



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2004/L.10/Add.15  
22 April 2004

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Agenda item 21 (b)

**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL  
ON THE SIXTIETH SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Mr. Mike OMOTOSHO (Nigeria)**

**CONTENTS\***

<i>Chapter</i>		<i>Page</i>
<b>XV.</b>	<b>Indigenous issues .....</b>	

---

\* Documents E/CN.4/2004/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items of 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.4/2004/L.11 and addenda.

## **XV. Indigenous issues**

1. The Commission considered agenda item 15 at its 42nd meeting, on 8 April 2004, at its 56th meeting, on 20 April 2004, and at its 57th meeting, on 21 April 2004.
2. For the documents issued under agenda item 15, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 42nd meeting, on 8 April 2004, statements were made by:
  - (a) Mr. Ahmed Mahiou, member of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;
  - (b) Mr. Luis-Enrique Chávez, Chairperson-Rapporteur of the Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994, in relation to the report of the Working Group (E/CN.4/2004/92 and Add.1);
  - (c) Mr. José Carlos Morales Morales, Chairperson of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;
4. At the same meeting, Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, introduced his report (E/CN.4/2004/80 and Add.1-4). During the ensuing interactive dialogue, the representative of Ireland (on behalf of the European Union) addressed questions to the Special Rapporteur, to which he responded.
5. In the general debate on agenda item 15, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

**Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights**

6. At the 56th meeting, on 20 April 2004, the representative of Cuba introduced draft resolution E/CN.4/2004/L.81, sponsored by Cuba. Ecuador, Guatemala and Nicaragua subsequently joined the sponsor.

7. The representative of Cuba orally revised the draft resolution by modifying operative paragraph 2.

8. A statement in connection with the draft resolution was made by the representative of Australia.

9. At the request of the representative of Australia, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 38 votes to 15, with no abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Honduras, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Zimbabwe.

*Against:* Australia, Austria, Croatia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* None.

10. For the text of the resolution, see chapter II, section A, resolution 2004/57.

**Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the International Decade of the World's Indigenous Peoples**

11. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/2004/L.82, sponsored by Cuba. Chile, Ecuador, Guatemala, Nicaragua and Paraguay subsequently joined the sponsor.
12. The representative of Cuba orally revised the draft resolution by modifying the sixth, seventh and eighth preambular paragraphs and operative paragraph 20, and by deleting the ninth preambular paragraph 9 which read as follows:

*“Considering that it will be necessary to finalize such a review before undertaking the final evaluation of the results of the present International Decade,”.*
13. Statements in connection with the draft resolution were made by the representatives of China, the Russian Federation and the United States of America.
14. A statement in explanation of vote before the vote was made by the representative of Ireland (on behalf of the States members of the European Union that are members of the Commission - Austria, Belgium, France, Germany, Sweden and the United Kingdom of Great Britain and Northern Ireland).
15. 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 the estimated administrative and programme budget implications of the draft resolution.
16. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 38 votes to 2, with 13 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Honduras, India, Indonesia, Mauritania, Mexico, Nepal, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Uganda, Ukraine, Zimbabwe.

*Against:* Australia, United States of America.

*Abstaining:* Austria, Croatia, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Nigeria, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland.

17. For the text of the resolution as adopted, see chapter II, section A, resolution 2004/58.

18. With a view to the adoption of resolution 2004/58, the Commission took no action on draft decision 9 recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. I).

**Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994**

19. At the same meeting, the observer for Canada introduced draft resolution E/CN.4/2004/L.90, sponsored by Australia, Brazil, Canada, Chile, Denmark, Ecuador, Estonia, Finland, Iceland, Italy, Mexico, New Zealand, Norway, Peru and Switzerland. Austria, Belgium, Croatia, France, Germany, Greece, Guatemala, Nicaragua, the Russian Federation, Spain, Sweden and the United States of America subsequently joined the sponsors.

20. A statement in connection with the draft resolution was made by the representative of Cuba.

21. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/59.

### **Human rights and indigenous issues**

22. Also at the same meeting, the representative of Mexico introduced draft resolution E/CN.4/2003/L.105, sponsored by Argentina, Bolivia, Brazil, Costa Rica, Chile, the Democratic Republic of the Congo, Denmark, Ecuador, Equatorial Guinea, Estonia, Finland, France, Greece, Guatemala, Honduras, Italy, Luxembourg, Mexico, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Romania, South Africa, Sweden, Switzerland and Togo. Andorra, Australia, Canada, Croatia, the Dominican Republic, Germany, Iceland, Nicaragua and Spain subsequently joined the sponsors.
23. The representative of the United States of America proposed an amendment to the draft resolution by modifying the third preambular paragraph.
24. Statements in connection with the draft resolution were made by the representatives of Mexico and Ireland (on behalf of the European Union).
25. At the 57th meeting, on 21 April 2004, the representative of the United States of America withdrew the proposed amendment.
26. The representative of Mexico orally revised the third preambular paragraph and inserted a new preambular paragraph thereafter.
27. A statement in connection with the draft resolution was made by the representative of Cuba.
28. 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 the estimated administrative and programme budget implications of the draft resolution.
29. The draft resolution was adopted without a vote. For the text, see chapter II, section A, resolution 2004/62.