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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-fifth session  
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS  
FORTY-FIRST SESSION

Rapporteur: Mr. Ioan Maxim

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XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

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\* E/CN.4/Sub.2/1993/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in document E/CN.4/Sub.2/1993/L.11 and addenda.

XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

1. The Sub-Commission considered item 14 at its 16th, 33rd and 35th meetings, on 13, 25 and 26 August 1993.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Draft declaration on the rights of indigenous peoples:

Revised working paper submitted by the Chairperson-Rapporteur, Mrs. Erica-Irene Daes, pursuant to Sub-Commission resolution 1992/33 and Commission on Human Rights resolution 1993/31 (E/CN.4/Sub.2/1993/26 and Add. 1);

Study on the protection of the cultural and intellectual property of indigenous peoples, by Ms. Erica-Irene Daes, Special Rapporteur of the Sub-Commission and Chairperson-Rapporteur of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1993/28);

Report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/4);

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/6);

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/13);

Written statement submitted by Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/20);

Written statement by the International Organization of Indigenous Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/21);

3. At the 16th meeting, on 13 August, Nobel Peace Prize laureate, Mrs. Rigoberta Menchú, addressed the Sub-Commission.

4. At the 33rd meeting, on 25 August 1993, Mrs. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group (E/CN.4/Sub.2/1993/29).

5. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr Alfonso Martínez (16th, 33rd), Ms. Chavez (33rd), Mrs. Daes (16th), Mr. Eide (16th, 33rd), Mr. Guissé (16th), Mr. Joinet (16th), Mrs. Ksentini (16th) and Mr. Saboia (33rd).

6. Statements were made by the observers for Bolivia (33rd), Brazil (33rd), Canada (33rd), Colombia (33rd).

7. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: France-Libertés: Fondation Danielle Mitterand (33rd), Indian Council of South America (33rd), Indian Law Resource Centre (33rd), Indigenous World Association (33rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (33rd), International Federation of Human Rights (33rd), International Federation Terre des Hommes (33rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), National Aboriginal and Islanders Legal Service Secretariat (33rd), Nordic Saami Council (33rd).

8. At the 33rd meeting, on 25 August 1993, Mrs. Daes made her concluding remarks.

Draft universal declaration on indigenous peoples

9. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.47, sponsored by Mr. Alfonso Martínez.

10. At the same meeting, Mrs. Daes introduced amendments to draft resolution E/CN.4/Sub.2/1993/L.47 contained in document E/CN.4/Sub.2/1993/L.54.

11. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Daes, Mr. Guissé, Mr. Heller, Mr. Sachar and Mr. Yimer.

12. The Sub-Commission postponed consideration of the draft resolution and the proposed amendments thereto.

13. At the same meeting, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.47 and the proposed amendments thereto.

14. Mrs. Daes revised the third amendment contained in document L.54 as follows:

(a) Replace the word "adopt" before the words "draft United Nations", by the word "consider";

(b) The words "if possible" were inserted between the word "and" and the words "to submit it";

(c) At the end of the third amendment the following words were inserted:  
"On the understanding that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration."

15. The revised amendments were accepted by the sponsor.

16. The draft resolution, as amended, was adopted without a vote.

17. For the text as adopted, see chapter II, section A, resolution 1993/46.  
Cultural and intellectual property of indigenous peoples

18. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.53, sponsored by Mrs. Warzazi.

Mr. Alfonso Martínez subsequently joined the sponsor.

19. The draft resolution was adopted without a vote.

20. For the text as adopted, see chapter II, section A, resolution 1993/44.  
Study on treaties, agreements and other constructive arrangements between States and indigenous populations

21. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.55, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mrs. Daes and Mr. Yokota. Mr. Sachar subsequently joined the sponsors.

22. The draft decision was adopted without a vote.

23. For the text, see chapter II, section B, decision 1993/109.  
Discrimination against indigenous peoples

24. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.56, sponsored by Mrs. Daes.

25. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Saboia.

26. The draft resolution was adopted without a vote.

27. For the text as adopted, see chapter II, section A, resolution 1993/45.

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