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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities

Thirty-eighth session  
Agenda item 11

STUDY OF THE PROBLEM OF DISCRIMINATION  
AGAINST INDIGENOUS POPULATIONS

Report of the Working Group on Indigenous Populations

Draft resolution submitted by Mr. Alfonso Martinez,  
Mrs. Daes, Mrs. Gu and Mr. Simpson

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,  
Recalling resolution 1982/34 of 7 May 1982 of the Economic and Social Council,  
authorizing the establishment of a pre-sessional Working Group on Indigenous  
Populations,

Recalling, further, that in its resolution 1984/35 B the Sub-Commission requested  
the Working Group to consider in 1985 the drafting of a body of principles on  
indigenous rights,

Bearing in mind that the Commission on Human Rights, in resolution 1985/21  
of 11 March 1985, urged the Working Group to intensify its efforts, in carrying  
out its Plan of Action, to develop international standards in this field,

Considering that in its resolution 1985/38 of 30 May 1985, the Economic and  
Social Council recommended to the General Assembly the establishment of a voluntary  
trust fund for indigenous populations,

Convinced of the urgent need to promote and protect indigenous rights by means  
of a continued and comprehensive review of developments in this field, as well as  
through the evolution of standards, particularly by means of the preparation of  
a draft declaration of principles on indigenous rights,

Having examined the report of the Working Group on its fourth session,<sup>1/</sup>

1. Expresses its appreciation to the Working Group and especially to its Chairman/Rapporteur, Mrs. Erica-Irene Daes, for the progress made at its fourth session in carrying out its mandate, particularly in its standard-setting activities, as reflected in annex II of its report;

2. Expresses its deep satisfaction with the continued constructive participation of Government observers, specialized agencies, non-governmental organizations, and particularly of representatives of the indigenous peoples themselves in the annual sessions of the Working Group;

3. Endorses the Plan of Action adopted by the Working Group for its future work, contained in annex I of its present report, as well as its decision to emphasize in its forthcoming sessions the part of its mandate related to standard-setting activities, with the aim of producing, in due course, a draft declaration on indigenous rights which may be proclaimed by the General Assembly;

4. Requests the Working Group to focus its attention, at its fifth session in 1986, on the following:

(a) Drafting specific proposals for the content and scope of the rights and principles enumerated in annex II of its report, on the basis of the conclusions, proposals and recommendations of the final report of Mr. José R. Martínez Cobo,<sup>2/</sup> as well as the comments and suggestions received from Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations;

(b) Gathering information on the rights and principles enumerated in paragraphs 3 and 4 of annex I to its present report, with the purpose of considering the preparation of additional principles for circulation and comments;

5. Requests the Secretary-General:

(a) To transmit the Working Group's report and its annexes to Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for comments and suggestions, calling their attention to annexes I and II of the report;

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<sup>1/</sup> E/CN.4/Sub.2/1985/22.

<sup>2/</sup> E/CN.4/Sub.2/1983/21/Add.8.

(b) To prepare an analytical compilation of the comments and suggestions received, and to make it available to members of the Working Group, Governments, organizations of indigenous peoples and other non-governmental organizations well in advance of the Working Group's fifth session in 1986;

(c) To prepare an analytical compilation of existing international legal instruments and proposed draft standards relating to indigenous rights and to circulate it to Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations, and to members of the Working Group, by November 1985, and to submit it to the Working Group at its fifth session in 1986;

(d) To give all necessary assistance to the Working Group in discharging its tasks, including the adequate dissemination of information about its activities to indigenous organizations, to encourage their wider participation;

6. Welcomes the adoption by the Economic and Social Council of resolution 1985/38 of 30 May 1985, recommending the establishment of a United Nations Voluntary Fund for Indigenous Populations, and expresses its hope that the General Assembly will establish this Fund at its fortieth session;

7. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

8. Decides to include in the agenda of its thirty-ninth session, as a matter of high priority, an item entitled "Discrimination against Indigenous Populations".