



大会

Distr.: General
12 October 2017
Chinese
Original: Spanish

第七十二届会议

请求在第七十二届会议议程中增列一个项目

给予拉丁美洲和加勒比土著人民发展基金大会观察员地位

2017 年 10 月 5 日多民族玻利维亚国常驻联合国代表给秘书长的信

谨此根据大会议事规则第十五条写信给你，该条规定可以在大会常会的议程内增列重要紧迫的项目。

据此，我谨此请求在第七十二届会议议程中增列一个题为“给予拉丁美洲和加勒比土著人民基金大会观察员地位”的项目。

根据大会议事规则第二十条的规定，本函的附件包括：一份解释性备忘录(见附件一)；一项决议草案(见附件二)；和“成立拉丁美洲和加勒比土著人民基金的协定”(见附件三*)。

请将本函及其附件作为大会文件分发为荷。

常驻代表

萨查·略伦蒂·索利斯(签名)

* 附件三仅以呈件所有语文分发，未经正式编辑。



附件一

解释性备忘录

给予拉丁美洲和加勒比土著人民发展基金观察员地位

本文件解释为什么联合国应该给予拉丁美洲和加勒比土著人民发展基金观察员地位。

解释说明的结构安排如下：

1. 拉丁美洲和加勒比土著人民发展基金的性质
2. 成员资格
3. 业务结构
4. 总部协议
5. 职能
6. 行动领域
7. 拉丁美洲和加勒比土著人民发展基金：绿色气候基金和安第斯共同体的观察员
8. 与联合国和《发展议程》的对接

1. 拉丁美洲和加勒比土著人民发展基金的性质

拉丁美洲和加勒比土著人民发展基金是接受公法管辖的国际组织，于 1992 年 7 月 24 日由在马德里举行的第二届伊比利亚美洲国家元首和政府首脑会议成立。成立该基金是为了支持拉丁美洲和加勒比区域地方社区、土著人民及其组织的自我发展进程并促进其权利。该基金的理事机关和职能以国家与土著人民之间的平等关系为基础。

成立该基金的协定于 1993 年 8 月 4 日交存联合国秘书长，注册号为 30177。

2006 年，出席在蒙得维的亚举行的第十六届伊比利亚美洲会议的国家元首和政府首脑，决定致力于把该基金合并为专门促进带有特征的发展并重点关注土著人民的良好生活以及承认其个人和集体权利的唯一一个国际组织。

基金的使命是促进拉丁美洲和加勒比各国人民、民族和土著社区的良好生活（生活良好），使之成为他们另外一种有尊严的生活方式，为此充分行使人权和集体权利，把跨文化主义作为一种共存的形式，这种形式产生机会平等，并克服一切形式的排斥和主宰，同时发展能力，在技术和政治上促进国家与土著人民领导层之间的对话进程。

基金的愿景是，土著人民在充分行使其权利以及发展其文化和特征过程中得到承认和尊重，建立起有行政、技术、经济、政治、社会和文化能力的强大组织，

通过自身的可持续发展进程加强这些能力，并且在跨文化共存过程中，他们将自己的特征置于拉丁美洲国家的发展以及经济和民主管理之中。

2. 成员资格

拉丁美洲和加勒比土著人民发展基金有 22 个成员国是联合国会员国：

- 19 个拉丁美洲和加勒比国家：阿根廷、伯利兹、多民族玻利维亚国、巴西、智利、哥伦比亚、哥斯达黎加、古巴、厄瓜多尔、萨尔瓦多、危地马拉、洪都拉斯、墨西哥、尼加拉瓜、巴拿马、巴拉圭、秘鲁、乌拉圭和委内瑞拉玻利瓦尔共和国。
- 3 个区域外国家：比利时、葡萄牙和西班牙。

3. 业务结构

a. 理事机关的平等结构

基金的独特特征之一是其理事机构的平等，其中包括土著人民和成员国政府的代表，并有充分的能力就该机构的未来及其工作做出决定。

大会

这是最高理事机构，由 22 个成员国的政府代表以及拉丁美洲和加勒比成员国土著人民的 18 位代表组成。大会每两年召开一次会议，制定政策和机构战略，并在必要时召开特别会议。

董事会

这个成员权力平等的机构负责管理基金，由十二名成员组成：六名土著人民代表和六名成员国政府代表。董事会设一名主席和两名副主席，其中一名副主席是一个区域外国家的代表。

执行委员会

执行委员会由董事会主席和两名副主席组成，主席负责审议、核准及监测基金大会和董事会批准的准则和计划中规定的机构业务。

b. 咨询机构

基金帮助称为咨询机构的附属机构的运转，并收集用于指导咨询机构工作的提议和意见；咨询机构管理土著人民、各国政府和国际合作机构之间的磋商进程，以便以自主、双边或三边的方式制定政策并协调议程。

c. 拉丁美洲和加勒比土著人民发展基金技术秘书处

技术秘书处由高素质的技术团队组成，是负责拉丁美洲和加勒比土著人民发展基金的技术和行政管理的业务部门。

技术秘书经过透明的竞争性选择过程后由董事会任命，负责领导和确保该机构的正常运转。

4. 总部协议

1993 年,基金董事会时任主席和多民族玻利维亚国外交和宗教事务部长签署了关于基金的豁免、免除和特权的总部协议,拉巴斯市(玻利维亚)被指定为基金总部。

5. 职能

- 作为一个进行对话的跨文化协商论坛,以支持土著人民的自我发展进程。
- 协助各国制定有利于土著人民的公共政策。
- 管理和输送财政和技术资源,用于执行有助于土著人民自我发展的优先项目和方案。
- 尊重、促进和鼓励充分承认及行使土著人民的经济、社会、文化、政治和环境权利。

6. 行动领域

基金旨在帮助建立国家与土著人民之间的平等关系,以支持行使他们的权利和建立跨文化特性。

为此,基金在下列三个方面开展工作。

- 对话和协商:设计、采用和执行维护土著人民权利的公共政策。
- 带有特征的经济发展:以便在经济体系内承认和激活土著人民文化遗产的价值。
- 平等教育:加强利益攸关方在跨文化体系中运转和实现繁荣的能力,并加强土著人民产生影响力及行使其权利的能力。

7. 拉丁美洲和加勒比土著人民发展基金:绿色气候基金和安第斯共同体的观察员

- 根据 2017 年 8 月 30 日绿色气候基金观察员组织认可委员会 B.08/20 号决定,拉丁美洲和加勒比土著人民发展基金获得观察员组织身份认可。
- 根据第 674 号决定,拉丁美洲和加勒比土著人民发展基金于 2007 年 9 月 26 日获得安第斯共同体土著人民协商理事会的观察员地位。

8. 与联合国和《2030 年可持续发展议程》的对接:

基金的宗旨和原则符合《联合国宪章》、特别是第 1.2 条,其中提到“在尊重各国人民平等权利和自决的原则基础上发展国家之间的友好关系……”。

基金的使命和愿景保持了《2030 年可持续发展议程》及其 17 个目标的整体办法。

自 1992 年 7 月成立以来,拉丁美洲和加勒比土著人发展基金支持了区域一级的对话和协商进程,从而促使在下列等一些领域取得了重大进展:承认、保护

和促进成员国土著人民的权利；土著和非土著领导人和当局的培训和专业发展；为土著方案和项目分配投资前或杠杆资源；以及制定适当的方法来管理该区域带有特征的发展。

基金已经实施了八个标志性方案，在以下领域产生了重大的区域影响：协商进程、土著人民权利、跨文化土著人民大学、带有特征的发展、土著妇女、传播和信息、自愿与世隔离并有灭绝危险的土著人民以及土著青年。

25 年来，基金正在下列支持土著人民权利的文书获得通过和充分生效的背景下开展工作：《联合国土著人民权利宣言》(2007 年)；《美洲土著民族权利宣言》(2016 年)；第一届世界土著人民大会发布的任务；可持续发展目标；以及需要支持区域和国家两级的进程，使土著人民能够充分行使和享有其权利。

近年来，土著问题常设论坛、土著人民权利专家机制和土著人民权利问题特别报告员对基金的工作做出了重大贡献。

土著问题常设论坛第十六届会议的报告(见 [E/2017/43-E/C.19/2017/11](#))中提出的建议之一是：“常设论坛注意到，拉丁美洲和加勒比土著人民发展基金作为一个区域机制，为土著人民提供支持。常设论坛鼓励会员国加强这个基金的机构框架，并在其他 区域建立类似机构”。

最后，十年前通过的《联合国土著人民权利宣言》为拉丁美洲和加勒比土著人民发展基金提供了必要的动力，以实施侧重于《宣言》中承认的各项权利的方案。

附件二

决议草案

给予拉丁美洲和加勒比土著人民发展基金观察员地位

大会，

希望促进联合国与拉丁美洲和加勒比土著人民发展基金会之间的合作，

1. 决定邀请拉丁美洲和加勒比土著人民发展基金以观察员的身份参加大会的会议和工作；
2. 请秘书长采取必要行动执行本决议。

Annex III

Agreement Establishing the Fund for the development of the Indigenous Peoples of Latin America and the Caribbean

The High Contracting Parties,

Meeting in the city of Madrid, Spain, on the occasion of the Second Ibero-American Summit, held on 23-24 July 1992,

Recalling the terms of the Universal Declaration of Human Rights, a/ the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, b/

Considering the international norms set forth in the Indigenous and Tribal Peoples Convention of the International Labour Organisation, adopted by the International Labour Conference in 1989,

Hereby adopt, in the presence of representatives of indigenous peoples of the region, the following Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

Article 1

Purpose and functions

1.1 Purpose. The purpose of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, hereinafter referred to as the “Indigenous Fund”, is to establish a mechanism for supporting the processes of self-development of indigenous peoples, communities and organizations of Latin America and the Caribbean, hereinafter referred to as “indigenous peoples”.

The term “indigenous peoples” shall mean indigenous peoples descended from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. In addition, self-identification as indigenous shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Agreement apply.

The use of the term “peoples” in this Agreement shall not be construed as having any implications as regards the rights which may attach to the term under international law.

1.2. Functions. In order to achieve the purpose set forth in paragraph 1.1 of this article, the Indigenous Fund shall have the following basic functions:

- (a) To provide a forum for dialogue to reach agreement on the formulation of development policies, technical assistance operations and programmes and projects of interest to indigenous peoples, with the participation of Governments of States of the region, Governments of other States, agencies providing resources and indigenous peoples themselves;
- (b) To channel financial and technical resources to priority projects and programmes agreed upon with indigenous peoples, making sure that they help create conditions for the self-development of those peoples;
- (c) To provide training resources and technical assistance to support institution-building, management capacity, human resources training, information resources and research for indigenous peoples and their organizations.

Article 2

Members and resources

2.1. Members. The members of the Indigenous Fund shall be those States which deposit the instrument of ratification with the Secretariat of the United Nations, in accordance with their domestic constitutional requirements and in conformity with paragraph 14.1 of article 14 of this Agreement.

2.2. Resources. The resources of the Indigenous Fund shall consist of contributions by member States, contributions by other States, public or private multilateral, bilateral or national agencies and institutional donors and net income generated by the activities and investments of the Indigenous Fund.

2.3. Instruments of contribution. The instruments of contribution shall be protocols signed by each member State and establishing their respective commitments to contribute resources to the Indigenous Fund to form the capital of that Fund, in accordance with paragraph 2.4 below. Other contributions shall be governed by the provisions of article 5 of this Agreement.

2.4. Nature of contributions. Contributions to the Indigenous Fund may be made in foreign currency, local currency, technical assistance or in kind, in accordance with the rules and regulations laid down by the General Meeting. Contributions in local currency shall be subject to maintenance of their value and exchange rate.

Article 3

Organizational structure

3.1. Organs of the Indigenous Fund. The organs of the Indigenous Fund shall be the General Meeting and the Board of Directors.

3.2. General Meeting.

(a) Composition. The General Meeting shall be composed of:

- (i) One Government-accredited delegate for each member State; and
- (ii) One indigenous peoples' delegate for each State of the region that is a member of the Indigenous Fund, accredited by his Government following the relevant consultations with the indigenous organizations of that State.

(b) Decisions

- (i) Decisions shall be taken by unanimous affirmative vote of delegates of States of the region that are members of the Indigenous Fund, together with a majority of affirmative votes of representatives of other member States and a majority of affirmative votes of delegates of indigenous peoples;
- (ii) On matters affecting indigenous peoples of one or more countries, the affirmative vote of their delegates shall also be required.

(c) Rules of Procedure. The General Meeting shall lay down its rules of procedure and such other rules and regulations as it deems necessary for the functioning of the Indigenous Fund.

(d) The General Meeting shall have the following functions, among others:

- (i) To formulate the overall policy of the Indigenous Fund and to adopt such measures as are necessary for the fulfilment of its objective;
- (ii) To approve the basic criteria for the preparation of plans, projects and programmes to be supported by the Indigenous Fund;

- (iii) To approve membership status, in accordance with the stipulations of this Agreement and such rules and regulations as may be established by the General Meeting;
 - (iv) To approve the annual programme and budget and the periodic financial statements of the Indigenous Fund;
 - (v) To elect members of the Board of Directors referred to in paragraph 3.3 and to delegate to the Board such powers as may be necessary for the functioning of the Indigenous Fund;
 - (vi) To approve the technical and administrative structure of the Indigenous Fund and appoint the Technical Secretary;
 - (vii) To approve special agreements enabling non-member States, as well as public and private organizations, to co-operate with or participate in the Indigenous Fund;
 - (viii) To approve any amendments to the Agreement establishing the Fund and submit them to the member States for ratification, where appropriate;
 - (ix) To terminate the operations of the Indigenous Fund and appoint liquidators.
- (e) Meetings. The General Meeting shall hold a regular meeting once a year and shall hold special meetings, whenever necessary, on its own initiative or at the request of the Board of Directors, in accordance with the procedures established in the rules of procedure of the General Meeting.

3.3 Board of Directors

- (a) Composition. The Board of Directors shall be composed of nine members elected by the General Meeting and representing in equal proportions the Governments of States of the region that are members of the Indigenous Fund, the indigenous peoples of those same member states and the Governments of other member states. Members of the Board of Directors shall serve for a two-year term, preferably following a system of rotation.
- (b) Decisions
- (i) Decisions shall be taken by unanimous affirmative vote of delegates of States of the region that are members of the Indigenous Fund, together with a majority of affirmative votes of representatives of other member States and a majority of affirmative votes of delegates of indigenous peoples;
 - (ii) In order to be valid, decisions of the Board of Directors which concern a specific country must also be approved, through the most appropriate mechanisms, by the Government of the State concerned and by the recipient indigenous people.
- (c) Functions. In accordance with the rules, regulations and guidelines approved by the General Meeting, the Board of Directors shall have the following functions:
- (i) To propose to the General Meeting supplementary rules and regulations for fulfilling the objectives of the Indigenous Fund, including the rules of procedure of the Board;
 - (ii) To appoint a Chairman from among its members, using the voting procedures established in paragraph 3.3 (b) above;
 - (iii) To take the measures necessary for the implementation of this Agreement and of the decisions of the General Meeting;

- (iv) To evaluate the technical and administrative needs of the Indigenous Fund and propose the corresponding measures to the General Meeting;
 - (v) To administer the resources of the Indigenous Fund and authorize the allocation of credits;
 - (vi) To submit to the General Meeting for consideration the proposed annual programme and budget and the periodic financial statements of the Indigenous Fund;
 - (vii) To consider and approve programmes and projects eligible for support from the Indigenous Fund, in accordance with its objectives, rules and regulations;
 - (viii) To arrange for and provide technical assistance and the support required for the preparation of projects and programmes;
 - (ix) To promote and establish mechanisms for consultation and agreement among member States of the Indigenous Fund, co-operating entities and recipients;
 - (x) To propose to the General Meeting the appointment of the Technical Secretary of the Indigenous Fund;
 - (xi) To suspend the operations of the Indigenous Fund temporarily until such time as the General Meeting has had an opportunity to examine the situation and take the relevant measures;
 - (xii) To exercise the other powers conferred on it by this Agreement and to perform such functions as may be assigned to it by the General Meeting.
- (d) Meetings. The Board of Directors shall meet at least three times a year, in April, August and December, and shall hold special meetings whenever it deems necessary.

Article 4

Administration

4.1 Technical and administrative structure

(a) The General Meeting and the Board of Directors shall determine and establish the technical and administrative management structure of the Indigenous Fund, in accordance with articles 3.2 (d) (vi) and 3.3 (c) (iv) and (x). This structure, hereinafter referred to as the Technical Secretariat, shall be made up of persons who are highly qualified in terms of professional training and expertise; this staff shall consist of no more than 10 persons — six professionals and four administrative staff. Additional staffing requirements for projects may be met by recruiting temporary staff.

(b) Should it deem necessary, the General Meeting may expand or alter the composition of the Technical Secretariat.

(c) The Technical Secretariat shall function under the direction of a Technical Secretary appointed in accordance with the provisions of paragraph (a) above.

4.2. Management contracts. The General Meeting may authorize the signing of management contracts with entities that have the resources and expertise to undertake the technical, financial and administrative management of the resources and activities of the Indigenous Fund.

Article 5

Co-operating entities

5.1. Co-operation with entities which are not members of the Indigenous Fund.

The Indigenous Fund may sign special agreements, approved by the General Meeting, allowing non-member States, as well as public and private, local, national and international organizations, to contribute to the capital of the Fund, participate in its activities, or both.

Article 6

Operations and activities

6.1. Organization of operations. The Indigenous Fund shall organize its operations according to a system of classification by programme and project area, in order to facilitate the concentration of administrative and financial efforts and the programming by means of periodic financial statements that will permit the fulfilment of its specific objectives.

6.2. Recipients. The direct, exclusive recipients of programmes and projects supported by the Indigenous Fund shall be the indigenous peoples of Latin American and Caribbean States which are members of the Fund or have signed a special agreement with the Fund enabling their country's indigenous peoples to participate in its activities, in accordance with article 5.

6.3. Criteria for eligibility and priority. The General Meeting shall adopt specific criteria for determining the eligibility of applicants to and recipients of the Indigenous Fund in an interdependent manner, taking into account the diversity of its recipients, and for establishing priorities among programmes and projects.

6.4. Funding conditions.

(a) Taking into account the diverse and particular characteristics of the potential recipients of programmes and projects, the General Meeting shall establish flexible parameters to be used by the Board of Directors in determining funding modalities and establishing conditions for the execution of each programme and project, in consultation with the parties concerned.

(b) In accordance with the criteria mentioned, the Indigenous Fund shall grant non-reimbursable resources, credits, guarantees or other appropriate funding modalities, or combinations thereof.

Article 7

Evaluation and follow-up

7.1. Evaluation of the Indigenous Fund. The General Meeting shall periodically evaluate the overall functioning of the Indigenous Fund, according to whatever criteria and methods it deems appropriate.

7.2. Programme and project evaluation. The progress of programmes and projects shall be evaluated by the Board of Directors. Special consideration shall be given to requests to that end made by the recipients of such programmes and projects.

Article 8

Withdrawal of members

8.1. Right to withdraw. Any member State may withdraw from the Indigenous Fund by giving written notice to the Chairman of the Board of Directors, who shall notify the Secretariat of the United Nations accordingly. Withdrawal shall take effect one year from the date on which such notification is received.

8.2. Liquidation of accounts.

(a) Member States' contributions to the Indigenous Fund shall not be refunded in the event of their withdrawal.

(b) A member State which has withdrawn from the Indigenous Fund shall remain liable for any sums owing to the Fund and for any obligations entered into with it prior to the date of termination of its membership.

Article 9**Termination of operations**

9.1. Termination of operations. The Indigenous Fund may terminate its operations by decision of the General Meeting, which shall appoint liquidators and decide on the settlement of debts and the proportional distribution of assets among its members.

Article 10**Legal Personality****10.1. Legal status.**

(a) The Indigenous Fund shall have legal personality and full powers to:

- (i) Conclude contracts;
- (ii) Acquire and transfer movable and immovable property;
- (iii) Accept and grant loans and donations, offer guarantees, buy and sell securities, invest funds not committed for its operations and carry out the financial transactions necessary for the fulfilment of its purpose and functions;
- (iv) Bring legal or administrative proceedings and appear in court;
- (v) Take any other action required for the performance of its functions and the fulfilment of the objectives of this Agreement.

(b) The Fund shall exercise these powers in accordance with the legal requirements of the member State in whose territory it is conducting its operations and activities.

Article 11**Immunities, exemptions and privileges**

11.1. Granting of immunities. Member States shall take, in accordance with their legal system, the measures required to confer on the Indigenous Fund the immunities, exemptions and privileges necessary for the fulfilment of its objectives and the performance of its functions.

Article 12**Amendments**

12.1. Amendments to the Agreement. This Agreement may be amended only by unanimous agreement of the General meeting, subject, where necessary, to ratification by the member States.

Article 13**General Provisions**

13.1 Headquarters of the Fund. The headquarters of the Indigenous Fund shall be at La Paz, Bolivia.

13.2 Depositories. Each member State shall designate its central bank as depositary, so that the Indigenous Fund can maintain its disposable and other assets in the currency of that member State. If the member State does not have a central bank, it shall designate, in agreement with the Indigenous Fund, some other institution for that purpose.

Article 14

Final provisions

14.1 Signature and acceptance. This Agreement shall be deposited with the Secretariat of the United Nations, where it shall remain open for signature by representatives of Governments of States of the region and other States wishing to become members of the Indigenous Fund.

14.2 Entry into force. This Agreement shall enter into force when the instrument of ratification has been deposited, in accordance with paragraph 14.1 of this article, by at least three States of the region.

14.3 Denunciation. Any member State which has ratified this Agreement may denounce it by sending official notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date of its registration.

14.4 Commencement of operations

(a) The Secretary-General of the United Nations shall convene the first meeting of the General Meeting of the Indigenous Fund as soon as this Agreement enters into force in accordance with paragraph 14.2.

(b) At its first meeting, the General Meeting shall take the necessary measures to appoint the Board of Directors, as provided in paragraph 3.3 (a) of article 3, and to determine the date on which the Indigenous Fund is to commence its operations.

Article 15

Transitional provisions

15.1 Interim Committee. Once this Agreement has been signed by five States of the region, and without this giving rise to obligations for States that have not ratified it, an Interim Committee shall be established with composition and functions similar to those described for the Board of Directors in paragraph 3.3 of article 3 of this Agreement.

15.2 Under the direction of the Interim Committee, a Technical Secretariat shall be established as indicated in paragraph 4.1 of article 4 of this Agreement.

15.3 The activities of the Interim Committee and the Technical Secretariat shall be funded by voluntary contributions from States that have signed this Agreement and by contributions from other States and entities, through such technical co-operation and other forms of assistance as States or other entities may arrange with international organizations.