a summary of the discussions that will also serve as an input for the preparation of the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014;

“8. *Also decides that*, in order to promote a substantive and constructive dialogue, participants in the high-level meeting will include Member States, observers, representatives of entities of the United Nations system, experts and selected representatives of indigenous peoples’ organizations, with representation of the seven sociocultural regions and non-governmental organizations that are active in the field of indigenous peoples;

“9. *Requests* the Secretary-General, in consultation with Member States, relevant United Nations organizations and mechanisms and other stakeholders, including indigenous peoples’ organizations, to submit to the General Assembly at its sixty-seventh session a report on the progress achieved in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the five years since its adoption;

“10. *Also requests* the Secretary-General to submit to the General Assembly, at its sixty-seventh session, a report on the progress of implementation of the present resolution, and decides to continue consideration of the question at its sixty-seventh session.”

7. At its 46th meeting, on 18 November, the Committee had before it a revised draft resolution entitled “Rights of indigenous peoples” (A/C.3/66/L.26/Rev.1), submitted by Argentina, Australia, Austria, Belize, Benin, Bolivia (Plurinational State of), Brazil, Cuba, Cyprus, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Liberia, Luxembourg, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Slovenia, Spain, the United States of America, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Armenia, Belarus, the Central African Republic, Chile, the Congo, Costa Rica and Côte d’Ivoire joined in sponsoring the draft resolution.

8. At the same meeting, the Secretary read out a statement of programme budget implications in connection with the revised draft resolution.

9. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/66/L.26/Rev.1 (see para. 11).

10. Before the adoption of the draft resolution, a statement was made by the representative of the United States; after the adoption of the draft resolution, statements were made by the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland (see A/C.3/66/SR.46).

III. Recommendation of the Third Committee

11. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Rights of indigenous peoples

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

Reaffirming its resolution 65/198 of 21 December 2010, in which it decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014,

Recalling its resolution 59/174 of 20 December 2004 on the Second International Decade of the World's Indigenous People (2005-2014),

Recalling also the 2007 United Nations Declaration on the Rights of Indigenous Peoples,¹ which addresses their individual and collective rights,

Recalling further the United Nations Millennium Declaration,² the 2005 World Summit Outcome³ and the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,⁴

Recalling Human Rights Council resolution 18/8 of 29 September 2011 on human rights and indigenous peoples,⁵

Recalling also the first Peoples' World Conference on Climate Change and the Rights of Mother Earth,⁶ hosted by the Plurinational State of Bolivia in Cochabamba from 20 to 22 April 2010,

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Recognizing the value and the diversity of the cultures and the form of the social organization of indigenous peoples and their holistic traditional scientific knowledge of their lands, natural resources and environment,

¹ Resolution 61/295, annex.

² See resolution 55/2.

³ See resolution 60/1.

⁴ See resolution 65/1.

⁵ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.

⁶ See A/64/777.

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Recalling its resolution 65/198, by which it decided to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it could assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, on the basis of diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and urged States to contribute to the Fund,

1. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples and of the Special Rapporteur on the rights of indigenous peoples, takes note of his report on the rights of indigenous peoples,⁷ and encourages all Governments to respond favourably to his requests for visits;

2. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Populations and the Trust Fund for the Second International Decade of the World's Indigenous People, and invites indigenous organizations and private institutions and individuals to do likewise;

3. *Encourages* those States that have not yet ratified or acceded to the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples,¹ and welcomes the increased support by States for the Declaration;

4. *Encourages* States, in consultation and cooperation with indigenous peoples, to take the appropriate measures, including legislative measures, to achieve the ends of the Declaration;

5. *Also encourages* all interested parties, in particular indigenous peoples, to disseminate and consider good practices at different levels as a practical guide on how to attain the goals of the Declaration;

6. *Requests* the Secretary-General, in coordination with the United Nations Permanent Forum on Indigenous Issues, to convene, within existing resources, a high-level event during the eleventh session of the Forum to commemorate the fifth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in order to raise awareness of the importance of pursuing its objectives;

7. *Stresses* that the result of that event could serve as an input for the preparation of the high-level plenary meeting of the General Assembly in 2014, to be known as the World Conference on Indigenous Peoples;

8. *Invites* Governments, indigenous peoples and other stakeholders, including the media, as well as relevant organizations and bodies of the United Nations system, to carry out activities focused on marking the fifth anniversary of the adoption of the Declaration, at the regional and national levels;

⁷ See A/66/288.

9. *Decides* to continue consideration of the question at its sixty-seventh session, under the item entitled “Rights of indigenous peoples”.
