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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 POPULATIONS**

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

2005/... The legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples

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

Guided by the Universal Declaration of Human Rights,

Recalling its previous work on the question, in particular decision 2003/24 of 14 August 2003 and resolution 2004/10 of 9 August 2004,

Taking account of Commission on Human Rights resolution 2004/122 of 21 April 2004 and decision 2005/112 of 20 April 2005,

Recognizing the importance and urgency of addressing, in a comprehensive fashion, the legal implications, including implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, of the unprecedented phenomenon of disappearance of States and other territories,

Welcoming the expanded working paper submitted by Françoise Hampson on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/2005/28),

1. *Endorses* the conclusions and recommendations contained in the working paper;
2. *Decides* to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, based on her expanded working paper as well as the comments received and the discussions that took place at the fifty-seventh session of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112;
3. *Requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-eighth session, a progress report at its fifty-ninth session and a final report at its sixtieth session;
4. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task;
5. *Decides* that if, for whatever reason, Ms. Hampson's appointment is not endorsed by the Commission on Human Rights or the Economic and Social Council, to request Ms. Hampson to prepare an expanded working paper on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples to be submitted to the Working Group on Indigenous Populations at its twenty-fourth session and to the Sub-Commission at its fifty-eighth session;

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

“The Commission on Human Rights, taking note of the Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/... of ... August 2005, decides to endorse the decision of the Sub-Commission to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, based on her expanded working paper (E/CN.4/Sub.2/2005/28) as well as the comments received and the discussions that took place at the fifty-seventh session of the Sub-Commission and the results of the questionnaires endorsed by the Commission in its decision 2005/112 of 20 April 2005, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-eighth session, a progress report at its fifty-ninth session and a final report at its sixtieth session. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.”

7. *Decides* to continue consideration of this issue at its fifty-eighth session under the same agenda item.
