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DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1995/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1995/L.11 and addenda.

XIX. REPORT OF THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION:

(a) INDIGENOUS ISSUES

1. The Commission considered agenda item 19 at its 23rd to 26th meetings, on 14 to 16 February, and at its 52nd meeting, on 3 March 1995.
2. In relation to agenda item 19, the Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56);

Report of Ms. Judith Sefi Attah, Chairman of the Sub-Commission at its forty-sixth session, prepared in accordance with paragraph 14 of Commission on Human Rights resolution 1994/23 (E/CN.4/1995/83);

Letter dated 5 January 1995 from the Permanent Representative of Norway and the Chargé d'affaires of Finland to the United Nations Office at Geneva addressed to the Commission on Human Rights (E/CN.4/1995/116);

Note by the International Labour Office: comments on the draft United Nations declaration on the rights of indigenous peoples (E/CN.4/1995/119);

Note by the International Labour Office: protection of the heritage of indigenous people (E/CN.4/1995/120);

Note verbale dated 18 January 1995 from the Permanent Mission of Denmark to the United Nations Office at Geneva addressed to the United Nations Centre for Human Rights (E/CN.4/1995/141);

Report of the working group on the methods of work of the Sub-Commission established pursuant to Sub-Commission resolution 1993/4 (E/CN.4/Sub.2/1994/3);

Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1);

Report prepared by the Secretary-General pursuant to Sub-Commission resolution 1993/22 (E/CN.4/Sub.2/1994/35);

Note by the Secretariat pursuant to paragraph 3 of Commission on Human Rights resolution 1993/27 and paragraphs 25 and 26 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/5 (E/CN.4/Sub.2/1994/41);

Working paper submitted by Mr. Theo van Boven and Mr. Asbjørn Eide (E/CN.4/Sub.2/1991/55);

Written statement submitted by the International Abolitionist Federation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/12).

3. At the 23rd meeting, on 14 February 1995, Mrs. Judith Sefi Attah, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, introduced her report (E/CN.4/1995/83) to the Commission.
4. In the general debate on agenda item 19, statements 3/ were made by the following members of the Commission: Algeria (25th), Bangladesh (25th), Brazil (24th), China (23rd and 24th), El Salvador (26th), Japan (25th), Mexico (25th), Netherlands (24th), Nicaragua (25th), Pakistan (26th), Poland (25th), Republic of Korea (25th), Russian Federation (25th), the United States of America (24th - twice).
5. The Commission also heard statements by the observers for: Libyan Arab Jamahiriya (26th), Nigeria (24th), Norway (on behalf of Nordic countries) (25th), Switzerland (26th), the former Yugoslav Republic of Macedonia (25th), Ukraine (25th).
6. The Commission also heard statements by the following non-governmental organizations: Friends of the Earth (26th), Indian Institute for Non-Aligned Studies (26th), International Association of Democratic Lawyers (26th), International Indian Treaty Council (26th), International Young Catholic Students (24th), Liberation (26th), Minority Rights Group (24th), Sierra Club Legal Defense Fund (24th), World Conference on Religion and Peace (26th), World Council of Indigenous Peoples (26th).
7. Statements in exercise of the right of reply or its equivalent were made by the representative of Bangladesh (26th) and the observer for Greece (25th).
8. At the 52nd meeting, on 3 March 1995, the observer for Norway introduced draft resolution E/CN.4/1995/L.33, sponsored by Australia, Finland, Germany, Hungary, Italy, Norway*, Poland, Sweden* and Switzerland*. El Salvador, Slovenia* and South Africa* subsequently joined the sponsors.
9. The Commission postponed consideration of draft resolution E/CN.4/1995/L.33.
10. At the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1995/L.33.

11. The observer for Norway orally revised the draft resolution as follows:

(a) The third preambular paragraph, which read: "Concerned at the potential risk which situations of internal strife may pose for regional and international peace, security and justice," , was deleted;

(b) The fourth preambular paragraph, which read: "Considering that situations of internal violence, disturbance, tension and public emergency continue to cause serious instability and great suffering in many parts of the world," , was deleted;

(c) The sixth preambular paragraph which read: "Takig note of the Declaration of Minimum Humanitarian Standards, adopted by a group of experts at a meeting in Turko (Åbo), Finland, in December 1990 (E/CN.4/Sub.2/1991/55)," , was deleted;

(d) In operative paragraph 4 the word "Takes" was replaced by the word "Taking"; after the word "Standards", "(E/CN.4/Sub.2/1991/55)" was inserted and the paragraph became the sixth preambular paragraph;

(e) In operative paragraph 1, after the word "internal", the words "and related" were inserted; after the words "public emergency", the words, "in a manner consistent with international law and the Charter of the United Nations" were inserted;

(f) In operative paragraph 2, the words "precise and effectively" were replaced by the word "appropriate";

(g) In operative paragraph 3, the word "review" was replaced by the words "consider to review"; the word "solely" after the words "involve discrimination" was deleted.

12. The draft resolution, as orally revised, was adopted without a vote.

13. For the text as adopted, see chapter II, section A, resolution 1995/29.

14. At the same meeting, the representative of the Philippines introduced draft resolution E/CN.4/1995/L.37, sponsored by Guinea-Bissau, Honduras*, Ireland*, Myanmar* and the Philippines. Belgium*, Bolivia*, Cameroon, Costa Rica*, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Nigeria*, Peru, the Republic of Korea, the Russian Federation and Senegal* subsequently joined the sponsors.

15. The draft resolution was adopted without a vote.

16. For the text as adopted, see chapter II, section A, resolution 1995/25.

17. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1995/L.38, sponsored by Austria, Belgium*, Bulgaria, the

Czech Republic*, Denmark*, El Salvador, Finland, Germany, Hungary, Iceland*, Italy, Latvia*, Madagascar*, the Netherlands, Nicaragua, Norway*, Poland, Portugal*, Senegal*, Slovakia*, Spain*, Sweden* and Ukraine*. Australia, Canada, France, Greece*, Japan, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

18. The representative of Germany orally revised the draft resolution as follows:

(a) In operative paragraph 5, the words "and to pay particular attention to those Guidelines" were replaced by "including those";

(b) In operative paragraph 7, after the words "requests the Sub-Commission", the words ", if necessary," were inserted.

19. The draft resolution, as orally revised, was adopted without a vote.

20. For the text as adopted, see chapter II, section A, resolution 1995/26.

21. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1995/L.39, sponsored by Australia, Belgium*, Canada, the Czech Republic*, France, Latvia*, the Netherlands, the Republic of Korea and Romania. Greece*, Ireland*, the Philippines and Portugal* subsequently joined the sponsors.

22. The draft resolution was adopted without a vote.

23. For the text as adopted, see chapter II, section A, resolution 1995/27.

24. In view of the adoption of resolution 1995/27, the Commission took no action on draft decisions 2, 3 and 4, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

25. At the same meeting, the representative of the United States of America introduced draft decision E/CN.4/1995/L.42, sponsored by Australia, Canada, Chile, Colombia, Denmark*, Finland, New Zealand*, Norway* and Sweden*.

26. The representatives of China, the Sudan and the United States of America made statements in connection with the draft resolution.

27. Statements in explanation of vote before the vote were made by the representatives of Cuba and the Sudan.

28. The draft decision was adopted without a vote.

29. For the text as adopted, see chapter II, section B, decision 1995/107.

30. In view of the adoption of decision 1995/107, the Commission took no action on draft decision 5, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

31. At the same meeting, the representative of Canada, introduced draft resolution E/CN.4/1995/L.46, sponsored by Algeria, Australia, Austria, Canada, Colombia, the Czech Republic*, Denmark*, El Salvador, Finland, Hungary, Ireland*, Iran (Islamic Republic of)*, the Libyan Arab Jamahiriya*, Norway*, the Philippines, Turkey*, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Ethiopia, Greece*, Iraq*, Israel*, Latvia*, Nicaragua, Peru and Sweden* subsequently joined the sponsors.

32. The representative of India made a statement in connection with the draft resolution.

33. The Commission postponed consideration of draft resolution E/CN.4/1995/L.46.

34. At the 53rd meeting, on 3 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.46.

35. The representative of Canada orally revised the draft resolution as follows:

(a) Operative paragraph 2, which read "Recalling the appointment, within the framework of the Commission for Social Development, of the Special Rapporteur on disability to monitor the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and to submit reports to the Commission on Social Development at its thirty-fourth and thirty-fifth sessions;" was deleted;

(b) In operative paragraph 11, after the words "disability indicator", the words "in the Commission on Social Development", were inserted.

36. The draft resolution, as orally revised, was adopted without a vote.

37. For the text as adopted, see chapter II, section A, resolution 1995/58.

A. Indigenous issues

38. In relation to agenda item 19 (a), the Commission had before it the following documents:

Report of the Technical Meeting on the International Year and the International Decade of the World's Indigenous People (E/CN.4/1995/18);
Technical review of the United Nations draft declaration on the rights of indigenous people (E/CN.4/Sub.2/1994/2/Add.1);

Report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People (A/49/444); Note by the Secretary-General on the Programme of Activities of the International Decade of the World's Indigenous People (A/49/446).

39. In the general debate on agenda item 19 (a), statements were made by the following members of the Commission: Australia (25th), Bangladesh (25th), Brazil (25th), Canada (24th), Chile (24th), Colombia (24th), Ecuador (26th), India (25th), Malaysia (24th), Mexico (25th), Netherlands (24th), Nicaragua (25th), Peru (24th).

40. The Commission also heard statements by the observers for: Bolivia (25th), Denmark (on behalf of the Nordic countries) (25th), New Zealand (25th).

41. The Commission also heard statements by the following non-governmental organizations: Indian Law Resource Centre (24th), Indigenous World Association (26th), International Indian Treaty Council (26th), Liberation (26th), Pax Romana (24th), Saami Council (26th), World Peace Council (24th).

42. At the 52nd meeting, on 3 March 1995, the representative of Australia introduced draft resolution E/CN.4/1995/L.41, sponsored by Australia, Canada, Chile, Colombia, Denmark*, Finland, New Zealand*, Norway* and Sweden*. Bolivia*, Cuba, Ecuador, El Salvador, Greece*, Mexico, Peru and the United States of America subsequently joined the sponsors.

43. In accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications of the draft resolution.

44. The draft resolution was adopted without a vote.

45. For the text as adopted, see chapter II, section A, resolution 1995/28.

46. In view of the adoption of resolution 1994/28, the Commission took no action on draft decision 13, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

47. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1995/L.45, sponsored by Australia, Belgium*, Bolivia*, Cameroon, Canada, Chile, Colombia, Costa Rica*, Cyprus*, Denmark*, Ecuador, Finland, Greece*, Iceland*, Italy, Kenya*, New Zealand*, Nicaragua, Nigeria*, Norway*, Portugal*, the Russian Federation and Sweden*. Armenia*, Cuba, El Salvador and Mexico subsequently joined the sponsors.

48. The observer for Denmark orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, after the words "activities of", the words "the States concerned and of" were inserted;

(b) In operative paragraph 1, after the words "representatives of Governments", the words "indigenous organizations" were replaced by the words "organizations of indigenous people";

(c) In operative paragraph 2, the word "Requests" was replaced by the word "Recommends"; after the word "held" the words "for a period of three days, within existing resources, and in accordance with established United Nations practice," were inserted;

(d) In operative paragraph 3, after the words "Governments and", the words "indigenous organizations" were replaced by the words "organizations of indigenous people".

49. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolutions.

50. The draft resolution, as orally revised, was adopted without a vote.

51. For the text as adopted, see chapter II, section A, resolution 1995/30.

52. In view of the adoption of resolution 1995/30, the Commission took no action on draft decision 16, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

53. At the 53rd meeting, on 3 March 1995, the representative of Canada introduced draft resolution E/CN.4/1995/L.61, sponsored by Australia, Canada, Denmark*, Finland, New Zealand*, Norway*. Armenia*, Bolivia*, Chile, Mexico and the United States of America subsequently joined the sponsors.

54. The representative of Canada orally revised operative paragraph 2, by inserting quotation marks after the word "draft" and after the words "indigenous peoples".

55. The draft resolution, as orally revised, was adopted without a vote.

56. For the text as adopted, see chapter II, section A, resolution 1995/31.

57. In view of the adoption of resolution 1995/31, the Commission took no action on draft decision 12, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

58. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1995/L.62, sponsored by Australia, Canada, Denmark*,

Finland, New Zealand* and Norway*. Armenia*, Bolivia*, Chile, Colombia, Mexico, the Russian Federation, Sweden* and the United States of America subsequently joined the sponsors.

59. The representative of Australia orally revised the draft resolution as follows:

(a) The title of the draft resolution, which read: "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" was replaced with a new title;

(b) In operative paragraph 1, after the words "the Commission on Human Rights", the words "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 were replaced by the words "with the sole purpose of elaborating a draft declaration as contained in the annex to resolution 1994/45 of 26 August 1994, entitled 'Draft United Nations declaration on the rights of indigenous peoples'";

(c) In operative paragraph 8, after the words "non-governmental organizations", the words "in consultative status with the Economic and Social Council" were inserted;

(d) After operative paragraph 8, a new paragraph was inserted as operative paragraph 9.

60. Statements in explanation of vote before the vote were made by the representatives of Brazil and China.

61. The draft resolution, as orally revised, was adopted without a vote.

62. For the text as adopted, see chapter II, section A, resolution 1995/32.

63. In view of the adoption of resolution 1995/32, the Commission took no action on draft decision 15, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

64. At the same meeting, the Commission considered draft decision 14, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

65. The draft resolution was adopted without a vote.

66. For the text as adopted, see chapter II, section B, decision 1995/108.

67. At the same meeting, the Commission considered draft decision 17, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

68. The draft decision was adopted without a vote.

69. For the text as adopted, see chapter II, section B, decision 1995/109.
