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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-seventh session  
Agenda item 5 (b)

**PREVENTION OF DISCRIMINATION:**

**PREVENTION OF DISCRIMINATION AND PROTECTION OF  
INDIGENOUS PEOPLES**

**Mr. Alfonso Martínez, Mr. Bíró and Ms. Hampson: draft resolution**

**2005/... Working Group on Indigenous Populations**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

*Mindful* of the relevant recommendations adopted by the World Conference on Human Rights in 1993, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

*Mindful also* of the relevant recommendations adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001,

*Recalling* Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

*Taking note with deep appreciation* of the report of the Working Group on Indigenous Populations on its twenty-third session (E/CN.4/Sub.2/2005/26) and, in particular, of its conclusions and recommendations,

*Welcoming* the ample discussions in the Working Group during its twenty-third session under its twofold mandate: the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people, including the main theme, “Indigenous peoples and the international and domestic protection of traditional knowledge”, and standard-setting, as well as on cooperation with other United Nations bodies in the sphere of indigenous issues,

*Stressing its deep concern* at the still-visible sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world,

*Recalling once again* Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous peoples,

*Taking note* of Commission on Human Rights resolutions 2004/57 and 2004/58 of 20 April 2004 and Economic and Social Council decision 2004/264 of 22 July 2004,

*Noting with disappointment* that the Office of the United Nations High Commissioner for Human Rights could not implement the request in Sub-Commission resolution 2004/15 of 9 August 2004 to organize, if possible in 2005, a workshop on indigenous peoples and conflict resolution and prevention,

*Taking into account*, in the context of the ongoing process of reform of the United Nations human rights bodies recently launched at the initiative of the Secretary-General, the deep interest in the continuation of its Working Group of Indigenous Populations repeatedly expressed by a large number of Governments and the representatives and caucuses of indigenous peoples in a large number of meetings held both within and outside the United Nations system,

*Recalling* its resolutions 2003/29 of 14 August 2003 and 2004/14 and 2004/15 of 9 August 2004,

1. *Expresses its deep appreciation* to all members of the Working Group who attended its twenty-third session for the important and constructive work accomplished during the session and for the new working methods introduced with the purpose of facilitating a more interactive dialogue during its annual sessions;
2. *Reiterates* its view - now in the context of the ongoing process of reform of the United Nations human rights activities, bodies and mechanisms recently initiated by the Secretary-General - that in reviewing the activities, bodies and mechanisms relating to indigenous peoples, account should be taken of the fact that the mandates of the Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues are clearly distinct and complementary and that consequently none of these three bodies should be discontinued, and invites its superior bodies to endorse this view in the light of the already established cooperation among the three mechanisms;
3. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-third session (E/CN.4/Sub.2/2005/26) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and concerned intergovernmental and non governmental organizations, to the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, as well as to the Commission on Human Rights at its sixty-first session, all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Commission, and to all the treaty bodies;

4. *Reiterates* its invitation to the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of indigenous peoples' rights and in this context further invites them to take duly into account paragraphs 3 and 4 of Commission on Human Rights resolution 2004/58 of 20 April 2004;

5. *Requests* the current Chairperson-Rapporteur of the Working Group to make an oral presentation to the thirteenth annual meeting of special rapporteurs/representatives, independent experts and Chairpersons of working groups of the special procedures of the Commission of Human Rights to substantiate the need for further cooperation between the special procedures and the Working Group and to propose possible modalities for further developing this much-needed cooperation;

6. *Reiterates its recommendation* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis that might assist the open-ended intersessional working group established by the Commission in its resolution 1995/32 of 3 March 1995 to complete as soon as possible the final version of the draft United Nations declaration on the rights of indigenous peoples;

7. *Decides* to authorize the Working Group to make available to the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, upon their specific request, the information provided by representatives of Governments and indigenous peoples during the annual general debate on its agenda item 4 ("Review of developments"), as a specific step towards further cooperation with other bodies with specific mandates related to the situation of indigenous peoples;

8. *Requests* the Working Group to continue exploring ways and means to further strengthen its cooperation with the Permanent Forum and the Special Rapporteur;

9. *Requests* the Commission on Human Rights to endorse the participation for one week of the Chairperson-Rapporteur of the Working Group at the fifth session of the Permanent Forum on Indigenous Issues in 2006, as recommended by the Working Group

(see E/CN.4/2005/26, para. 120), to enable him to present the report of the Working Group on its twenty-third session, and to recommend to the Economic and Social Council to approve such participation;

10. *Decides* that the Working Group at its twenty-fourth session shall adopt as the principal theme “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”, and that the Office of the High Commissioner for Human Rights shall invite all relevant organizations and departments of the United Nations system to provide information on this subject and, if possible, to participate actively in the debates on this matter at the Working Group;

11. *Decides* that the Working Group’s agenda for its twenty-fourth session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of work; 4. Review of developments: (a) General debate; (b) Principal theme: “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”; (c) Indigenous peoples and conflict prevention and resolution; 5. Standard-setting: (a) Future priorities for standard-setting activities; (b) Possible new studies to be undertaken; 6. Other matters: (a) Second International Decade of the World’s Indigenous People; (b) Cooperation with other United Nations bodies; (c) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; (d) State of the Voluntary Fund for Indigenous Populations; (e) The draft United Nations declaration on the rights of indigenous peoples (update); 7. The human rights situation of States and territories threatened with extinction for environmental reasons; 8. Adoption of the report;

12. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-fourth session of the Working Group on the basis of paragraph 11 of the present resolution;

13. *Invites* the Office of the High Commissioner for Human Rights, after consultation with the Chairperson-Rapporteur, to inform participants at the twenty-fourth session of the Working Group about the organization of issues under agenda item 4 in advance of the session, in order to facilitate a more active dialogue among the various participants;

14. *Requests* the Working Group to continue to review, if necessary at its twenty-fourth session, under draft agenda item 5 (“Standard-setting”), the revised draft principles and guidelines on the heritage of indigenous people elaborated by Erica-Irene Daes (E/CN.4/1995/26, annex) and the issue of free, prior and informed consent;

15. *Calls upon* all States to give specific attention to the promotion and protection of the traditional knowledge of indigenous peoples and to ensure that the principle of free, prior and informed consent is fully applied when protecting their traditional knowledge in their relations with non-indigenous sections of the population;

16. *Requests* Miguel Alfonso Martínez to submit, if possible to the twenty-fourth session of the Working Group under draft agenda item 4 (c), the additional working paper requested by the Sub-Commission in resolution 2004/15 of 9 August 2004 on the issue of indigenous peoples and conflict prevention and resolution;

17. *Invites* all States to submit to the Working Group at its twenty-fourth session any information they deem fit to provide on the mechanisms for conflict resolution and prevention available to indigenous peoples living under their jurisdiction, in case of existing or potential conflict situations based on the exercise of their rights in their relations with non-indigenous entities or individuals;

18. *Requests* the Office of the High Commissioner for Human Rights to forward, as soon as possible, to the Coordinator for the Second International Decade of the World’s Indigenous People annex IV to the Working Group’s report on its twenty-third session (E/CN.4/Sub.2/2005/26) containing the list of activities suggested by the Working Group for possible inclusion in the programme of action of the Second Decade to be submitted to the General Assembly for consideration at its sixtieth session;

19. *Endorses once again* the recommendation of the Working Group to request the Office of the High Commissioner to organize a workshop on indigenous peoples and conflict resolution and prevention and, to this effect, to take the necessary steps to include in the budget for the 2006-2007 biennium the required appropriations so as to secure the holding of such a workshop in Geneva not later than the fall of 2007;

20. *Decides*, in view of the discussions that took place under the principal theme of its twenty-third session, to invite the Office of the High Commissioner to organize in the spring of 2006, as a matter of priority and in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on indigenous peoples, mining and other private sector companies and human rights, with a view to preparing guidelines based on respect for the cultures, traditions and the cultural heritage of indigenous peoples, and for the principle of free, prior and informed consent;

21. *Expresses its deep appreciation* to the Mascwachis Cree Nation's Elders and Chiefs for their formal announcement confirming their hosting of the United Nations seminar referred to in Sub-Commission resolution 2004/15 on "Possible ways and means to implement treaties, agreements and other constructive arrangements between States and indigenous peoples", to be held from 25 to 27 September 2006 in their traditional lands under Treaty 6 in Canada, in accordance with the invitation extended by them during the twenty-second session and already formally accepted by the Working Group (see E/CN.4/Sub.2/2004/28, para. 118);

22. *Requests* the Office of the High Commissioner to establish as soon as possible the necessary cooperation with the indigenous organizers of the seminar mentioned in the preceding paragraph so as to ensure the full organizational and technical preparation as well as the successful holding of this important event;

23. *Welcomes* the invitation extended to the Chairperson-Rapporteur of the Working Group by the United Nations Department of Economic and Social Affairs and the Office for Latin America and the Caribbean of the United Nations Children's Fund to participate in the Workshop on Indigenous Traditional Knowledge recommended by the Permanent Forum at its fourth session, to be held in Panama City from 21 to 23 September 2005, and decides to authorize his participation in representation of the Working Group;

24. *Requests* the Office of the High Commissioner to submit to the Working Group at its twenty-fourth session an updated compilation of all studies, reports and other research work on the situation of the rights of indigenous peoples, including their human rights, that have been carried out and completed since 1982 by the diverse United Nations bodies with a mandate

specifically related to indigenous issues, as well as those currently being undertaken by those same bodies; to serve as a point of reference for the Working Group in its future research action, so as to avoid duplication of work;

25. *Requests* Mr. Alfonso Martínez to prepare, without financial implications, a working paper on the present-day sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world, to be submitted to the Working Group at its twenty-fifth session and to the Sub-Commission at its fifty-ninth session;

26. *Appeals* to all Governments, indigenous peoples, governmental and non-governmental organizations and other potential donors in a position to do so to contribute generously in 2006 to the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Second Decade of the World's Indigenous People;

27. *Requests* the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-eighth session of the Sub-Commission in 2006;

28. *Recommends* to the Commission on Human Rights the following draft decision for adoption:

“The Commission on Human Rights, taking note of resolution 2005/... of ... August 2004 of the Sub Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-eighth session of the Sub-Commission in 2006.”

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