



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/1995/L.62  
28 February 1995

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Fifty-first session  
Agenda item 19

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

Australia, Canada, Denmark\*, Finland, New Zealand\*  
and Norway\*: draft resolution

1995/... Establishment of a working group of the Commission to consider  
the draft "United Nations declaration on the rights of indigenous  
peoples" as contained in the annex to resolution 1994/45 of  
26 August 1994 of the Sub-Commission on Prevention of  
Discrimination and Protection of Minorities, with the sole purpose  
of providing a draft declaration for consideration and adoption by  
the General Assembly within the International Decade of the  
World's Indigenous People

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and  
part II, paragraph 28 of the Vienna Declaration and Programme of Action  
(A/CONF.157/23),

Recalling its resolution 1994/29 of 4 March 1994, in which it urged the  
Sub-Commission on Prevention of Discrimination and Protection of Minorities to  
complete its consideration of the draft declaration on the rights of  
indigenous people and submit to the Commission at its fifty-first session the  
draft declaration together with any recommendations thereon,

---

\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

Welcoming Sub-Commission resolution 1994/45 of 26 August 1994 in which the Sub-Commission decided to adopt the draft declaration as agreed upon by the members of the Working Group on Indigenous Populations and to submit it to the Commission at its fifty-first session,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Emphasizing the importance and special nature of the draft declaration as a standard-setting exercise specifically for indigenous people,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Expressing its appreciation to the Working Group on Indigenous Populations for its contribution to the process of elaboration of the draft declaration,

1. Decides to establish, as a matter of priority and from within existing overall United Nations resources, an open-ended inter-sessional working group of the Commission on Human Rights to consider the draft "United Nations declaration on the rights of indigenous peoples" submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (resolution 1994/45 of 26 August 1994, annex) with the sole purpose of providing a draft declaration for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People;

2. Encourages the Working Group to consider in this context all aspects of the draft declaration, including its scope of application;

3. Requests that the Working Group meet for 10 working days at the earliest possible date in 1995;

4. Also requests that the Working Group recommend to the Commission the time and duration of its meetings in subsequent years;

5. Further requests the Working Group to submit a progress report to the Commission on Human Rights for consideration at its fifty-second session;

6. Invites relevant United Nations organs, bodies, programmes and specialized agencies and non-governmental organizations in consultative status

with the Economic and Social Council which are interested in contributing to the activities of the Working Group to participate in its work, in accordance with established practice;

7. Decides that participation of other relevant organizations of indigenous people, in addition to non-governmental organizations in consultative status with the Economic and Social Council, should be in accordance with the relevant provisions of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968 and the procedures set out in the annex to the present resolution, and invites such organizations to submit applications as soon as possible;

8. Requests the Secretary-General to invite Governments, intergovernmental organizations, non-governmental organizations and organizations of indigenous people authorized to participate to submit, for consideration by the Working Group, comments on the draft declaration submitted by the Sub-Commission;

9. Decides to consider the question again at its fifty-second session under an appropriate agenda item to be decided upon;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/...

of ... 1995,

Reaffirming its resolution 1296 (XLIV) of 23 May 1968, entitled 'Arrangements for consultation with non-governmental organizations', in particular its paragraphs 9, 19 and 33,

Recalling the mandate of the Council Committee on Non-Governmental Organizations, especially as contained in paragraph 40 (e) of resolution 1296 (XLIV),

1. Endorses Commission on Human Rights resolution 1995/... of ... 1995;

2. Authorizes the establishment, as a matter of priority and from within existing overall United Nations resources, of an open-ended inter-sessional working group of the Commission on Human Rights to consider the draft 'United Nations declaration on the rights of indigenous peoples' submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (resolution 1994/45 of

26 August 1994, annex), with the sole purpose of providing a draft declaration for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People and operating in accordance with the procedures established by the Commission on Human Rights in the Annex to resolution 1995/...;

3. Also authorizes the open-ended Working Group to meet for 10 working days at the earliest possible date in 1995;

4. Invites applications from organizations of indigenous people not in consultative status with the Economic and Social Council which are interested in participating in the Working Group;

5. Requests the Coordinator of the International Decade, in accordance with the procedures established by the Commission on Human Rights in resolution 1995/... and following consultations with the States concerned, in accordance with Article 71 of the Charter of the United Nations, to forward all applications and information received to the Council Committee on Non-Governmental Organizations;

6. Requests the Council Committee on Non-Governmental Organizations to meet as necessary to examine the applications and, having considered all relevant information, including any views received from the States concerned, to recommend to the Economic and Social Council those organizations of indigenous people which should be authorized to participate in the Working Group, including at the first session in 1995;

7. Decides, on the basis of the recommendations of the Council Committee on Non-Governmental Organizations, to authorize the participation in the work of the Working Group of interested organizations of indigenous people, in accordance with rules 75 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council;

8. Requests the Commission on Human Rights at its fifty-second session to review the progress of the Working Group and to transmit its comments to the Economic and Social Council at its substantive session for 1996;

9. Requests the Secretary-General to provide the necessary services and facilities for the implementation of the present resolution."

Annex

PARTICIPATION OF ORGANIZATIONS OF INDIGENOUS PEOPLE  
IN THE OPEN-ENDED INTER-SESSIONAL WORKING GROUP

1. The procedures contained in the present annex are adopted solely to authorize the participation of organizations of indigenous people not in consultative status with the Economic and Social Council.
2. These procedures are consistent with the procedures set forth in resolution 1296 (XLIV) of 23 May 1968 of the Economic and Social Council and do not constitute a precedent in any other situation. They shall apply only to the Working Group created by Council resolution ... and they shall remain in effect for the duration of the Working Group.
3. Organizations of indigenous people not in consultative status wishing to participate in the Working Group may apply to the Coordinator of the International Decade. Such applications must include the following information concerning the organization concerned:
  - (a) The name, headquarters or seat, address and contact person for the organization;
  - (b) The aims and purposes of the organization (these should be in conformity with the spirit, purposes, and principles of the Charter of the United Nations);
  - (c) Information on the programmes and activities of the organization and the country or countries in which they are carried out or to which they apply;
  - (d) A description of the membership of the organization, indicating the total number of members.
4. Upon receipt of applications, the Coordinator of the International Decade should consult with any State concerned pursuant to Article 71 of the Charter of the United Nations and paragraph 9 of resolution 1296 (XLIV) of the Economic and Social Council. The Coordinator should promptly forward all applications and information received to the Council Committee on Non-Governmental Organizations for its decision.
5. Authorization to participate shall remain valid for the duration of the Working Group subject to the relevant provisions of part VIII of resolution 1296 (XLIV) of the Economic and Social Council.

6. The activities of organizations of indigenous people authorized to participate in the Working Group pursuant to these procedures shall be governed by rules 75 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council.

7. Organizations of indigenous people authorized to participate in the Working Group will have the opportunity to address the Working Group, consistent with the relevant provisions of paragraphs 31 and 33 of Council resolution 1296 (XLIV), and are encouraged to organize themselves into constituencies for this purpose.

8. Organizations of indigenous people may make written presentations which, however, will not be issued as official documents.

9. States having indigenous populations should take effective measures to bring the invitation to participate and these procedures to the attention of organizations of indigenous people potentially interested in contributing to and participating in the Working Group.

- - - - -