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Chair: Ms. Mesquita Borges (Timor-Leste)
later: Mr. Faye (Vice-Chair) (Senegal)

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The meeting was called to order at 10.05 a.m.

Agenda item 65: Rights of indigenous peoples
(A/69/278, A/69/271 and A/69/267)

(a) Rights of indigenous peoples

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

1. **Mr. Gass** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs, Department of Economic and Social Affairs), introducing the report of the Secretary-General on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People (A/69/271), recalled that the goal of the Decade had been to draw attention to development challenges facing indigenous peoples around the world and to take concrete action to address those challenges. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples had been a major highlight, as it had established a universal framework of minimum standards in that regard. While Member States had put significant effort into the attainment of the Millennium Development Goals (MDGs), much more remained to be done to increase the visibility of indigenous peoples in that process. Most country reports did not take full account of indigenous peoples, and indicators on progress failed to capture the specificities of those groups.

2. The first World Conference on Indigenous Peoples had been one of the successes of the Decade thanks to the close cooperation between indigenous peoples and Member States. The request made to the Secretary-General in the outcome document to include relevant information on indigenous peoples in his final report on the achievement of the MDGs was a point of convergence with the work of the Department of Economic and Social Affairs on sustainable development and indigenous peoples.

3. While there had been some progress in achieving the goals of the Decade, a substantial gap remained between formal recognition of indigenous peoples and the implementation of policies on the ground. The post-2015 development process afforded an opportunity to make indigenous peoples part of the solution and close that gap.

4. **Ms. Kohonen Sheriff** (Deputy Head of the Office of the United Nations High Commissioner for Human Rights), introducing the note by the Secretary-

General on the status of the United Nations Voluntary Fund for Indigenous Peoples, in document A/69/278, and recalling that the name of the Fund had been changed in accordance with General Assembly resolution 68/149, said that the Fund had been used to support the participation in the World Conference of 105 representatives of indigenous peoples. The Board of Trustees had worked in close coordination with the Indigenous Global Coordinating Committee for the selection of grantees, and the grants had been divided equally among the seven indigenous regions. The final decisions in the selection of grantees had been made by the Secretary-General, on the advice of the Board and applying the pre-established criteria.

5. Although the level of contributions had increased in 2013 and 2014 compared with previous years, it was imperative for the Fund to receive sustained and increasing support from Governments and other donors in the future in order to fulfil its mandate in a satisfactory manner, considering the expanding demands and mandate. After assessing the current financial needs of the Fund, the Board of Trustees had recommended a target of \$1.4 million for the biennium 2014-2015, which would allow it to meet one third of the requests for funding currently pending.

6. **Ms. Yassine** (Brazil), referring to paragraph 10 of the outcome document of the World Conference, said that Brazil had long been in favour of the disaggregation of data on indigenous peoples. Her Government supported the mainstreaming of indigenous perspectives and demands in the post-2015 development agenda and at the national level so as to promote and protect the human rights of indigenous peoples.

7. **Ms. Tauli-Corpuz** (Special Rapporteur of the Human Rights Council on the rights of indigenous peoples), introducing her first report to the General Assembly, in document A/69/267, said that the report provided an overview of the human rights framework related to indigenous peoples, which should be viewed in the light of the basic principles of non-discrimination and equality undergirding all human rights and the cross-cutting right of self-determination. The report also identified obstacles and advances in achieving the economic, social and cultural rights of indigenous peoples and made recommendations in the context of the post-2015 development agenda.

8. International obligations with respect to indigenous people had come a long way since the adoption of the Indigenous and Tribal Populations Convention, 1957 (No. 107) of the International Labour Organization (ILO), which had taken an assimilationist and integrationist approach. The duty of States to protect and promote the rights of indigenous peoples was an integral element of their obligations under the International Covenant on Economic, Social and Cultural Rights. There was a need to address discrimination while ensuring respect for the right of indigenous peoples to define and pursue their self-determined development paths. Since non-discrimination had an individual and a collective dimension, special measures should not only address the socioeconomic gaps between indigenous and non-indigenous sectors of society but also remove discriminatory barriers to the exercise of the rights to development and cultural integrity.

9. It was unfortunate that the international community had failed to use the MDGs as a vehicle to overcome discrimination and achieve equality for indigenous peoples. The strengthening of indigenous peoples' own strategies for sustainable development was an indispensable element of global efforts to achieve sustainable development. Programmes that maximized indigenous self-determination tended to perform better than those controlled by the State or other external actors. At a minimum, third party development initiatives should be developed within the framework of State regulatory regimes which ensured the participation of indigenous peoples and respect for their rights. Mechanisms should be put in place to enforce corporations' compliance with their responsibilities and provide remedies when indigenous peoples' rights were violated, perform due diligence to assess and avoid any adverse impacts, and ensure that adequate consultations were conducted to obtain prior and informed consent. She welcomed the participation of indigenous peoples in the Working Group on the issue of human rights and transnational corporations and other business enterprises and the Forum on Business and Human Rights, and hoped that indigenous peoples' participation would be ensured at the sessions of the future open-ended intergovernmental working group to elaborate an international legally binding instrument to regulate the activities of transnational corporations.

10. She was deeply concerned that the particular situation of indigenous peoples often remained invisible within national statistics. In that regard, she welcomed the inclusion of an "indigenous identifier" into the 2000 census round of most countries in Latin America. There was a need to develop indicators that captured essential aspects of self-determined development, such as the status and trends of indigenous languages, security of tenure with regard to lands, territories and resources, and the recognition of indigenous customary law and autonomous governance institutions.

11. An essential element of overcoming discrimination and achieving the economic, social and cultural rights of indigenous people was the design and delivery of adequate social services, especially within the education and health sectors. Additional special measures were needed in the area of labour rights to protect the most vulnerable individuals and groups. She drew attention to the precarious situation of numerous indigenous women, particularly from Latin America and Asia, who worked as domestic employees either in their home countries or as migrant workers.

12. The participation of indigenous peoples' representatives must be ensured during the formulation of United Nations Development Assistance Frameworks (UNDAFs). Most UNDAFs did not include disaggregated data and benchmarks related to indigenous peoples' development, giving rise to the risk that indigenous peoples might be excluded from development efforts and their rights further undermined. She urged the Development Assistance Committee of the Organization for Economic Cooperation and Development to include respect for indigenous peoples' rights as one of the elements of their development assistance.

13. The formulation, implementation and monitoring of the proposed Sustainable Development Goals (SDGs) afforded the international community a unique opportunity to address persistent discrimination against indigenous peoples with regard to access to and adequacy of development assistance and to address indigenous peoples' aspirations for self-determined development and equality in development outcomes. Concerted efforts and, in many cases, special measures would be required. It was crucial to reach agreement on how the means of implementation of the SDGs would be included in the post-2015 development agenda, which would involve consideration of financial

and technological development and transfer issues. The Financing for Development processes as well as the processes related to technology issues should also allow for more active engagement of indigenous peoples' representatives.

14. **Ms. Diaz Gras** (Mexico) asked how coordination between various mechanisms could be ensured so that action could be taken on the Declaration and on the outcome document of the World Conference.

15. **Ms. Yassine** (Brazil) said that Brazil welcomed the growing awareness of the contribution of indigenous peoples to sustainable development and of the need to mainstream the aspirations and needs of indigenous peoples in development policies. In the run-up to 2015, the international community must not lose sight of the demands of indigenous peoples in framing national policies. She asked the Special Rapporteur how the United Nations bodies concerned with indigenous peoples could contribute to ensuring that the indigenous perspective was mainstreamed in the implementation of the SDGs.

16. **Ms. Mollestad** (Norway) asked how existing United Nations mechanisms could be used to ensure more effective respect for and full application of the Declaration; and how the commitment made in paragraph 33 of the outcome document of the World Conference to consider ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them would be followed up.

17. **Ms. Kaljulate** (Observer for the European Union) asked the Special Rapporteur for a more detailed analysis of the outcome of the World Conference and its impact on the situation of indigenous peoples. She asked what measures should be taken as a first step to ensure a more coherent approach to the rights of indigenous peoples, and how the United Nations could support indigenous peoples on such issues as sustainable development, protection of the environment, combating violence against women and girls, and improved access to basic services, including health and education. She also requested an update on the Special Rapporteur's plans for country visits in 2015.

18. **Ms. Kunvatanagarn** (United States of America) said that her delegation supported the Special Rapporteur's suggestion for preparing a thematic report on indigenous women and children. It also

supported the recommendation that States and indigenous peoples should examine best practices, identify practical steps and develop assessment mechanisms and indicators. She asked whether the Special Rapporteur had any special recommendations to make as to what action various parts of the United Nations could take in that regard.

19. **Ms. Tauli-Corpuz** (Special Rapporteur of the Human Rights Council on the rights of indigenous peoples) said that the outcome document of the World Conference had captured the essential concerns of indigenous peoples, thanks to the active involvement of indigenous peoples from the regional level up to the global level, as well as the efforts of Member States to engage with them. Many of the proposals included in the outcome document had been agreed upon by indigenous peoples during the global preparatory meeting held in Norway in 2013. In terms of the coordination of the work of the United Nations bodies concerned with indigenous peoples, namely the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and her own office, the three mechanisms met together and engaged in dialogue with various United Nations agencies, funds and programmes, particularly through inter-agency support meetings, allowing them to discuss how they could share the work of promoting the implementation of the outcome document. It had been recommended that the mandate of the Expert Mechanism should be expanded to include monitoring the implementation of the Declaration and the outcome document, but that was for the Human Rights Council to decide. The three mechanisms needed to agree on a common framework of goals, targets and indicators to analyse the implementation of the SDGs. Even though the goals would be implemented at the national level, United Nations bodies, agencies, funds and programmes would have a significant role to play in terms of establishing relevant indicators as to how the well-being of indigenous peoples could be achieved.

20. Without disaggregated data it would be difficult to tackle extreme poverty among indigenous peoples. In some countries where extreme poverty had been reduced, indigenous peoples had been invisible, leading to a situation in which they had become even poorer. However, such outcomes never featured in country reports, because there was no disaggregation of data. The Economic Commission for Latin America and the Caribbean programme for disaggregated data

was very helpful in identifying where pockets of extreme poverty were and what kind of action should be taken.

21. With regard to making social services more responsive to indigenous peoples, she noted that an intercultural approach had been adopted in Latin America. While many communities were very remote and did not have access to health facilities, some indigenous communities chose not to use hospitals because they were culturally inappropriate. States that had adopted an intercultural approach in order to identify cultural constraints and promote better access to social services should share best practices in that regard.

22. Acknowledging that the situation was far from perfect, she emphasized the importance of highlighting best practices in order to enable better realization of the social, economic and cultural rights of indigenous peoples. Moreover, development programmes were more successful when indigenous peoples were able to engage more actively with Governments.

23. **Mr. Vrailas** (Observer for the European Union), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia and Ukraine, said that the European Union was committed to protecting the rights of indigenous peoples, particularly with regard to non-discrimination, both within the European Union and externally through its development cooperation with non-European Union countries and its work with the United Nations. That commitment was embodied in the European Union Strategic Framework and Action Plan on Human Rights and Democracy, adopted in 2012. The European Instrument for Human Rights and Democracy specifically identified the rights of indigenous peoples as being targets for external cooperation; in European Union development cooperation, support for indigenous peoples was defined as a cross-cutting issue, while also being an objective in itself. The European Union was in the process of reviewing its policies on indigenous peoples to ensure that they were compliant with the United Nations Declaration on the Rights of Indigenous Peoples. The outcome document of the World Conference would also be reflected in that review.

24. The European Union welcomed the focus on action in the outcome document of the World Conference, particularly its provision for a system-wide action plan and the commitments it contained regarding the participation of indigenous peoples and the implementation of the Declaration, making use of existing United Nations mechanisms. The broad ownership that had resulted from the participation of indigenous peoples in the development of the document would be crucial to its implementation. As respect for the rights of indigenous peoples was entwined with the objectives of sustainable development, it would be important for indigenous issues and the participation of indigenous peoples to be included in the post-2015 development agenda.

25. The traditions and knowledge of indigenous peoples had made an enormous contribution to the cultural heritage of the world. He paid tribute to defenders of indigenous peoples' rights, who were often exposed to particular risk and repression. Noting that many indigenous people faced multiple forms of discrimination, he called for increased efforts in combating discrimination in all its forms. The European Union welcomed the emphasis of the outcome document on the need for further action on the issue of violence against indigenous women and children.

26. There was a need for concrete tools and an overview of best practices in order to efficiently and systematically overcome challenges. The European Union was therefore pleased to see a growing number of initiatives that involved government agencies and indigenous peoples working on developing guidance materials and practical tools for informed decisions and action. It was also supporting an ILO project to develop a monitoring framework based on the Declaration.

27. **Mr. Sauer** (Finland), speaking on behalf of the Nordic countries, said that the Nordic countries attached great importance to the right of indigenous peoples to participate in United Nations meetings on issues that affected them and looked forward to the Secretary-General's proposals in that regard. Since indigenous peoples' organizations and institutions were not non-governmental organizations, they could not attend most United Nations meetings; examples of such institutions were the Sámi parliaments in Finland, Norway and Sweden. The Government of Greenland, however, could speak on its own behalf in matters of

interest to Greenland, in accordance with a self-government arrangement.

28. The Nordic countries commended the coordination that had been developed between the work of the Special Rapporteur, the Expert Mechanism and the Permanent Forum in order to avoid duplication of work and create synergies. They intended to take an active part in the discussions on the review of the Expert Mechanism to ensure that it could more effectively promote compliance with the Declaration.

29. It was crucial for the rights of indigenous peoples to be taken into account in the elaboration of the post-2015 development agenda. Through the human rights-based approach to development, the rights of indigenous peoples should be recognized and promoted, while combating marginalization and discrimination. The Nordic countries supported the Secretary-General's work to develop a system-wide action plan on the rights of indigenous peoples, which should involve the mobilization of financial and technical resources as envisaged in the Declaration.

30. **Ms. Young** (Belize), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM reaffirmed its support for the Declaration, particularly the core principle of non-discrimination. The Caribbean region had a solid history of peaceful coexistence in its diverse multi-ethnic and multicultural societies; indigenous and tribal peoples had made and continued to make an important contribution to the prosperity of CARICOM countries, and there was much that the world could learn from their practices with regard to sustainable use of natural resources. She called on Member States to continue to support the work of the Permanent Forum, particularly in the area of data collection and analysis.

31. CARICOM members had made significant progress in ensuring that their indigenous and tribal peoples had equal representation in governance and decision-making, both nationally and regionally. They took a cooperative and consultative approach when developing national plans, programmes and policies and were reviewing national legislation related to indigenous peoples' judicial and other representative institutions. In the context of the formulation of the post-2015 development agenda, they were working in consultation with indigenous peoples to identify and develop traditional and entrepreneurial practices in order to promote economic activity. They reaffirmed

their commitment to providing economic and social programmes to increase the well-being of indigenous populations, with a particular focus on empowering women and youth. In order to overcome the barrier of geographic isolation that played a part in the marginalization of some indigenous populations, they were improving access to quality health care and education services in indigenous communities by setting up polyclinics and schools in remote areas.

32. CARICOM echoed the calls for increased support from governments and other donors for the Voluntary Fund and its expanded mandate. The work of the Fund had been instrumental in enabling indigenous peoples to engage in deliberations on indigenous issues taking place at the international level.

33. **Ms. Hewanpola** (Australia) said that her Government reaffirmed the importance of the full and effective participation of indigenous peoples in the United Nations on issues that affected them and welcomed the inclusion of indigenous people in the preparatory processes of the World Conference. It called on all Member States to ensure that indigenous peoples were taken into consideration in the elaboration of the post-2015 development agenda.

34. Australia welcomed the commitments made to intensify efforts to combat violence and discrimination against indigenous peoples, particularly those affected by aggregated forms of discrimination such as women, children, older persons and persons with disabilities. Her country therefore strongly supported the commitment to empowering indigenous women and girls expressed in the outcome document, particularly in light of the critical role of indigenous women and girls in the sustainable development of their communities and the protection of the rights of indigenous peoples.

35. The decision of the Australian Prime Minister to elevate responsibility for indigenous affairs into his own portfolio reflected her country's commitment to safeguarding the rights of Australian Aboriginal and Torres Strait Islander peoples and better engaging with them on decisions that affected their lives. Her Government had recently introduced a \$4.8 billion Indigenous Advancement Strategy focused on education, employment and building safer communities in order to improve the quality of life of the country's indigenous peoples, and was working in partnership with indigenous peoples, communities, industry and

service providers to achieve those priorities. It had also established an Indigenous Advisory Council, in 2013. It was pursuing constitutional recognition of Aboriginal and Torres Strait Islander peoples, which would acknowledge their rightful place as the nation's first peoples; that process would require majority public support in a nationwide referendum.

36. **Mr. Vorobyev** (Russian Federation) said that the Russian Federation had been one of the initiators of the proclamation of the Second International Decade of the World's Indigenous People. Over the course of the Decade, it had made significant achievements in promoting traditional trades and occupations of indigenous peoples and addressing their needs in the areas of health care, education, housing and resources through the adoption of government policies. Over that period, the infant mortality rate among indigenous peoples had decreased by 23 per cent, the indigenous population had increased and the unemployment rate had decreased by 56 per cent. According to the 2010 census, academic instruction was conducted in 39 languages and 50 of the languages spoken by the peoples of the Russian Federation were studied as academic subjects.

37. His Government believed that any State with indigenous peoples residing in its territory should create conditions in which the indigenous peoples felt worthy, did not fear for their future and could pass on their knowledge to the younger generation and preserve their culture, traditions and customs and their native languages. It regretted that the proposal to hold a third international decade of the world's indigenous peoples had not received general support and had not been included in the outcome document of the World Conference. Member States should revert to that matter after the analysis of the outcome of the Decade had been completed.

38. His Government welcomed the decision by the Special Rapporteur to focus on the economic, social, cultural and environmental rights of indigenous peoples, especially in the context of the right to development. The post-2015 development agenda should take into consideration the interests of all sectors of society, including indigenous peoples, and should be based upon existing best practices. The Russian Federation already had a solid legal foundation for ensuring the rights of indigenous peoples, in line with international standards, which was constantly being updated. It was prepared to share its experience

in the field of the sustainable development of indigenous peoples, including in the process of formulating the post-2015 development agenda.

39. **Mr. Rodríguez Hernández** (Cuba) said that some solutions to the problems faced by indigenous peoples had been found over the course of the Decade, but further efforts would be needed in order to meet its five objectives. These activities should fall within the framework of the Declaration as well as instruments such as the Indigenous and Tribal Peoples Convention (ILO Convention No. 169). He urged the international community to recognize the rights of indigenous peoples to equality and self-determination, and their right to maintain their own institutions, cultures and traditions, free from racism and discrimination, noting that they continued to suffer from violence, marginalization, the theft of their lands and forced relocation.

40. All cultures had the right to preserve traditional customs inherent to their identity. In that regard, Cuba supported the right of the indigenous Andean peoples to their traditional practices, including the chewing of coca leaves, and reaffirmed its support for the right of the Plurinational State of Bolivia to defend and protect that tradition.

41. The outcome document of the World Conference, along with the Declaration, should protect the rights of indigenous people to self-determination, free choice of political status, and economic, social and cultural development. He drew attention to the Havana Declaration signed by the members of the Community of Latin American and Caribbean States in January 2014, which recognized the significant contributions made by indigenous peoples to the world and emphasized the need to take steps to protect indigenous intellectual property.

42. **Ms. Robl** (United States of America) said that her Government held regular consultations with tribal leaders on policies affecting their members. In consultations organized by her Government for tribal leaders and non-governmental organizations prior to the World Conference, indigenous participants had articulated several priority areas for future United Nations action, which the United States was pleased to see highlighted in the outcome document as areas for follow-up activity. First, more effective ways to prevent and address violence and discrimination against indigenous women and girls must be

developed. Her Government therefore welcomed the suggestion that the Commission on the Status of Women should take up the issue of empowering indigenous women. Second, the United Nations should monitor and assess the progress made by Member States with regard to the implementation of the Declaration; in that regard, the possibility of modifying the mandate or composition of the Expert Mechanism should be explored. Third, the existing arrangements for the participation of indigenous peoples at the United Nations, which were unsatisfactory, should be expanded. Fourth, efforts to address the repatriation of human remains and sacred or culturally significant objects should continue.

43. Her Government did not agree with the recommendation made in the report of the Secretary-General (A/69/271) that a third international decade of the world's indigenous people should be established. While it agreed with many of the recommendations on recognizing and strengthening indigenous peoples' own forms of governance and ensuring their effective participation at the United Nations, it did not believe that a third decade would be the most productive way of attaining those goals. The implementation of the outcome document of the World Conference, along with the elaboration of the post-2015 development agenda, paved the way for a reinvigorated approach to promoting and protecting the rights of indigenous people and addressing their needs and concerns.

44. At the national level, the United States had resolved significant historical grievances concerning discrimination and the mismanagement of tribal trust funds, trust lands and resources such as water rights. It looked forward to a new era of partnership with indigenous peoples in the United States.

45. **Ms. Yaguchi** (Japan) said that her Government was continuing its efforts to promote the rights of the indigenous Ainu people of Hokkaido and northern Japan through the Advisory Council for Future Ainu Policy and the Council for Ainu Policy Promotion. It was working on two major projects proposed by the Advisory Council. The first project was the establishment of the Symbolic Space for Ethnic Harmony, in Hokkaido, due for completion in 2020, which would be a national centre for preserving and revitalizing Ainu culture for the benefit of future generations. The second project was the promotion and further implementation of measures to address the income and education gaps between Ainu living

outside Hokkaido and other Japanese citizens. A system was being developed to identify Ainu who were eligible for measures such as a scholarship programme for Ainu youth, and trial consultation services were being provided. Her Government would continue to work closely with the Ainu people to achieve a society that respected diversity, through various policy measures proposed by the Advisory Council.

46. **Ms. Diaz Gras** (Mexico) said that Mexico had made active efforts to ensure that representatives of indigenous peoples participated throughout the preparations for the World Conference, including negotiations on the outcome document. While not all the aspirations of indigenous peoples were reflected in that document, over the course of the next two years, Member States should ensure that the various United Nations agencies and programmes worked together to develop a road map for the promotion and protection of the rights of indigenous peoples and identify priorities, budgets and activities. Indigenous people should be involved in the development of the post-2015 development agenda, and indigenous issues should be a cross-cutting theme in that agenda, with an emphasis on the economic and social inclusion of vulnerable groups and the reduction of inequality.

47. Mechanisms should be put in place to enable indigenous peoples to participate in the work of the United Nations under a status other than that of non-governmental organizations. She called on the Human Rights Council to review the mandate of the Expert Mechanism to enable the latter to help Member States monitor, evaluate and improve the implementation of the Declaration. The international agenda should be aligned with national priorities, good practices should be exchanged, and cooperation promoted with the agencies, funds and programmes of the United Nations. Mexico was committed to ensuring that indigenous peoples were consulted on national issues that affected them and was fostering a dialogue based on respect, good faith and intercultural dialogue in order to overcome inequalities in the areas of social inclusion and justice.

48. **Ms. Solórzano-Arriagada** (Nicaragua) said that the outcome document of the World Conference was the result of an open, inclusive and constructive dialogue between Member States and indigenous representatives. Latin American and Caribbean concepts of development had been broadened to include the principle of "living well", through the

promotion of interculturalism and of harmony within the community and with nature. Nicaragua had developed health care and education systems that reflected the cultural outlook of indigenous peoples. It was proud of its indigenous and Afro-descendant roots; since 1979 her Government had taken significant steps to reverse the historical exclusion of indigenous peoples from the design and implementation of public policies. Indigenous peoples were now self-governing and their priorities were reflected in national public policy.

49. A significant challenge had been ensuring that indigenous and Afro-descendant communities enjoyed the right to collective ownership of their ancestral territories. Between 2007 and 2014, her Government had titled 22 indigenous and Afro-descendant territories, which had involved returning around 30 per cent of the country's total territory. It would continue to work to protect common lands and nature reserves in cooperation with the indigenous and Afro-descendant territorial governments.

50. Her Government believed that indigenous peoples should be given a separate status from non-governmental organizations that would allow them to participate more fully in the work of the United Nations, and that their rights should be taken into account in the post-2015 development agenda. Domestic legislation should be harmonized in accordance with the spirit of the Declaration.

51. **Mr. Cabactulan** (Philippines) said that his Government supported the outcome document of the World Conference, particularly the invitation to the Human Rights Council to review the mandates of the Expert Mechanism; it also supported the development of a system-wide action plan. He urged indigenous groups and organizations to work with government authorities in a spirit of cooperation, which would be the most effective way for them to promote their rights and realize their potential for development. The needs and rights of indigenous peoples must be taken into account in the post-2015 development agenda. Given that the full and effective participation of indigenous peoples was integral to the achievement of the Sustainable Development Goals, indicators related to these goals should be disaggregated as far as possible. Recognition of the rights and aspirations of indigenous peoples would go a long way towards national unity and inclusive development.

52. The rights and protection of indigenous peoples were guaranteed under the Constitution and by law. The Indigenous Peoples Rights Act, of 1997, recognized the rights of indigenous peoples to self-determination and their ancestral domains and the applicability of customary laws governing property rights and development. Indigenous peoples' free, prior and informed consent had to be obtained for any initiative that might have an impact on them, including projects undertaken near or in their ancestral lands. That protection was reflected in the draft Basic Bangsamoro Law that had been the outcome of peace negotiations with the Moro Islamic Liberation Front. The law established a political entity for the Bangsamoro peoples, and provided for measures to promote and protect their rights, including the right to native titles and indigenous customs and traditions, justice systems and political structures, the right to an equitable share in revenues from resources from their ancestral lands, the right to informed consent, the right to political participation, the right to basic services, and freedom of choice with regard to their identity. The law also provided for the creation of a tribal university system, a commission for the preservation of their cultural heritage and an office to oversee the tribal justice system. It was the product of inclusive consultations and constructive dialogue with indigenous peoples and national and local government agencies, including the national Commission on Indigenous Peoples.

53. **Ms. Franceschi** (Panama) said that 12 per cent of the population of Panama were indigenous persons, and the country had had a policy on indigenous affairs since 1957. A system of special regions, known as *comarcas*, which were for the exclusive use of indigenous peoples, had been developed over the years. There were currently five *comarcas*, one each for five different ethnicities, and together they covered 28 per cent of the national territory. Two other ethnicities were protected through a special procedure for the granting of collective title to indigenous peoples' lands outside the *comarcas*.

54. Panama had taken a number of measures to guarantee the effective participation of indigenous peoples in decision-making processes. Its policies on indigenous peoples included the recognition of traditional authorities and customs; consultation mechanisms that upheld the principle of free, prior and informed consent in relation to the use of natural

resources in the *comarcas*; bilingual intercultural education in indigenous villages and communities; and the establishment of a Vice Ministry of Indigenous Affairs, which was soon to be elevated to a full Ministry.

55. Even though Panamanian legislation had been hailed by United Nations experts as one of the most advanced in terms of the promotion and protection of the rights of indigenous peoples, her Government was aware that more remained to be done. It had therefore held a series of round tables between 2012 and 2013 to draw up a development plan for the country's indigenous peoples. The congresses and general councils of the various indigenous territories had participated in the process, as well as other stakeholders, and the United Nations Development Programme had facilitated the meetings. The ensuing plan focused on three areas: politics and legislation; economic development; and social development. Together with the country's legal framework, the plan demonstrated her Government's commitment to ensuring respect for, not only the identity and rights of indigenous peoples, but also their capacity to further their own social, economic and cultural development, which would improve their quality of life and increase recognition of their key role in the country's development.

56. **Ms. Lo A Njoe** (Suriname) said that Suriname had the most ethnically and linguistically diverse population in South America. It included over four distinct groups of indigenous Amerindian peoples and six tribes of Maroons, the descendants of Africans who had freed themselves from slavery during colonial times, all of whom had established communities in the hinterland of Suriname according to their own customs and traditions. Non-discrimination and equality were solidly embedded in the Constitution, and respect for cultural diversity and peaceful coexistence were distinctive characteristics of Surinamese society.

57. Her Government valued consultation and cooperation with indigenous and tribal peoples as means of safeguarding their involvement in the formulation of public policies and ensuring a collaborative environment and mutual trust. The recognition of the collective rights of indigenous and tribal peoples was high on the national agenda. In the 2012-2016 national development plan, her Government had pledged to address the matter of land demarcation. Two conferences had been held in that framework, in

2010 and 2011, and a third conference would be held in due course. The purpose was to achieve broad-based insights that could ensure a harmonious solution to the issue.

58. Moving forward, coordination within the United Nations system on indigenous issues would be very important. The outcome document of the World Conference had highlighted the importance of the participation of indigenous peoples in the achievement of sustainable development and recognized the important contribution traditional knowledge and practices made to the conservation and sustainable use of biodiversity in the pursuit of improved well-being and sustainable livelihoods. The discussions held on the post-2015 development agenda should therefore include the development of clear indicators to measure the progress of sustainable development policies and programmes in regard to indigenous peoples. Such indicators had been missing from the MDGs, and the international community now had the opportunity to correct that omission.

Mr. Faye (Senegal), Vice-Chair, took the Chair.

59. **Ms. Mejía Vélez** (Colombia) said that, in Colombia, the State was bound by the Constitution to recognize and protect the ethnic and cultural diversity of the nation, and the protection of the rights and freedoms of indigenous peoples was therefore of crucial importance. The 1.3 million indigenous persons in Colombia comprised 3.36 per cent of the population, came from 106 different peoples and represented an immensely valuable cultural heritage. The legal and institutional framework established to promote and protect their rights had been hailed by the Special Rapporteur in 2009 as a model worthy of emulation. That framework had five key components: parliamentary seats were set aside for representatives of indigenous communities; indigenous authorities were officially recognized as such; indigenous communities held collective title to their ancestral lands; indigenous peoples received special attention in health, education and cultural programmes, which were based on recognition of their traditional customs and the use of indigenous languages in their respective territories; and specific mechanisms were in place to ensure the prior consultation of indigenous peoples and their basic right to participation. In addition the Office of the Vice President had implemented a special development programme aimed at guaranteeing all their fundamental and collective rights.

60. The Declaration was of key importance in the recognition, promotion and protection of the rights of indigenous peoples, and the World Conference had been invaluable in establishing constructive dialogue and exchanges of knowledge and experiences about the implementation of those rights. It was essential to include those concerns in the post-2015 development agenda.

61. **Mr. Wang Hao** (China) said that, with their splendid history and magnificent achievements, indigenous peoples had made unique contributions to human society; yet many had had their land taken away, seen their language and culture under attack and remained on the margins of society where they suffered poverty and discrimination. His delegation wished to highlight, first, that safeguarding indigenous peoples' rights to life and development was a prerequisite for the realization of their other rights; priority attention must be given to poverty reduction and the economic development of indigenous communities so as to improve their access to employment, education, health and housing. Second, the countries concerned must demonstrate political will to implement effectively both the outcome document and the Declaration; the United Nations should strengthen its role in evaluation and supervision and urge countries concerned, especially developed countries, to ensure that indigenous peoples were mainstreamed into society and that their basic rights and fundamental freedoms were better protected. Third, the rights and concerns of indigenous peoples must be fully reflected in the post-2015 development agenda. The negotiations on that agenda should be used as an opportunity to undo the historical injustices suffered by indigenous peoples. At the same time, the positive role they could play in addressing climate change and achieving sustainable development should be recognized. Finally, a distinction must be made between native peoples and indigenous peoples. The indigenous concept was a product of colonial history, and not all countries had indigenous people within their borders. Mixing the two concepts would negatively affect the implementation of the Declaration and could harm the long-term prospects of the cause of indigenous peoples.

62. **Mr. Milubi** (South Africa) said that South Africa firmly believed in the principles of equality and non-discrimination, which were reaffirmed in its Constitution. His Government had identified priorities and provided resources for the medium-term period

(2014-2019) and beyond in the areas of education, health care, economic development and job creation, and the safety and security of previously disadvantaged indigenous people. Under its land distribution programme, which aimed to promote the development of sustainable rural communities, as well as to contribute to restorative justice, his Government had distributed 9.4 million hectares to almost 250,000 beneficiaries. Draft legislation on traditional and indigenous affairs, which had been drawn up with the free, prior and informed consent of indigenous peoples, was currently before Parliament; it provided for recognition of indigenous peoples, their leaders and structures, as well as their representation in traditional forums and their participation in municipal councils, and would fulfil their aspirations to have their collective rights recognized by law.

63. Much progress had been made in South Africa in the promotion and protection of the human rights of tribal communities. The 1913 Natives Land Act had been reviewed to address injustices of the past and ensure that all previously disadvantaged communities could benefit. It was essential, whilst addressing past injustices, to adopt a right-to-development approach that ensured the progressive realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights. His Government had also established the Pan-South African Language Board to provide for the development, promotion and use of all indigenous languages; much still needed to be done, however, in that area. His Government was committed to working with indigenous peoples and the international community to address the remaining challenges faced, but stressed that it remained the primary responsibility of States to ensure protection of the rights of all peoples within their borders.

64. **Mr. Mohamed** (Guyana) said that indigenous peoples had come far in Guyana — from neglect and marginalization to recognition of their place in history as Guyana's first people — and they were now partnering with the Government in the country's development. Guyana's national laws and policies underscored the equality of all peoples and explicitly prohibited discrimination on grounds of ethnicity, gender and religion. The specific right of indigenous people to the protection, preservation and promulgation of their language, cultural heritage and way of life was set forth in the Constitution. Guyana was one of the few countries to have enacted specific legislation to

protect the rights of indigenous peoples prior to the adoption of the Declaration. The Amerindian Act No. 6 of 2006 provided for the protection of the collective rights of Amerindian villages and communities, as well as the promotion of good governance and rights to land and natural resources. In addition, indigenous peoples were represented on five constitutional bodies established to provide redress in instances of alleged human rights violations. His Government participated actively in the Permanent Forum and, as a member of the Amazon Cooperation Treaty Organization, continued to support the work to address the inequalities experienced by indigenous peoples.

65. An enabling environment for dialogue was of fundamental importance in mainstreaming indigenous peoples' goals and challenges in keeping with the principles of free, prior and informed consent. Constructive dialogue and engagement between national authorities and indigenous leaders had helped forge a partnership between Government and indigenous peoples in the design and implementation of development projects in areas that indigenous peoples had identified as priorities. In addition, indigenous persons were occupying leadership positions in the legislative and executive branches of government, as well as at the regional and village levels. Legislation on indigenous peoples' right to choose their leaders at the village level had strengthened the country's governance systems in keeping with the principle of self-determination.

66. Guyana's rugged terrain and the remoteness of indigenous communities posed difficulties for the delivery of social services. Nevertheless, to ensure that indigenous peoples were not left behind in the digital age, computer facilities would shortly be installed in 100 communities. Also, to help tackle unemployment and the lack of opportunities for economic advancement, the Ministry of Amerindian Affairs had engaged approximately 1,300 young people in 160 Amerindian communities in construction, solar panel installation and road building projects designed to ensure that the skills and knowledge acquired would remain in the villages. Funding was also being provided for projects to make communities more economically viable. His Government recognized indigenous peoples' direct role and contribution in the protection of the natural environment and remained committed to allocating the funding received for standing forests in such a way as to benefit village

economies and advance opportunities for indigenous youths as part of its low-carbon development strategy.

67. In September 2014, Guyana had celebrated Amerindian Heritage Month. The occasion had been used to reaffirm his Government's support for the preservation of indigenous languages. The two languages facing the greatest threat of extinction, Arawak and Warraus, were now receiving special attention in the Amerindian language revival programme.

68. **Mr. Meza-Cuadra** (Peru) said that there were 52 indigenous peoples in Peru and they were making invaluable contributions to the country's culture and identity. Their equal status and rights were promoted and guaranteed through the Ministry of Culture in accordance with the Declaration and other international instruments. His Government was working hard to recognize the collective rights of indigenous peoples. Legislation on the right to prior consultation had been enacted in 2011, making Peru one of the first countries in the region to implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) in that regard. To date, six consultations had been held within that framework. In 2015, 10 more consultations were due to be held on nationwide policies, as well as a further 18 on the development of the hydrocarbons sector.

69. The Languages Act, which established indigenous languages as official languages in the zones in which they predominated, had been promulgated in 2011. Since 2012 his Government had been training translators and interpreters in the 34 indigenous languages spoken in the country, and there were now 214 officially recognized interpreters. His Government had also launched a "living languages" programme to rescue languages in danger of disappearing.

70. In terms of indigenous land and territory, five reserves covering approximately 3 million hectares had been established to protect peoples in isolation and initial contact, and five more were planned. A registry of peoples in isolation and initial contact and a registry of indigenous reserves had been set up in 2014 to collect data with a view to better tailoring protection measures and better addressing the needs of indigenous persons and communities. Efforts were also being made to combat illegal logging and expedite the issuance of land titles as part of his Government's

comprehensive strategy for tackling issues affecting the indigenous population.

71. The ways of life and ancestral knowledge of indigenous peoples were assets in the pursuit of sustainable development in harmony with nature; is delegation urged States to recognize the value of their contribution by including indigenous peoples in the framework of the Sustainable Development Goals.

72. **Mr. Ghaebi** (Islamic Republic of Iran) said that a substantial gap remained between the formal recognition of indigenous peoples' rights and the implementation of policies on the ground. The World Conference had provided a unique opportunity to reaffirm the rights of indigenous peoples, including their right to development, and to recognize their distinctive contribution to human civilization. The outcome document contained action-oriented commitments to create an enabling environment for the promotion and protection of those rights and could bring about real change in the lives of indigenous peoples. For that to occur, the commitments must be assumed in good faith and backed with the necessary resources, capacity-building and technical assistance, with a view to ensuring far-reaching, transformative and lasting results.

73. Indigenous peoples were central to the discourse on human rights and sustainable development. Persistent violations of their rights and the dispossession of their lands and resources had denied them the minimum standards required for living with dignity. Indigenous peoples had the right to determine and develop their priorities and strategies for exercising their right to development, and due consideration must be given to all their rights in the compilation of the post-2015 development agenda.

74. The Islamic Republic of Iran welcomed the Secretary General's proposal to establish a third international decade of the world's indigenous people. It was to be hoped that, in the years ahead, progress would be made in ensuring that indigenous persons had greater access to justice, were no longer overrepresented in prisons, and participated more fully in electoral processes for government and other decision-making bodies. In that regard, the Declaration set forth valid principles for guiding the promotion and protection of their rights.

75. **Mr. Haniff** (Malaysia) said that Malaysia aimed to become a developed, high-income nation by 2020,

and to ensure that all members of its multicultural and multifaceted society, including its indigenous peoples, enjoyed the benefits of development equally. Indigenous peoples enjoyed equal protection under the Constitution and other relevant laws, including the Aboriginal Peoples Act of 1954. Like most States, Malaysia was faced with the challenge of achieving a balance in the promotion of development, as well as ensuring that indigenous groups were not left behind in the national development agenda. Malaysia continued to implement holistic and inclusive development programmes and to encourage the direct participation of indigenous peoples, while recognizing the importance of preserving their cultures and traditions in the context of the rapid socioeconomic change. His Government had introduced income-generating programmes and commercial agricultural activities tailored specifically to the indigenous communities to spur their socioeconomic advancement. Those initiatives had contributed significantly to Malaysia's success in reducing the incidence of poverty among indigenous peoples, which had fallen from 83 per cent in 2005 to only 31 per cent in 2010. The target was now to reduce poverty to 25 per cent by the end of 2015.

76. Recognizing that the subsistence, spirituality, social organization, identity and culture of indigenous peoples were very much intertwined with their lands, his Government was engaged in a series of consultations with state authorities, agencies and indigenous groups following the release, in August 2013, of a report on the land rights of indigenous peoples, which had outlined 18 recommendations by the National Human Rights Commission. The consultations were the culmination of nationwide public hearings held since 2012 on the issue of land rights. Malaysia would continue to pursue the integration of indigenous peoples into the mainstream of society and national development through close consultations with all stakeholders, particularly the indigenous peoples themselves.

77. **Mr. Scappini Ricciardi** (Paraguay) said that Paraguay was a pluri- and multicultural society. Indigenous people accounted for only 2 per cent of the population; they belonged to 19 ethnic groups and were distributed across 496 communities nationwide. One unique feature of Paraguay was that it had two official languages, one of which, Guaraní, was an indigenous language. Paraguay was proud of its

indigenous heritage, which had played and would continue to play a key role in the development of the country's cultural identity.

78. Indigenous communities were protected by Paraguayan law. The Constitution invalidated the doctrine of "discovery", defining indigenous peoples as cultural groups that had existed prior to the formation of the Paraguayan State and safeguarding their right to communal ownership of land with a view to the conservation and development of their ways of life. It also guaranteed their right to participate in politics and in decision-making that affected them.

79. As one of the country's vulnerable groups, indigenous peoples received special attention in the 2014-2030 national development plan, which focused particularly on poverty reduction and social inclusion. Lack of access to land was a key problem, but the Paraguayan Institute for Indigenous Peoples had succeeded in expropriating 14,000 hectares to restore the ancestral lands of the Sawhoyamaxa community. His Government would continue to implement policies aimed at expanding indigenous peoples' access to land, guaranteeing food security, housing and drinking water and expanding access to health and education with the objective of improving their situation promptly, transparently and in a culturally appropriate manner.

The meeting rose at 12.55 p.m.