Draft Resolution 3
ILA Committee on the Implementation of the Rights of Indigenous Peoples
Kyoto 2020

The 79th Kyoto Conference of the International Law Association, held online, 29 November – 13 December 2020:


REITERATES the Conclusions and Recommendations of the ILA Committee on the Rights of Indigenous Peoples set forth in ILA Resolution No. 5/2012;

CALLS on States to fully comply with their obligations relating to indigenous peoples’ rights existing under customary and applicable conventional international law;

ENDORSES the following recommendations set forth in the Final Report of the Committee on the Implementation of the Rights of Indigenous Peoples:

(a) the international community, in all its components, ought to increasingly respect and recognize the rights of Indigenous peoples, especially through promoting and advancing the interrelated standards endorsed and affirmed by the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), primarily those concerning self-determination, autonomy, cultural heritage, land rights and free, prior and informed consent;

(b) the competent bodies, specialized agencies and mechanisms of the United Nations system – including the treaty bodies, the Human Rights Council, the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples – are encouraged to continue and strengthen their activities, in cooperation with States and Indigenous peoples, in order to ensure further protection, promotion and improvement of Indigenous peoples’ rights throughout the world, consistently with the relevant rules of international law, as identified in ILA Resolution No. 5/2012 and the minimum standards of human rights established by the UNDRIP;

(c) States ought to enhance their domestic legislation in the field of Indigenous peoples’ rights, so as to ensure that, within their respective territories, human rights of Indigenous peoples are fully realized, and that the rules and standards established by UNDRIP are fully implemented;

(d) States ought to remove from their territories all social, cultural, structural and institutional obstacles hindering the actual realization of Indigenous peoples’ rights;

(e) States ought to establish effective mechanisms for the demarcation, legal recognition and titling of Indigenous traditional lands, in accordance with the customary laws of the Indigenous peoples concerned and with their traditional use of the relevant territories, as well as to put such mechanisms in practice through formally establishing for such peoples property rights recognized pursuant to domestic law and enforceable in domestic courts in the event of competing claims over the lands concerned;

(f) States ought to adopt appropriate legislation explicitly recognizing the right of Indigenous peoples to autonomy or self-government in matters relating to their internal and local affairs and to the ways and means for financing their autonomous functions;

(g) States ought to establish effective mechanisms in view of guaranteeing that Indigenous peoples are properly consulted before any kind of project of exploitation or use of their traditional lands, territories and
resources is started, as well as that their prior, free and informed consent is obtained before any activity which may have a significant impact on their rights and ways of life is carried out;

(h) States ought to establish effective mechanisms aimed at ensuring the participation of the Indigenous peoples concerned in decision-making concerning matters which would affect their rights, at all levels of the political and administrative organization of the State, through representatives chosen by themselves in accordance with their own procedures and customary laws;

(i) judges, administrators, and other competent State officials should be instructed and sensitized with regard to the rights of Indigenous peoples, especially those affirmed by the Indigenous specific international human rights instruments, with particular attention for the necessity to properly understand the specific features, needs and peculiarities characterizing each single Indigenous community;

(j) Indigenous peoples should be guaranteed a primary role in monitoring the steps towards the actual execution and implementation of judgements and other decisions concerning them;

(k) all relevant actors, at the international, regional and domestic level, ought to promote consciousness and awareness-raising on the rights of Indigenous peoples, to be conceived as an integral part of existing human rights standards, not only among State officials and members of the judiciary, but also among the general public, including all sectors of the civil society;

(l) valorisation of cultural diversity should be an integral element of adjudication and enforcement of Indigenous peoples’ rights (at the domestic, regional and international level), following the example of, in particular, the Inter-American Court of Human Rights, as well as the African Commission and Court on Human and Peoples’ Rights;

(m) all relevant actors ought to contribute to promoting a social and cultural environment characterized by full respect, understanding and appreciation for the richness of cultural diversity – in particular for the worth of Indigenous peoples and their cultures, worldviews, ways of life, values and interests – with no room for whatever form of racial or cultural discrimination, as well as for the positive role which may be played by Indigenous peoples to further sustainable life in the world;

(n) scholars and other actors concerned are encouraged to increase interdisciplinary research on the causes, consequences, and solutions regarding the deficits of implementation of national and international standards concerning Indigenous land rights and other Indigenous peoples’ rights.

REQUESTS the Secretary-General of the International Law Association to transmit this resolution, together with the Committee’s Final Report, to the Secretary-General of the United Nations for further dissemination;

ALSO REQUESTS the Secretary-General of the International Law Association to forward a copy of this Resolution, together with the Committee’s Final Report, to the UN Human Rights Council, the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples, the UN Special Rapporteur on the Rights of Indigenous Peoples, the Office of the UN High Commissioner for Human Rights, the Registrar of the International Court of Justice, the Secretary-General of the Permanent Court of Arbitration, the General Secretariat of the Organization of American States, the African Union Commission, the ASEAN Secretariat and the Secretariat of the Council of Europe;

RECOMMENDS to the Executive Council that the Committee on the Implementation of the Rights of Indigenous Peoples, having accomplished its mandate, be dissolved.