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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 15

**INDIGENOUS ISSUES**

**Austria, Canada, Croatia\*, Denmark\*, Ecuador, Estonia\*, Finland, Germany, Greece\*, Guatemala, Hungary, Israel\*, Italy, Mexico, Norway\*, Peru, Spain\*, Sweden\*, Switzerland\* and Russian Federation: draft resolution**

**2005/... 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**

*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),

*Reaffirming* its resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the

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

\*\* Reissued for technical reasons.

Sub-Commission on the Promotion and Protection of Human Rights, entitled “Draft United Nations declaration on the rights of indigenous peoples”, for consideration and adoption by the General Assembly,

*Bearing in mind* General Assembly resolution 59/174 of 20 December 2004 and underlining the importance of concluding, as soon as possible, the draft United Nations declaration on the rights of indigenous people for consideration and adoption by the General Assembly,

*Reaffirming in particular* that the invitation contained in resolution 1995/32 was addressed to organizations of indigenous people seeking authorization to participate in the open-ended intersessional working group on the draft United Nations declaration on the rights of 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,

*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,

*Welcoming* the progress made in the process of drafting a declaration on the rights of indigenous people and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

*Encouraging* Governments and organizations of indigenous people to take into account General Assembly resolution 59/174, to note the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/87) and to participate actively and in a spirit of compromise in the working group in order to present a draft United Nations declaration on the rights of indigenous people to the General Assembly, as a matter of priority, for consideration and adoption,

*Recalling* the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the working group (E/CN.4/2005/89 and Add.1 and 2) and welcomes the continuation and positive nature of the deliberations of the working group, in particular the measures taken to ensure effective input by organizations of indigenous people;
2. *Expresses its appreciation* for the work of Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;
3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the working group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;
4. *Urges* all parties involved in the process of negotiation to do their utmost to carry out successfully the mandate of the working group and to present for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous people;
5. *Recommends* that the working group meet for ten working days prior to the sixty-second session of the Commission, the cost of the meeting to be met from within existing resources;
6. *Invites* the Chairperson-Rapporteur of the working group to undertake inquiries with the Office of the United Nations High Commissioner for Human Rights to determine the possibility of convening additional meetings of the working group, within existing resources, with a view to facilitating progress in drafting a declaration on the rights of indigenous people;
7. *Also invites* the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in concluding a declaration on the rights of indigenous people at the next session of the working group;

8. *Takes note* of the proposal raised during the resumed meeting of the tenth session of the working group, to hold a workshop with the participation of representatives of States, indigenous experts, internationally recognized academics, independent experts and civil society organizations, to be hosted and co-sponsored by the Government of Mexico, on issues related to the draft declaration with the purpose of promoting the rapprochement of positions of all partners involved, and invites the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to participate in this workshop;

9. *Encourages* organizations of indigenous people that are not already registered to participate in the working group and that wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

10. *Requests* the working group to submit a report for consideration by the Commission at its sixty-second session under the same agenda item;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of ... April 2005, authorizes the working group established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the sixty-second session of the Commission, the costs of the meeting to be met from within existing resources.”

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