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COMMISSION ON HUMAN RIGHTS  
Fifty-sixth session  
Agenda item 15

INDIGENOUS ISSUES

Guatemala and Mexico: draft resolution

2000/... Human rights and indigenous affairs

The Commission on Human Rights,

Bearing in mind the Charter of the United Nations and the fact that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Recalling also that the World Conference on Human Rights stressed the importance of the promotion and protection of the rights of indigenous people and the contribution of such promotion and protection to the political and social stability of the States in which such people live and also urged States, in accordance with international law, to take steps to guarantee the full enjoyment and exercise of all human rights and fundamental freedoms of indigenous people on the basis of equality, non-discrimination and recognition of the value and diversity of their identities, cultures and social organization,

Having in mind resolution 1999/20 of the Sub-Commission on the Promotion and Protection of Human Rights of 26 August 1999, in which the Sub-Commission, inter alia, recommended the appointment of a special rapporteur,

Considering that, in 1953, the International Labour Office published the study entitled "Living and Working Conditions of Aboriginal Populations" (ILO, Studies and Reports, New Series, No. 35, 1953) and that, in 1987, the United Nations published the study entitled "Study of the Problem of Discrimination against Indigenous Populations" (E/CN.4/Sub.2/1986/7/Add.1-4),

Taking note that the United Nations, the International Labour Organization and the Organization of American States have completed or are carrying out important normative work on indigenous people,

Taking note with satisfaction of the fact that, in some countries, there have been major constitutional amendments and new legislation on the recognition, rights and participation of indigenous people which have helped create structures for peace, establish conflict resolution mechanisms and strengthen democracy,

Deeply concerned about the situation of some indigenous people in the world, particularly with regard to respect for and the promotion, enjoyment and exercise of their human rights and their fundamental freedoms,

Convinced that it is essential to have updated information and detailed analyses on the main problems faced by the indigenous people of the world in order to consolidate the progress made, strengthen the legal-philosophical debate, promote human rights more effectively, formulate general policies and seek fair, harmonious and non-violent solutions, in accordance with the objectives of the Decade,

1. Decides to appoint, for a period of three years, a Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, with the following functions:

(a) To request and receive information from all relevant sources, particularly those emanating directly from indigenous peoples, communities and organizations;

(b) To formulate appropriate recommendations to guarantee the full promotion, enjoyment and exercise of the human rights and fundamental freedoms of indigenous people;

(c) To suggest international, regional and national activities to help achieve the objectives of the International Decade of the World's Indigenous People and promote international human rights instruments;

(d) To make on-site visits with the consent of Governments, the assistance of the Office of the United Nations High Commissioner for Human Rights and the participation of the indigenous peoples, communities and/or organizations concerned;

(e) To prepare a general, complete and in-depth study on the situation of indigenous people which also takes account of the dimension of the legal-philosophical debate, advances, trends and prospects and should be completed by the end of the Decade;

2. Requests the Special Rapporteur to include in his report to the Commission at its fifty-seventh session a work plan for the above-mentioned study dealing, *inter alia*, with the following elements:

(a) Activities of the United Nations and the specialized agencies relating to indigenous people;

(b) Measures adopted by States, including political, constitutional, legislative and other measures, relating to indigenous people and initiatives adopted to facilitate the dialogue and afford additional possibilities for the participation of such people;

(c) Socio-economic and cultural conditions of indigenous people;

(d) Preliminary recommendations of a general nature;

3. Urges the Chairman of the Commission, after consultations with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized standing and notable theoretical and practical international experience;

4. Urges the United Nations system, the specialized agencies, other regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous peoples, communities and organizations to promote the fullest and broadest possible cooperation with the Special Rapporteur for the fulfilment of his mandate;

5. Requests the Secretary-General to give the Special Rapporteur all necessary human, technical and financial assistance for the fulfilment of his mandate;

6. Decides to examine this question as a matter of high priority at its fifty-seventh session under agenda item 15.

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