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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-first session
Agenda item 7

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Mr. Alfonso Martínez, Ms. Daes, Mr. Hatano: draft decision

1999/... Final report of the study on treaties, agreements
and other constructive arrangements between States
and indigenous populations

The Sub-Commission on the Promotion and Protection of Human Rights,
Having considered the final report submitted by Mr. Miguel Alfonso
Martínez of his study on treaties, agreements and other constructive
arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20),

Taking into account chapter VI and chapter XII, section C of the report
of the Working Group on Indigenous Populations on its seventeenth session
(E/CN.4/Sub.2/1999/19), in relation to this issue,

Fully aware of the importance of the conclusions and recommendations
included in the Special Rapporteur's final report (E/CN.4/Sub.2/1990/20,
chapter IV),

1. Takes note with appreciation of the final report submitted by the
Special Rapporteur, Mr. Miguel Alfonso Martínez, of his study on treaties,
agreements and other constructive arrangements between States and indigenous
populations, for the promotion and protection of indigenous rights
(E/CN.4/Sub.2/1990/20);

2. Endorses the conclusions and recommendations contained in chapter IV of his final report;

3. Welcomes the in-depth discussion held on his final report at the sixteenth and seventeenth sessions of the Working Group and at the fifty-first session of the Sub-Commission;

4. Takes note of the critical remarks and observations advanced by a number of organizations and individuals participating in those debates on the Special Rapporteur's considerations, contained in paragraphs 67 to 92 of his final report, on the relevance of the concept of "indigenouness" in the particular context of present-day African, Asian and Pacific States;

5. Extends its recognition to the Special Rapporteur for having thoroughly fulfilled his mandate after ten years of intense work under conditions which were not always the most propitious for accomplishing the task entrusted to him;

6. Requests the Special Rapporteur to submit to the secretariat, not later than 15 November 1999, the corrections and additions he may consider it necessary to make to the English, Spanish and French versions of his final report, including the addenda referred to in paragraph 130 of the report of the Working Group on Indigenous Populations on its seventeenth session;

7. Also requests the Special Rapporteur to present formally, in person, to the Commission on Human Rights, at its fifty-sixth session, the revised version of his final report;

8. Requests the High Commissioner for Human Rights to organize, not later than June 2000, a seminar on treaties, agreements and other legal instruments between indigenous peoples and States to discuss possible follow-up to the study just completed by Mr. Alfonso Martínez and explore ways and means to implement the recommendations included in his final report;

9. Requests the Secretary-General to transmit, as soon as possible, the final report to Governments, indigenous peoples and organizations, as well as to intergovernmental and non-governmental organizations in order to ensure its widest possible dissemination;

10. Requests the Working Group on Indigenous Populations to remain seized of the important issue of indigenous treaties and agreements and the rights deriving therefrom during its annual sessions during the rest of the International Decade of the World's Indigenous People.
