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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Working Group on Indigenous Populations
Twenty-first session
21-25 July 2003

ANNOTATIONS TO THE PROVISIONAL AGENDA

**Prepared by the Secretariat pursuant to the request of the Working Group
on Indigenous Populations at its twentieth session**

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Indigenous Populations, as drafted in consultation with the Chairperson-Rapporteur, Mr. Miguel Alfonso Martinez, is contained in document E/CN.4/Sub.2/AC.4/2003/1.

3. Organization of the work of the session

3. The attention of the Working Group is drawn to the provisional agenda and the need to complete its discussion of the substantive items within the five working days allotted. At previous sessions, the Chairperson-Rapporteur has set strict time limits in order to ensure that all participants wishing to make a statement are given the opportunity to do so. Such time limits

will again be necessary in order to ensure that all items of the agenda are comprehensively discussed. Note should be taken of Sub-Commission resolution 2002/21 which invited OHCHR to inform participants at the twenty-first session, after consultations with the Chairperson-Rapporteur, about the organization of issues under this item in advance of the session in order to facilitate a more interactive dialogue.

4. Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people

(a) General debate

4. In accordance with the mandate established under Economic and Social Council resolution 1982/34, the Working Group is authorized to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous populations, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the final report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7 and Add.1-4).

5. The item of the agenda reviewing developments affecting indigenous peoples provides invaluable information to members of the Working Group. The information provided is considered by them as strengthening ongoing efforts of the United Nations system to recognize, promote, protect and restore the rights of indigenous peoples. In its resolution 2003/58, the Commission on Human Rights invited the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous peoples the work, within the framework of their respective mandates of the Permanent Forum on Indigenous Issues, all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people.

(b) Principal theme: "Indigenous peoples and globalization"

6. At its twentieth session (see E/CN.4/Sub.2/2002/24, para. 94), the Working Group decided to highlight the theme "Indigenous peoples and globalization" at its twenty-first session. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 2002/21, recommended that the Working Group at its twenty-first session adopt that theme and that the Office of the High Commissioner for Human Rights (OHCHR) invite all relevant organizations and departments of the United Nations system to provide information and, if possible, participate in the meetings of the Working Group. A working paper by Mr. Guissé, member of the Working Group (E/CN.4/Sub.2/AC.4/2003/14), and a note by the secretariat (E/CN.4/Sub.2/AC.4/2003/2) were prepared to serve as a framework for the discussion on the principal theme.

5. Standard-setting

7. A draft United Nations declaration on the rights of indigenous peoples was elaborated in the Working Group on Indigenous Populations in the period 1985 to 1993 in cooperation with indigenous peoples, non-governmental organizations, experts, the United Nations system and Governments. The draft declaration was adopted by the Sub-Commission in 1994 and is now under consideration by the open-ended intersessional working group on the draft declaration which was established in 1995 in accordance with Commission on Human Rights resolution 1995/32 and Economic and Social Council resolution 1995/32.

8. At its twentieth session, the Working Group decided to consider possible new studies and standard-setting that might be undertaken by its members. In this regard, attention is drawn to the following papers prepared by the experts of the Working Group as requested by the Sub-Commission in its resolution 2002/21:

(a) List with commentaries on possible standard-setting activities that might be considered by the Working Group at its future sessions (E/CN.4/Sub.2/AC.4/2003/3);

(b) List with commentaries of possible new studies to be undertaken by members of the Working Group in the immediate and near future (E/CN.4/Sub.2/AC.4/2003/4);

(c) Working paper on the possible elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities (E/CN.4/Sub.2/AC.4/2003/5);

(d) Working paper containing commentaries on the most important provisions of the draft United Nations declaration on the rights of indigenous peoples (E/CN.4/Sub.2/AC.4/2003/6).

6. Other matters

(a) Cooperation with other United Nations bodies in the sphere of indigenous issues

9. The Sub-Commission in its resolution 2002/21 noted the decision taken by the Working Group at its twentieth session to include in its agenda a sub-item entitled "Cooperation with other United Nations bodies in the sphere of indigenous issues". Under this agenda item, participants have an opportunity to provide information and comments on cooperation among the various United Nations mechanisms relating to indigenous peoples and between them and other parts of the United Nations system. In this regard, attention may be drawn to decision 2003/111, in which the Commission on Human Rights approved the participation of the Chairperson-Rapporteur of the Working Group in the second session of the Permanent Forum. The Sub-Commission in its resolution 2002/21 also requested the following working papers under this sub-item which have been submitted to this session of the Working Group:

(a) Working paper on possible cooperation between the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Working Group (E/CN.4/Sub.2/AC.4/2003/7);

(b) Working paper on ways and means of developing cooperation between the Working Group and the Permanent Forum on Indigenous Issues (E/CN.4/Sub.2/AC.4/2003/8).

(b) Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

10. In its resolution 2002/21, the Sub-Commission invited indigenous organizations and the indigenous caucus to submit a working paper on appropriate action that might be undertaken by the Working Group as follow-up to the World Conference. As of 5 June 2003, no information had been received from the caucus. However, the caucus and indigenous participants have the possibility of making proposals to the Working Group in connection with this request under this item. An information note on this matter can be found in document E/CN.4/Sub.2/AC.4/2003/9.

(c) Review of activities undertaken under the International Decade of the World's Indigenous People

11. The recommendation to proclaim an international decade of the world's indigenous people was made by the World Conference on Human Rights in the Vienna Declaration and Programme of Action (Part II, para. 32). The General Assembly, in its resolution 48/163, proclaimed the International Decade of the World's Indigenous People, to commence on 10 December 1994. The Assembly decided to observe 9 August of every year as the International Day of Indigenous People. The United Nations Office at Geneva traditionally celebrates the International Day during the session of the Working Group. In 2003, the celebration will take place on Thursday, 24 July in the morning.

12. At its fiftieth session, the General Assembly, in its resolution 50/157, adopted the programme of activities for the International Decade of the World's Indigenous People. The Commission on Human Rights, in its resolution 1996/39, welcomed the decision of the Assembly to adopt the programme of activities for the Decade; it also welcomed the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the Decade. The reports on two workshops undertaken by OHCHR in 2002/03 as recommended by the Advisory Group of the Voluntary Fund are contained in documents E/CN.4/Sub.2/AC.4/2003/10 and E/CN.4/Sub.2/AC.4/2003/11. The recommendations of the Advisory Group at its latest session, which took place from 7 to 11 April 2003 in Geneva, are presented to this session of the Working Group in document E/CN.4/Sub.2/AC.4/2003/13.

13. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/51, requested the High Commissioner for Human Rights in her capacity as Coordinator of the Decade to submit to the General Assembly at its fifty-fourth session a midterm report reviewing the implementation of the programme of activities for the Decade, including the identification of obstacles to the achievement of the goals of the Decade and recommendations for solutions. The latest report of the Secretary-General to the General Assembly on the review of the Decade can be found in document A/57/395. The Commission also invited the Working Group to submit its views on the activities of the Decade to the High Commissioner. The latest report of the High Commissioner to the Commission on Human Rights on the International Decade is contained in document E/CN.4/2003/89.

14. The Sub-Commission in its resolution 2002/19 invited the High Commissioner to explore the possibility of convening a world conference on indigenous peoples in 2004 to review the achievements of the Decade and recommend future action in relation to indigenous peoples. Under this agenda item, participants are invited to make comments on this proposal.

(d) State of the Voluntary Funds

15. Under this item, members of the Working Group considered a range of matters including meetings and seminars which have been held or are due to be held in the near future. In this connection, it may be noted that the sixteenth session of the Board of Trustees of the Voluntary Fund for Indigenous Populations met from 31 March to 4 April 2003 and recommended that travel grants be awarded to 80 representatives of indigenous organizations and communities to attend the Working Group on Indigenous Populations and to 15 representatives of indigenous organizations and communities authorized to attend the working group of the Commission on Human Rights to review the draft United Nations declaration on the rights of indigenous peoples. These recommendations were approved by the High Commissioner on behalf of the Secretary-General. The General Assembly, in its resolution 56/140, expanded the mandate of the Fund by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues. In this respect, the Board of Trustees also recommended that travel grants be awarded to 43 indigenous representatives to attend the second session of the Permanent Forum, which was held from 12 to 23 May 2003 in New York. Information relating to the Voluntary Fund is contained in document E/CN.4/Sub.2/AC.4/2003/12.

16. The information on the state of the Voluntary Fund for the International Decade of the World's Indigenous Peoples is presented to this session of the Working Group in document E/CN.4/Sub.2/AC.4/2003/13.

7. Presentation of the conclusions and recommendations of the Working Group at its twenty-first session

17. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session. The report of the Working Group, which is prepared while the Sub-Commission is in session, will be contained in document E/CN.4/Sub.2/2003/22.
