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Chair: Ms. Dagher (Vice-Chair). (Lebanon)

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In the absence of Mr. Tafrov (Bulgaria), Ms. Dagher (Lebanon), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 66: Rights of indigenous peoples
(continued) (A/67/994)

(a) Rights of indigenous peoples (continued)
(A/68/317)

(b) Second International Decade of the World's Indigenous People (continued)

1. **Ms. Astiasarán Arias** (Cuba) said that the adoption of the United Nations Declaration on the Rights of Indigenous Peoples had been a victory in the struggle to recognize the rights of such peoples, and the Second International Decade of the World's Indigenous People, had led to some progress in the search for solutions to their problems. Contributions to funds supporting the Second Decade should continue and the necessary human resources should be allocated. Her delegation welcomed the General Assembly's decision to organize the World Conference on Indigenous Peoples in 2014 and hoped that it would allow the sharing of best practices relating to the achievement of indigenous people's rights, in particular the right of self-determination.

2. Although progress had been made in formulating human rights norms for indigenous peoples, they continued to face grave violations, including violence, marginalization and seizure of their land. Her delegation reaffirmed the right of indigenous peoples in the Andes to preserve traditional practices such as the chewing of coca leaves, and recognized the right of the Government of the Plurinational State of Bolivia to protect those practices.

3. **Ms. Peña** (Peru) said that her Government was preparing for the visit of the Special Rapporteur on the rights of indigenous peoples in December 2013. It had been the first country to adopt legislation on the prior consultation of indigenous peoples on measures affecting them, in line with the Indigenous and Tribal Peoples Convention of the International Labour Organization. In that regard, it had established a database, drawn up a methodological guide and was organizing training courses and providing technical assistance. Her Government guaranteed the equality and rights of indigenous peoples through the Ministry of Culture, and looked forward to exchanging good

practices at the 2014 World Conference on Indigenous Peoples and at the regional preparatory meeting, to be held in Mexico in April 2014. The United Nations should prepare reports to support the regional meetings and the Conference, at which there should be broad participation of representatives of indigenous peoples and other relevant actors, including indigenous women. The Conference should result in an action-oriented outcome document, issued in a timely manner, addressing the ways in which the United Nations Permanent Forum on Indigenous Issues could contribute to the post-2015 development agenda. The themes of the round tables and interactive dialogue should be the result of broad consultation. Her Government had contributed \$5,000 to the United Nations Voluntary Fund for Indigenous Populations.

4. **Mr. Mohamed** (Guyana) said that his Government's commitment to the rights of indigenous peoples was reflected in three main strategies of its national development agenda: low-carbon development, poverty reduction and national competitiveness. An indigenous peoples' commission and an ethnic relations commission allowed Amerindians to directly address discrimination and rights issues affecting them. His Government's desire to engage indigenous peoples was reflected in recent consultations on the updating of the low-carbon development strategy and continuing discussions on guidelines to help communities decide whether or not to participate in the strategy.

5. Most indigenous communities had been awarded land titles under the Amerindian Act of 2006. Indigenous peoples had the authority to veto small and medium-sized gold mines on their land, and his Government supported them in negotiations with investors. It had introduced universal education and school feeding programmes and had undertaken to compile indigenous-language dictionaries and short stories.

6. **Mr. Ulibarri** (Costa Rica) said that indigenous peoples' rights were enshrined in the Constitution of Costa Rica, the 1977 indigenous law and regulations and the case-law of the Supreme Court of Justice, and were upheld by the Office of the Ombudsperson. The visits of the Special Rapporteur on the rights of indigenous peoples in April 2011 and March 2012 had led his Government to intensify its efforts in that area. In January 2013, his Government had established a round table for dialogue with indigenous peoples, comprising monthly meetings supported by the United

Nations and the Office of the Ombudsperson. Work was underway on a legal instrument regulating the right of indigenous peoples to prior consultation on issues affecting them.

7. To address the recommendations made in the report of the Special Rapporteur on his visit to Costa Rica, his Government was working on a project to delimit indigenous territories. It had handed 21 estates back to indigenous peoples in 2012 and had delimited three indigenous territories in 2013. It provided support to indigenous peoples in their efforts to protect their lands, and had increased the patrolling of locations where there had been incidents of violence. It was revising the draft law for the autonomous development of indigenous peoples.

8. His Government had established a ministerial committee to monitor indigenous matters, had recognized seven indigenous languages as mother tongues, had included local cultural, political and economic topics in educational programmes and was developing a national policy against racism, racial discrimination and xenophobia. He urged States to send open invitations to all special rapporteurs and other mandate holders under the Human Rights Council special procedures.

9. **Ms. Sabja** (Plurinational State of Bolivia) said that the Plurinational State of Bolivia was the only country which had incorporated the United Nations Declaration on the Rights of Indigenous Peoples in its legal system and the rights of indigenous peoples in its Constitution. The nationalization of the oil and natural gas industries had allowed her Government to make progress in health, education, housing, employment and infrastructure. Three indigenous universities had been established, and a development fund for indigenous peoples and rural communities had been created, enabling the revitalization of the national agrarian reform institute, through which indigenous people, in particular women, had been given land to hold on a community basis. Between 2006 and 2012, 57 million hectares had been redistributed, six times more than between 1996 and 2005. The fundamental rights of Guaraní communities expelled by landowners who rejected the redistribution programme were being restored. Her Government had established educational councils of indigenous peoples and was integrating indigenous women into the armed forces. It was fulfilling the Millennium Development Goals relating to poverty reduction, enabling 10 per cent of Bolivians

to join the middle class, and aimed to eradicate extreme poverty by 2025, while also promoting industrialization, food sovereignty and technological progress, and providing universal basic services. It had passed a law promoting development in harmony with Mother Earth and preserving traditional knowledge.

10. Her Government's commitments to indigenous people went beyond its international human rights obligations. An example was its consultation of the indigenous peoples of the Isiboro Sécure indigenous territory and national park on the construction of a planned motorway. Although the Catholic Church and some human rights activists had expressed reservations about the process without awaiting its outcome, and there had been tensions with some indigenous people linked to business interests which had profited under the previous regime, her Government remained committed to restoring dignity to those most in need.

11. During the colonial era, traditional knowledge and cultural practices, including the use of medicinal plants such as the coca leaf, had been stigmatized and in some cases penalized. In that regard, her Government reiterated that the coca leaf in its natural state caused no damage to human health, as had been confirmed by studies carried out at universities in developed countries.

12. General Assembly resolution [66/296](#) would ensure the full and effective participation of indigenous peoples in the 2014 World Conference on Indigenous Peoples, which should lead to an action-oriented outcome document based on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Her delegation was concerned that the name of the United Nations Permanent Forum on Indigenous Issues had not yet been changed to "Permanent Forum on the Rights of Indigenous Peoples" in line with the title of the Declaration and the report on the eleventh session of the Forum ([E/2012/43-E/C.19/2012/13](#)).

13. **Ms. Solórzano-Arriagada** (Nicaragua) said that her Government had reversed the historical exclusion of indigenous people and people of African descent from State policy-making and had recognized the fundamental rights of indigenous peoples in its Constitution. It was convinced that its human development model should be in harmony with the environment. The views of indigenous people and

people of African descent had been reflected in Nicaraguan legislative reforms.

14. Her Government was continuing the process of restoring and protecting the communal land rights of indigenous peoples and had taken a multi-ethnic approach in its health, education and cultural models. A national commission for food and nutritional sovereignty and security had been created, comprising representatives of State institutions, autonomous regional councils (representing the indigenous peoples of the Caribbean coast), municipal governments and civil society. The regional councils needed to be strengthened in terms of their coordination, competencies and links with the Government. The thirteenth regular session of the Indigenous Parliament of America had been held in Nicaragua in April 2013. Nicaraguans were proud of their indigenous and African heritage, and respected the work of the Government and of society at large to restore indigenous people's rights.

15. **Mr. Ricciardi** (Paraguay) said that the Constitution of Paraguay recognized the rights of indigenous peoples and sought to promote awareness-raising in relation to the country's plurinational character. His Government had tripled the share of the national budget dedicated to the acquisition of lands and was committed to designing indicators for its national human rights plan. It was providing vocational training tailored to the needs of each indigenous community, had established a national decent work plan to uphold labour rights and prevent the forced labour of indigenous adults, and had publicized International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries in Spanish, Guaraní and Nivaclé. Under its national indigenous health policy, health was recognized as a fundamental human right and was managed jointly by indigenous peoples and the State. The national health service, through health networks, was engaged in action for the prevention and control of HIV/AIDS and tuberculosis. His Government would continue its efforts in support of indigenous peoples, ensuring full respect for their culture, identity and ancestral lands, and for their right to consultations and to free and informed consent.

16. **Mr. Eshragh Jahromi** (Islamic Republic of Iran) said that his Government supported the efforts of the United Nations Permanent Forum on Indigenous Issues to enable interaction between indigenous peoples and

the international community. It looked forward to the outcome of the review process and the evaluation of the Forum's working methods. The 2014 World Conference on Indigenous Peoples was an important opportunity to publicize and address indigenous issues. His delegation acknowledged the many contributions made by indigenous and tribal peoples to human civilization.

17. **Ms. Mkhwanazi** (South Africa) said that on the issue of the status of the United Nations Declaration on the Rights of Indigenous Peoples, her Government was prepared to support the elaboration of a legally-binding instrument. The consolidated outcomes emanating from intergovernmental processes and indigenous peoples' meetings held in preparation for the World Conference on Indigenous Peoples should focus on the implementation of the goals of the Second International Decade of the World's Indigenous People and its programme of activities. Although that programme covered many important areas, the outcome of the Conference should nonetheless encompass a right to development approach that would ensure the progressive realisation of rights.

18. Her Government encouraged Member States to optimize the time remaining until the Millennium Development Goals deadline to ensure the sustainability of the Goals beyond 2015. It noted the importance of sharing best practices at the national, regional and international levels, and stressed its firm view that transnational corporations and extractive industries should be held accountable for violations of the rights of indigenous peoples and their territories.

19. **Ms. Savitri** (Indonesia) said that the Special Rapporteur on the rights of indigenous peoples should continue to work closely with other relevant United Nations mechanisms, including the United Nations Permanent Forum on Indigenous Issues, in a balanced and impartial manner that would yield tangible recommendations, taking into account the initiatives undertaken and the challenges confronted by Member States. Although it was important to promote the United Nations Declaration on the Rights of Indigenous Peoples, there was a need to define the concept of indigenous peoples. She recalled that at the time of the adoption of the Declaration, her Government had made an interpretive statement stressing that the rights stipulated in the Declaration were not applicable in the Indonesian context, but that the Declaration remained instrumental for the

promotion and protection of the human rights of peoples to whom it was applicable. Although the United Nations Permanent Forum on Indigenous Issues used the Declaration in its work, in particular with regard to promotion of the right of self-determination, her delegation was concerned that the promotion of that right did not fully accord with article 46 of the Declaration. Indonesia called on the Special Rapporteur and all relevant United Nations mechanisms to take that imperative into account and to continue their work in accordance with the principles of mutual respect and good faith, and to avoid politicizing the issue.

20. Intergovernmental deliberations held in preparation for the World Conference on Indigenous Peoples should be undertaken in a transparent manner with the participation of Member States and representatives of indigenous peoples within the framework of the Permanent Forum, as well as the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur. As one of the most ethnically diverse nations in the world, Indonesia would continue its efforts for the promotion and protection of the human rights of all citizens, including those belonging to traditional communities, as well as ethnic and religious minorities.

21. **Mr. Raja Zaib Shah** (Malaysia) said that his Government was working to ensure that all members of society, including indigenous peoples, enjoyed the benefits of development. Malaysia's various indigenous communities enjoyed equal protection under the Constitution and other laws. Under the 2013 Malaysian budget, \$29 million had been allocated for infrastructure development in rural and indigenous communities. Since indigenous communities were socioeconomically disadvantaged compared to other segments of the population, his Government had set the goal of reducing poverty among those communities to 25 per cent in 2015. It was taking measures to improve their access to food, shelter, health, education and employment and enhance their socioeconomic status and quality of life. It had also introduced income-generating programmes and was providing agricultural training to indigenous groups in remote areas.

22. Malaysia agreed on the need for Governments to consult with indigenous peoples in formulating policies, promulgating legislation and implementing programmes. His Government encouraged multi-stakeholder initiatives involving all segments of

society, including non-governmental organizations and the private sector. In May 2012, the Malaysian human rights commission had begun its first public hearings on indigenous land rights. The hearings had allowed indigenous communities to reach out directly to relevant Government bodies and civil society groups. In August 2013 the commission had released a report outlining 18 recommendations, and his Government had announced that it would establish a special task force to review the outcome of the inquiry and raise the recommendations with the relevant government agencies.

23. **Mr. Balé** (Congo) said that having long espoused the cause of indigenous peoples, Congo was in discussions to host the regional meeting of the World Conference on Indigenous Peoples, following its hosting of a pre-session meeting held at Brazzaville in March 2013.

24. Although significant progress had been achieved in the Congo with respect to the integration of indigenous communities, obstacles remained to their enjoyment of equal opportunity, including prejudiced attitudes and, with regard to education, deeply anchored distrust within the communities themselves. It was therefore important to work together to remove barriers to those communities' full enjoyment of their rights.

25. In 2011, the Congo had promulgated a law on the promotion and protection of the rights of indigenous peoples, and in 2012, a workshop on capacity-building had been held in conjunction with United Nations partners with a view to its implementation. The Congo was party to a number of international instruments that protected the rights of indigenous peoples and had taken many initiatives to promote their integration within society, including the organization in 2007 and 2011 of two sessions of an international forum on the indigenous peoples of Central Africa. Other activities undertaken included the implementation of a decentralized plan of action to improve the social status of indigenous peoples, training of indigenous leaders and service providers in management, follow-up and evaluation, and training and support for social workers. The Congo's ultimate goal was to build a State under the rule of law which was free from discrimination based on ethnic origin, way of life or culture.

26. **Ms. Brennen-Haylock** (Food and Agriculture Organization of the United Nations (FAO)) said that indigenous and tribal peoples were essential partners in the fight against hunger, malnutrition and food insecurity. Through their adherence to a traditional lifestyle, conservation of resources and protection of biological diversity, including genetic resources for food and agriculture, their practices and knowledge created an important basis for the food security of current and future generations. The new corporate strategy for partnerships with civil society organizations adopted in April 2013 not only identified indigenous peoples as vulnerable and marginalized communities in need of support but also recognized the unique contribution of their agri-food systems and the traditional knowledge that supported them, with specific reference to the FAO policy on indigenous and tribal peoples. Particular focus was being put on strengthening the work of FAO at the decentralized level through its country programming frameworks. FAO would intensify its efforts to ensure that indigenous peoples' organizations were meaningfully involved in those frameworks.

27. The approval in May 2012 of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security was one demonstration of the efforts undertaken to protect indigenous peoples' rights and customary tenure systems. It was important for countries to include specific policies and strategies to benefit indigenous peoples within their development plans and objectives, to recognize the territories and land rights of indigenous peoples and to take an integrated approach to increase their access to capital, physical and social assets and provide them with opportunities to improve their vulnerable socioeconomic situation.

28. The International Year of Family Farming would take place in 2014. Traditions, values and common resource tenure and management would need to be addressed in order for family farming to be inclusive and respectful of the needs of the vulnerable. It was only through active collaboration with indigenous peoples that the international community could achieve food production systems capable of ensuring the sustainable future of Mother Earth.

29. **Mr. Cassidy** (International Labour Organization (ILO)) said that ILO had unique and decades-long experience in forging alliances and partnerships to advance the rights of indigenous peoples. That

experience was rooted in social dialogue and tripartism, the keystones of its paradigm for promoting social justice, fair and peaceful workplace relations and decent work. Currently ILO hosted the technical secretariat of the United Nations Indigenous Peoples Partnership which was fully operational in six countries; continued support was needed for that important work. The increasing recognition of the complementarity of the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries was encouraging, as implementation of both instruments at the country level was bound to be mutually reinforcing. ILO welcomed the numerous calls that had been made by indigenous peoples for wider ratification of that Convention because it was essential to effective implementation of the Declaration as well as relevant national laws and policies on indigenous peoples. Wider ratification of the Convention by countries in Europe, Asia and Africa would provide a global dimension to the instrument, thereby supporting indigenous peoples' movements and Government efforts in Latin America.

30. The Programme to Promote ILO Convention No. 169 was operational in more than 20 countries, in collaboration with indigenous peoples, and the Declaration had been fully integrated into the overall strategic framework for 2013-2016. In Latin America, the Programme focused on capacity development, legal advice and awareness-raising, while in Asia and Africa, where legal standards for the protection of indigenous people's rights remained weak, it focused on support for State reforms, indigenous peoples' land rights, traditional occupations and natural resources.

31. Earlier in 2013, a handbook had been published to provide workers' and employers' organizations with a practical tool to better understand the Convention and foster joint implementation efforts and strengthened dialogue between those organizations and indigenous peoples. ILO had also contributed to an inter-agency study on violence against indigenous girls, adolescents and young women which had called for concerted action to stop such violence and stressed the fundamental importance of building alliances, including among social partners and stakeholders, to advance indigenous peoples' rights. Taking that into account, the World Conference on Indigenous Peoples and the formulation of the post-2015 development agenda presented key opportunities to enhance

partnerships and alliances with indigenous peoples in their quest for equal access to decent work and sustainable livelihoods.

32. **Mr. Bleicher** (International Fund for Agricultural Development (IFAD)) said that indigenous peoples' development remained high on the IFAD agenda for poverty reduction in the rural areas of developing countries. IFAD was funding about 240 ongoing projects, about 30 per cent of which supported indigenous peoples' communities in some 38 countries, for a total investment of about \$800 million. Its Policy on Engagement with Indigenous Peoples set out nine principles of engagement, including free, prior and informed consent.

33. At the first global meeting of the Indigenous Peoples' Forum in February 2013, representatives of indigenous peoples had called on IFAD for increased capacity-building support and efforts to encourage participation by indigenous peoples, in addition to more effective implementation of the Policy on Engagement with Indigenous Peoples. They had also called on Governments to recognize their rights. A dedicated fund, the Indigenous Peoples' Assistance Facility, had been established in 2007 to finance small projects. Indigenous leaders made up the majority of the governing board, and indigenous peoples' organizations co-managed the Facility at the regional level.

34. IFAD had recently approved a \$1 million grant to enable indigenous peoples' organizations and their representatives to engage effectively in the processes leading up to the World Conference on Indigenous Peoples and beyond, to promote dissemination of the Conference's outcomes, and to support the effective implementation of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples at the country level.

35. IFAD welcomed the outcome document of the Global Indigenous Preparatory Conference, and hoped that the four themes identified in the outcome document would be considered for discussion for the World Conference. The World Conference and the post-2015 development agenda were promising opportunities to empower the world's indigenous peoples in realizing their aspirations and confronting the challenges they faced.

The meeting rose at 4.30 p.m.