



Human Rights Council

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Draft Resolution 13-1 (2010)

Adopted by the Human Rights Council at its 13th special meeting, on the rights of Indigenous and Uncontacted People on the 28 February 2010

The Human Rights Council,

Keeping in mind the difficulty in the strict definition of ‘indigenous and uncontacted people’;

Emphasising that some guidelines on the definition of indigenous people are required for the interpretation of the term;

Acknowledging the negative effects of climate change on the indigenous population, and that environmental issues are equally pertinent to the international community;

Taking into account the importance of Article 28 of the United Nations Declaration on the Rights of indigenous peoples;

Reaffirming the Article 46 of the United Nations Declaration on the Rights of indigenous peoples;

Stressing that the status of being indigenous does not entitle corresponding communities to claim national independence;

1. *Endorses* the right of each respective state to recognise different indigenous groups, but if requests for recognition are repeatedly denied, allow reference to an international impartial body, the UNPFII;

2. *Encourages* member states to make use of the following suggestive and not limited list of criteria in determining whether or not ethnic groups are recognized as indigenous;

- a) Self-Identification as indigenous,
- b) Communities, peoples and nations which have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories,
- c) Voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organisation, religion, modes of production, custom rules & practices and institutions,
- d) An experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist;

3. *Calls upon* Member States to engage the indigenous peoples in issues regarding environmental protection and the wider use and management of natural resources;

- a) Acknowledging that indigenous people often have a great understanding of their environments;
- b) Creating provisions for the loss of territory due to climate change such as but not limited to the arctic region and islands that are threatened by an increase in sea level;

4. *Encourages* individual member states to urge private sector to maximise local content in natural resource use and management so that the indigenous people can improve their social and economic conditions;

5. *Recommends* Member States to urge the private sector to understand the historical, socio-political, economic and spiritual importance of the areas that they are engaging in to the indigenous peoples, and to cooperate with them whenever possible;

6. *Expresses its hope* that Governments cooperate among themselves in the investigation of encroachments regarding environmental issues by multi-national corporations especially in cases involving indigenous people and publicise any violations of the rights of indigenous people by such firms;

7. *Encourages* home states of private firms that operate within areas populated by indigenous people to call upon those firms to respect the rights of indigenous people and act responsibly;

8. *Recommends* the General Assembly to revise Article 26 of the United Nations Declaration on the Rights of Indigenous People concerning the overlapping of territories and the difficulty of resolving contested territorial ownership;

9. *Stresses* the importance of adequate compensation measures as stated in Article 28 of the United Nations Declaration on the Rights of Indigenous People;

10. *Encourages* the Member States to respect the wish of uncontacted people to remain uncontacted unless a danger to their existence is imposed such as climate change to ensure no disturbance to their lifestyle;

11. *Proclaims* that once uncontacted people become contacted, with contact being defined as a continuous exchange with civilisation, they deserve equal rights as the citizens of their country of residence;

12. *Calls upon* states to investigate potential social issues in communities of uncontacted people concerning fundamental Human Rights, especially if it is in conflict with existing national law;

13. *Suggests* that member states consider formerly uncontacted people to be recognised as indigenous as stipulated in operative clause 1.;

14. *Calls upon* states to investigate social issues regarding indigenous populations including

- a) Violence against women,
- b) Alcoholism,
- c) Level of education across the group,
- d) Extra-judicial killings and violent practices, conflicting with national law;

15. *Decides* to remain seized on the matter.

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