



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/2006/1/Add.1
12 June 2006

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights*
Working Group on Indigenous Populations
Twenty-fourth session
31 July-4 August 2006

ANNOTATIONS TO THE PROVISIONAL AGENDA

**Prepared by the Secretariat pursuant to the request of
the Sub-Commission on the Promotion and Protection
of Human Rights in its resolution 2005/23**

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 Martínez, is contained in document E/CN.4/Sub.2/AC.4/2006/1.

* Pursuant to General Assembly resolution 60/251, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights will be assumed as of 19 June 2006 by the Human Rights Council, which will review them as appropriate.

3. Organization of work

3. The attention of the Working Group is drawn to the provisional agenda and the need to complete discussion of the substantive items within the four working days allotted, given that 1 August is a public holiday. At previous sessions, the Chairperson-Rapporteur set strict time limits in order to ensure that all participants wishing to make a statement were 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 and that the available time will be democratically shared amongst all speakers under all items.

4. Review of developments

(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 (NGOs) 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 the members of the Working Group and to all its participants. 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 2004/58, 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: “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”

6. In its report on the twenty-third session (see E/CN.4/Sub.2/2005/26), the Working Group decided to highlight the theme “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes” at its twenty-fourth session. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 2005/23, recommended that the Working Group at its twenty-fourth session adopt the theme and that the Office of the United Nations High Commissioner for Human Rights (OHCHR) invite all relevant organizations and departments of the United Nations system to provide information and,

if possible, to participate in the meetings of the Working Group. A Secretariat paper (E/CN.4/Sub.2/AC.4/2006/2) was prepared to serve as a framework for the discussion on the principle theme under agenda item 4 (b).

(c) Indigenous peoples and conflict prevention and resolution

7. Under this agenda item, participants may share further experiences on conflict prevention and resolution in the light of the discussion held on this issue during the twenty-third session as well as other recent materials and practical experiences made available during the session.

5. Standard-setting

(a) Future priorities for standard-setting activities

8. 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, NGOs, experts, the United Nations system and governments. The draft declaration was adopted by the Sub-Commission in 1994 and was under consideration by the open-ended intersessional working group on the draft declaration established in 1995 in accordance with Commission on Human Rights resolution 1995/32 and Economic and Social Council resolution 1995/32. The report on the last session of the Commission Working Group has been submitted to the Human Rights Council in 2006 for possible further action.

9. The Sub-Commission in its resolution 2005/23 requested the Working Group to continue to review, if necessary at its twenty-fourth session, the revised draft principles and guidelines on the heritage of indigenous peoples elaborated by Mrs. Erica-Irene Daes (E/CN.4/1995/26, annex), and the issue of free, prior and informed consent. The revised draft principles and guidelines can be found in the working paper and serve as a guideline for the review of the draft principles and guidelines on the heritage of indigenous peoples (E/CN.4/Sub.2/AC.4/2006/5).

10. It should be noted that the Working Group has taken the initiative to promote, whenever useful, research partnerships with indigenous organizations for the preparation of working papers on standard-setting activities.

(b) Possible new studies to be undertaken

11. Under this agenda item, the Working Group will discuss possible new studies to be undertaken.

6. Other matters

(a) Second International Decade of the World's Indigenous Peoples

12. 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 First International Decade of the World's Indigenous People, to commence

on 10 December 1994. The General Assembly decided in its resolution 49/214 to observe 9 August of every year as the International Day of the World's Indigenous People. The United Nations Office at Geneva traditionally holds the celebration of the International Day during the session of the Working Group. In 2006, the celebration will take place on the morning of Thursday, 3 August.

13. A Second International Decade was proclaimed by the General Assembly in its resolution 59/174 of 20 December 2004, which aims at further strengthening international cooperation for the solution of problems faced by indigenous peoples, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities. The attention of participants is drawn to the Programme of Action of the Second International Decade as adopted by the General Assembly in its resolution 60/142, as well as to the list of activities recommended by the Working Group to the Coordinator for the Second Decade for possible inclusion into the Programme of Action (E/CN.4/Sub.2/2005/26, annex IV).

(b) Cooperation with other United Nations bodies

14. Under this agenda item, participants have an opportunity to provide information and comments on cooperation among the United Nations mechanisms relating to indigenous peoples and the United Nations system. In this regard, attention is drawn to the decision by the Sub-Commission in its resolution 2005/23, paragraph 7, in which it authorizes 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, as a specific step towards further cooperation with other bodies with specific mandates related to the situation of indigenous peoples.

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

15. Under this agenda item, participants have an opportunity to provide information and comments on this topic.

(d) State of the Voluntary Fund for Indigenous Populations

16. Under this item, it may be noted that the nineteenth session of the Board of Trustees of the Voluntary Fund for Indigenous Populations was held from 13 to 17 February 2006. The Board of Trustees recommended 45 grants for representatives of indigenous organizations and communities to attend the Working Group on Indigenous Populations and 10 grants for 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. The General Assembly, in its resolution 56/140 of 19 December 2001, extended 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 46 travel grants be given to indigenous representatives to attend the fifth session of the Permanent Forum on Indigenous Issues, which was held from 15 to 26 May 2006 in New York. These recommendations were approved by the High Commissioner on behalf of the Secretary-General. Information relating to the Voluntary Fund is contained in document E/CN.4/Sub.2/AC.4/2006/4.

(e) The draft United Nations declaration on the rights of indigenous peoples (update)

17. The Sub-Commission, in its resolution 2003/29, noted the decision taken by the working group at its twenty-first session to include in its agenda a sub-item entitled “The draft declaration on the rights of indigenous peoples”. Under this agenda item, participants have an opportunity to provide information and comments on this topic. The report (E/CN.4/2006/79) on the session of Working Group on the draft declaration established in accordance with Commission on Human Rights resolution 1995/32 is available as a background document.

7. The human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons, with particular reference to indigenous peoples

18. Under this agenda item, participants have an opportunity to provide information and comments on this topic.

8. Adoption of the report

19. 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.2/2006/...
