



General Assembly

Twelfth Session

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Third Committee – Social, Humanitarian & Cultural

This group focuses on the rights of people. It wants all people to be free to make their own choices. They believe that human rights are important and that they apply to every person in the world.

The members of this committee discuss human rights. They also encourage states to respect the rights of their citizens. During the year, they hear a lot of reports from experts and groups about the human rights records of states. Social issues are also important to this committee. Questions of crime prevention, drug control, youth, elderly and others are discussed.

This committee works closely with the Human Rights Council. They passed resolutions on the protection of children, how refugees should be treated, and ending racism.

Agenda Item 65 – Rights of indigenous peoples

Background

Throughout history, humans have moved around the world. They built towns and villages, engaged in gathering resources, and developed societies. Groups of humans coming to a new area would meet other humans. Sometimes the two groups would trade or intermarry. Sometimes they would work to achieve mutual goals. Other times the more forceful group or more technologically advanced group would term the others “savages” or “uncivilized”. They would marginalize them so they were not treated fairly.

When Columbus “discovered” the Americas in 1492 it began a new period in history. Many world powers began to explore the world. As they explored, they began to claim lands for their state. Often, they would send people from their own states to live in these “new” lands. They killed and/or pushed the original people out of the area. Over time, many groups felt pressure to assimilate and join the majority culture. Some did. Other people kept their independence, culture and language alive.

There is no accepted definition for indigenous peoples. However, generally, it is a minority group who identifies as indigenous and who is ethnically different from the majority population in the state. They usually do not hold a lot of power. Also, they usually have a different language, culture and beliefs from the dominant group. Indigenous groups sometimes have a strong connection to the land they live on. They keep their traditions alive and pass on those traditions to their children.

After hundreds of years of fighting for their rights, many states are finally acknowledging the rights of indigenous people within their borders.

- The world is 5% indigenous. This is more than 350 million people. They belong to over 5000 different groups.
- Most indigenous people live in Asia (70%). But there are indigenous people in 90 states in the world.
- 22% of the world is land used by indigenous people. The land they live on has 80% of the world's biodiversity. Indigenous people play an important part in preserving the environment.
- Some states avoid the problem of consulting indigenous people by stating they do not have 'indigenous' people. China says that they have 55 ethnic minorities in China but that none of them are indigenous.
- Dominant ethnic groups in many African states did not recognize there were indigenous people in their states. From their perspective, they were all 'indigenous' since they all had ancestors from the area.
- Many groups in African nations have been identifying as indigenous. Their experiences of marginalization, discrimination, and connection to the land mirrors the experiences of other indigenous people around the world.
- States in Central Africa, as well as in Kenya and Namibia, have recognized indigenous populations.
- Guatemala has a large indigenous population. Almost 40% of the country identifies as indigenous.
- Indigenous people in Guatemala are almost 3 times poorer than non-indigenous people. Also, they are more likely to die earlier. Only 5% of them attend university.
- The United Nations is a forum for states to meet nation to nation. Indigenous people, however, are not part of a recognized world nation. If indigenous people are treated unfairly they cannot bring their issues to the International Court.
- The UN created the Permanent Forum on Indigenous People to help solve this problem of Indigenous not having a voice.
- Indigenous people are at greater risk when it comes to health. Many indigenous people live in rural or remote areas. Governments do not always provide an equal level of health services in these areas.
- In Australia, diabetes is a problem in many indigenous communities.
- In Canada, Inuit youth have a suicide rate 11 times the national average.
- In Panama, indigenous children are 3 times more likely to die during childbirth.
- Biopiracy is an issue many people in the indigenous community are concerned about. The problem stems from the differing ideas about what can be owned. Many indigenous people believe they are the stewards of the environment in their area. Scientists often see plants as 'natural' and cannot be owned by people. However, this does not recognize the work indigenous people put into protecting and nurturing the living things in their environment.

- An example of biopiracy is the following. Researchers asked indigenous what traditional treatments they used for malaria. The people showed them a plant: Quassia Amara. The researchers created a drug using the plant and patented it. The scientists believed they owned the drug. Many companies might think the patent from the plant belongs to them because they did the 'official' research. This ignores the work indigenous people did to care for the plant over hundreds of years.
- When Europeans arrived in the Americas, tomatoes were taken from central America, potatoes were taken from the Andes in South America and pumpkins were taken from North America. Now, these plants grow all around the world and feed millions of people.
- Biopiracy ignores the fact that indigenous people cultivated plants for hundreds of years. They protected, harvested, and chose the best specimens to reproduce. Indigenous people did not benefit from the work they put in – however companies can now patent the genes of plants they had no hand in nurturing.

UN Declaration on the Rights of the Indigenous Peoples

- ✓ This declaration was adopted by the General Assembly on 13 September 2007. 143 states are parties
- ✓ It is not law. It is a standard that states should follow when dealing with indigenous people.

Special Rapporteur on the Rights of the Indigenous Peoples

- ✓ The Commission on Human Rights appointed a Special Rapporteur who reports on the human rights situation of indigenous people.
- ✓ In 2014 Ms. Victoria Tauli Corpuz was appointed to the position.

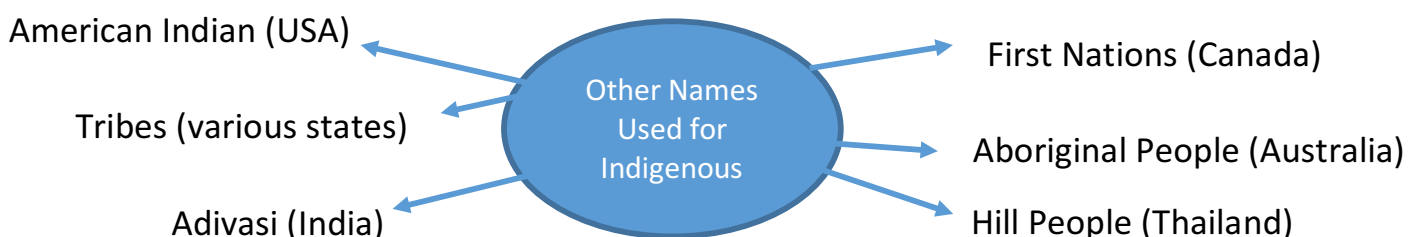
Permanent Forum on Indigenous Issues

- ✓ The Economic and Social Council established this forum on 28 July 2000.
- ✓ It focuses on the economic, social and cultural life of indigenous people. It advises the Council.
- ✓ It also raises awareness about indigenous issues within the UN system.

Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

- ✓ The Human Rights Council created this mechanism in 2007 to complete studies and research to advise the Human Rights Council.
- ✓ It is focused on research the Human Rights Council asks it to do. It reports to the council with advice.

Other Names Used for Indigenous People



Guiding Questions

1. What are the minority groups in your country? Would any of these people be considered indigenous? What are the problems affecting the minority populations in your country?
2. Has your country ever been a colonizer? How did it interact with indigenous people it met in the past? Has your country ever been colonized? How did the colonizers interact with the population already living there?
3. Read the UN Declaration on the Rights of the Indigenous Peoples and the Universal Declaration of Human Rights. How does the Declaration on the Rights of Indigenous Peoples go beyond the Universal Declaration of Human Rights?
4. What are some reasons that states might have for not recognizing the rights of indigenous people?
5. Indigenous people are more at risk of social problems (poor health, access to education, access to water, drug addiction). Research some of the problems affecting indigenous people and possible solutions.
6. Many indigenous groups are spread over several states. How can states better work together to support indigenous people in these types of situations?
7. Indigenous people often live in remote areas and have a strong connection to the land. They often depend on the land to survive. How can governments work with indigenous people to become partners in environmental protection efforts?
8. Does the problem exist in your community?
9. How does being a delegate from a different country help you understand this problem in your community?
10. How do the choices you make in your life help resolve this problem?

Resources

Title	Hyperlink	How is it helpful?
<i>United Nations Human Rights: Indigenous People</i>	http://www.ohchr.org/EN/Issues/IPeoples/Pages/IndigenousPeoplesIndex.aspx	An overview of actions being taken to give a voice to indigenous people at the UN.
<i>United Nations Declaration on the Rights of Indigenous People</i>	https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/512/07/PDF/N0651207.pdf?OpenElement	A best practice document that outlines all the rights of indigenous people.
<i>The World Conference on Indigenous People</i>	http://www.un.org/en/ga/69/meetings/indigenous/#&panel1-1	A website for a conference held in 2014 to bring governments and indigenous people together to discuss problems and solutions.
<i>Country Reports</i>	http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx	Country reports by the Special Rapporteur on the rights of indigenous people.
<i>Indigenous Peoples Fact Sheet</i>	http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf	A fact sheet that gives an overview of how indigenous people can be defined.
<i>Rights of Indigenous Peoples</i>	http://www.globalissues.org/article/693/rights-of-indigenous-people	An in depth look at many of the issues affecting indigenous people.
<i>Health of Indigenous Peoples</i>	http://www.who.int/mediacentre/factsheets/fs326/en/	A fact sheet by the World Health Organization detailing the health issues affecting indigenous people.
<i>The Sad Truth of Uncontacted Tribes</i>	http://www.bbc.com/future/story/20140804-sad-truth-of-uncontacted-tribes	A BBC news story about indigenous people who do not have contact with the wider world.
<i>The Indigenous World</i>	http://www.iwgia.org/regions	An interactive map of indigenous people by regions of the world.



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Agenda item 65 (a)

Resolution adopted by the General Assembly on 19 December 2016

[on the report of the Third Committee (A/71/481)]

71/178. 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 resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013, 69/2 of 22 September 2014, 69/159 of 18 December 2014 and 70/232 of 23 December 2015, and recalling Human Rights Council resolutions 27/13 of 25 September 2014,¹ 30/4 of 1 October 2015² and 33/12 and 33/13 of 29 September 2016,³

Reaffirming the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,⁴ in which Heads of State and Government, ministers and representatives of Member States reiterated the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples, recalling the inclusive preparatory process for the high-level plenary meeting, including the comprehensive engagement of the representatives of indigenous peoples, and welcoming and reaffirming the commitments, measures and efforts undertaken by States, the United Nations system, indigenous peoples and other actors in its implementation,

Encouraging the active engagement of indigenous peoples in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, including at the regional and global levels,

Welcoming the 2030 Agenda for Sustainable Development,⁵ stressing the need to ensure that no one is left behind, including indigenous peoples, who will benefit

¹ See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

² *Ibid.*, *Seventieth Session, Supplement No. 53A (A/70/53/Add.1)*, chap. III.

³ *Ibid.*, *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and Corr.1), chap. II.

⁴ Resolution 69/2.

⁵ Resolution 70/1.



from and participate in the implementation of the 2030 Agenda, and encouraging Member States to give due consideration to all the rights of indigenous peoples while implementing the 2030 Agenda,

Welcoming also Human Rights Council resolution 33/25 of 30 September 2016,³ in which the Council amended the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which shall provide the Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples⁶ and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples,

Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples, which addresses their individual and collective rights,

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,

Welcoming the first World Indigenous Games, held in Palmas, Brazil, from 23 October to 1 November 2015 with the participation of indigenous athletes from more than 20 countries, as well as the second such event, to be held in Canada in 2017, and recognizing the Games as a celebration of the diversity of cultural and social expressions of indigenous peoples,

Recognizing that violence against indigenous women and girls has a negative impact on their enjoyment of human rights and fundamental freedoms and constitutes a major impediment to women's full, equal and effective participation in society, the economy and political decision-making, and in this regard recalling Human Rights Council resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls",⁷ which brings closer attention to this issue,

Expressing concern that, in some cases, suicide rates in indigenous peoples' communities, in particular among indigenous youth and children, are significantly higher than in the general population,

Deeply concerned at the vast number of endangered languages, in particular indigenous languages, and stressing that, despite the continuing efforts, there is an urgent need to preserve, promote and revitalize endangered languages,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literature,

Bearing in mind the importance of promoting respect for the rights of indigenous children, in particular combating the worst forms of child labour, in

⁶ Resolution 61/295, annex.

⁷ See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. V, sect. A.

accordance with international law, including relevant human rights law and international labour law obligations,

Bearing in mind also the importance of the empowerment and capacity-building of indigenous women and youth, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women and youth, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

Recognizing the importance of access to justice in the promotion and protection of the rights of indigenous peoples and individuals and the need to examine and take steps to remove obstacles to justice, especially for indigenous women, indigenous youth and indigenous persons with disabilities,

Underlining the responsibility of transnational corporations and other business enterprises to respect all human rights, applicable laws and international principles⁸ and operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of indigenous peoples and to take further action towards corporate responsibility and accountability, including the prevention, mitigation and remediation of human rights abuses,

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

Recognizing also the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Recognizing further the importance of facilitating indigenous peoples' livelihoods, which may be achieved by, inter alia, the recognition of their traditions, adequate public policies and economic empowerment,

Recognizing that the economic empowerment, inclusion and development of indigenous peoples, including through the establishment of indigenous-owned businesses, can enable them to improve their social, cultural, civil and political engagement, achieve greater economic independence and build more sustainable and resilient communities, and noting the contribution of indigenous peoples to the broader economy,

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,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as

⁸ Including the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31, annex).

set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their access to justice,

1. *Notes with appreciation* the work of the Expert Mechanism on the Rights of Indigenous Peoples, of the Permanent Forum on Indigenous Issues and of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, takes note of her report,⁹ and encourages all Governments to respond favourably to her requests for visits;

2. *Urges* Governments and the United Nations system, in consultation and cooperation with indigenous peoples through their representatives and institutions, to continue to implement, when appropriate, measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples⁶ and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service, as well as among indigenous peoples, and invites international and regional organizations, within their respective mandates, national human rights institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

3. *Underscores* the importance of implementing the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,⁴ and reiterates the commitment of Member States to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

4. *Encourages* Member States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development⁵ and in the elaboration of national programmes;

5. *Reaffirms* the decision to convene a high-level event to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, to be held during the seventy-first session of the General Assembly, in 2017, and that the event will take stock of the achievements of the preceding 10 years and assess the remaining challenges for the rights of indigenous peoples, and also consider the further follow-up to the Declaration, including the consideration of a third International Decade;

6. *Requests* the President of the General Assembly to make the arrangements necessary for the high-level event that will be held during the sixteenth session of the Permanent Forum on Indigenous Issues, in 2017, encourages the participation of Member States, the United Nations system, in particular the Permanent Forum, the Expert Mechanism and the Special Rapporteur, as well as indigenous peoples' representatives, institutions and organizations, in accordance with the established practice for their accreditation, and encourages Member States to raise awareness of this event;

7. *Encourages* States to organize activities to commemorate the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples at various levels, from local to national, including to raise public awareness of the Declaration, the progress achieved and the challenges remaining;

⁹ A/71/229.

8. *Welcomes* the leadership of the Secretary-General and of the Under-Secretary-General for Economic and Social Affairs, as the responsible senior official of the United Nations system, in developing a system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples,¹⁰ raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard, and encourages the funds, programmes and specialized agencies of the United Nations system, resident coordinators and United Nations country teams to implement this plan in full alignment with national development needs and priorities;

9. *Encourages* Member States to work towards achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples in the light of the tenth anniversary of the adoption of the Declaration;

10. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization¹¹ to consider doing so;

11. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Peoples, the Trust Fund on Indigenous Issues and the United Nations Indigenous Peoples' Partnership, invites indigenous organizations and private institutions and individuals to do likewise, and notes the importance of accessibility, accountability, transparency and balanced geographical distribution in the management of these funds;

12. *Decides* to continue to observe in New York, Geneva and other United Nations offices every year on 9 August the International Day of Indigenous Peoples, requests the Secretary-General to support the observance of the Day from within existing resources, and encourages Governments to observe the Day at the national level;

13. *Proclaims* the year beginning on 1 January 2019 the International Year of Indigenous Languages, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages and to take further urgent steps at the national and international levels, and invites the United Nations Educational, Scientific and Cultural Organization to serve as the lead agency for the Year, in collaboration with other relevant agencies, within existing resources;

14. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action",¹² and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";¹³

¹⁰ E/C.19/2016/5 and Corr.1.

¹¹ United Nations, *Treaty Series*, vol. 1650, No. 28383.

¹² See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. D.

¹³ *Ibid.*, 2012, *Supplement No. 7* and corrigendum (E/2012/27 and Corr.1), chap. I, sect. D.

15. *Also encourages* States to consider including in their voluntary national reviews for the high-level political forum on sustainable development and their national and global reports information related to indigenous peoples on the progress made and challenges in the implementation of the 2030 Agenda, bearing in mind paragraphs 78 and 79 of the 2030 Agenda, and further encourages States to compile disaggregated data to measure progress and to ensure that no one is left behind;

16. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas and eliminate structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life;

17. *Reaffirms* the importance of effective accountability with regard to violence against indigenous women and girls, including sexual violence, abuse and exploitation, and of taking adequate measures to combat such violence;

18. *Welcomes* the decision of the Commission on the Status of Women to place the issue of empowerment of indigenous women on the agenda of its sixty-first session as a focus area, and encourages States to participate actively in discussions on this issue;

19. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages them to give due consideration to the rights of indigenous peoples in achieving the goals of the 2030 Agenda;

20. *Invites* the Expert Mechanism, the Permanent Forum and the Special Rapporteur to give due consideration, within their mandates, to the rights of indigenous peoples as related to the implementation of the 2030 Agenda;

21. *Encourages* Governments to redouble efforts to combat the worst forms of child labour, both in legislation and in practice, in the context of respect for the human rights of indigenous children, including through international cooperation, as appropriate;

22. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

23. *Encourages* the World Health Organization, the United Nations Children's Fund and other relevant United Nations agencies, funds and programmes, in accordance with their mandates, to carry out research and evidence-gathering on the prevalence of suicide among indigenous youth and children and good practices on its prevention and to consider developing, as appropriate, strategies or policies, consistent with national priorities, in cooperation with Member States, to tackle it, including through consultation with indigenous peoples, in particular indigenous youth organizations;

24. *Reaffirms* the request to the President of the General Assembly to conduct, within existing resources, timely, inclusive, representative and transparent

consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them;

25. *Also reaffirms* the commitment made by the General Assembly at the World Conference on Indigenous Peoples to consider ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and in this regard takes note with appreciation of the work undertaken thus far, led by the President of the General Assembly at its seventieth session, in preparing a compilation of the views presented during the consultations, including good practices within the United Nations regarding indigenous peoples' participation, which will form the basis for a draft text to be finalized and adopted by the Assembly during its seventy-first session;

26. *Decides* to continue its consideration of the question at its seventy-second session, under the item entitled "Rights of indigenous peoples", and to maintain in the provisional agenda the sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".

*65th plenary meeting
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