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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON  
THE SIXTY-FIRST SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Ms. Deirdre KENT (Canada)**

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\* Documents E/CN.4/2005/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/2005/L.11 and addenda.

## **XV. Indigenous issues**

1. The Commission considered agenda item 15 at its 42nd and 43rd meetings on 11 April 2005 and at its 58th meeting on 20 April.<sup>1</sup>
2. For the documents issued under agenda item 15, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 42nd meeting, on 11 April 2005, Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, introduced his report (E/CN.4/2005/88 and Add.1-4). During the ensuing interactive dialogue, the representatives of Canada and Colombia made statements, as concerned countries, on the report. The representatives of Argentina, Ecuador and Indonesia as well as the observers for Luxembourg and Norway addressed questions to the Special Rapporteur, to which he responded.
4. At the same meeting, statements were made by:
  - (a) Mr. Luis-Enrique Chávez, Chairperson-Rapporteur of the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994, in relation to the report of the Working Group (E/CN.4/2005/89 and Add.1);
  - (b) Ms. Erica-Irene Daes, Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on indigenous people's permanent sovereignty over natural resources (E/CN.4/Sub.2/2004/30 and Add.1);
  - (c) Mr. José Carlos Morales Morales, member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;
5. In the general debate on agenda item 15, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

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<sup>1</sup> See footnote 1 above (chap. III, para. 1).

**Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights**

6. At the 58th meeting, on 20 April 2005, the representative of Cuba introduced draft resolution E/CN.4/2005/L.56, sponsored by Cuba, Ecuador, Guatemala and Paraguay. Bolivia, Chile, Nicaragua and Venezuela subsequently joined the sponsors.
7. A statement in connection with the draft resolution was made by the representative of the United States of America.
8. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications<sup>2</sup> of the draft resolution.
9. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 39 votes to 13, with 1 abstention. The voting was as follows:
- In favour:* Argentina, Armenia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.
- Against:* Australia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining:* Finland.
10. For the text, see chapter II, section A, resolution 2005/49.

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<sup>2</sup> See footnote 2 above (chap. III, para. ...).

11. In view of the adoption of resolution 2005/49, the Commission took no action on draft decision 7 recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, chap. I, sect. B).

**Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994**

12. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/2005/L.61, sponsored by Austria, Canada, Croatia, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Israel, Italy, Mexico, Norway, Peru, Russian Federation, Spain, Sweden and Switzerland. Belgium, Bolivia, Brazil, Chile, Iceland, Nicaragua, Paraguay, Portugal, Slovenia and Venezuela subsequently joined the sponsors.

13. Statements in connection with the draft resolution were made by the representatives of Finland, Guatemala, Mexico and the United States of America.

14. The representative of the United States of America proposed to amend the draft resolution by modifying operative paragraph 5, which reads as follows:

“Calls upon the working group to complete the negotiations prior to the sixty-second session of the Commission, and to this end authorizes the expenditure of resources for 10 working days of negotiations and, if necessary to extend that negotiating session for up to an additional ten days to accomplish this objective, the cost of the meeting to be met from within existing resources;”.

15. The representative of Canada made a statement in connection with the proposed amendment.

16. At the request of the representative of Canada, a recorded vote was taken on the proposal to modify operative paragraph 5 of the draft resolution, which was rejected by 49 votes to 2, with 2 abstentions. The voting was as follows:

*In favour:* Australia, United States of America.

*Against:* Argentina, Armenia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Abstaining:* Romania, Togo.

17. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications<sup>3</sup> of the draft resolution.

18. Statements in explanation of vote before the vote were made by the representatives of Australia and the United States of America.

19. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 52 votes to none, with 1 abstention. The voting was as follows:

*In favour:* Argentina, Armenia, Australia, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

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<sup>3</sup> Ibid.

*Against:* None.

*Abstaining:* United States of America.

20. For the text, see chapter II, section A, resolution 2005/50.

### **Human rights and indigenous issues**

21. Also at the same meeting, the representative of Guatemala (also on behalf of Mexico) introduced draft resolution E/CN.4/2005/L.66, sponsored by Andorra, Argentina, Bolivia, Chile, Costa Rica, Croatia, Cuba, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Israel, Italy, Luxembourg, Mexico, Norway, Paraguay, Peru, Portugal, Romania, Spain, Sweden and Switzerland. Brazil, Canada, Iceland, Nicaragua, Panama, Slovenia, South Africa and Venezuela subsequently joined the sponsors.

22. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications<sup>4</sup> of the draft resolution.

23. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2005/51.

### **Protection of indigenous peoples in time of conflict**

24. At the same meeting, the Commission considered the draft resolution that had been recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, chap. I, sect. A).

25. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

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<sup>4</sup> Ibid.

26. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a recorded vote was taken on the draft resolution, which was adopted by 35 votes to 13, with 4 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Zimbabwe.

*Against:* Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Netherlands, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Congo, India, Japan, Republic of Korea.

27. For the text, see chapter II, section A, resolution 2005/52.

**Final report on the study “Indigenous people’s permanent sovereignty over natural resources”**

28. Also at the same meeting, the Commission considered draft decision 4 that had been recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, chap. I, sect. B).

29. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications<sup>5</sup> of the draft decision.

30. Statements in explanation of vote before the vote were made by the representatives of Australia, Cuba and Pakistan.

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<sup>5</sup> Ibid.

31. At the request of the representative of Australia, a recorded vote was taken on the draft decision, which was adopted by 38 votes to 2, with 12 abstentions. The voting was as follows:

*In favour:* Argentina, Bhutan, Brazil, Burkina Faso, Canada, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Zimbabwe.

*Against:* Australia, United States of America.

*Abstaining:* Armenia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland.

32. For the text, see chapter II, section B, decision 2005/...

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