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HUMAN RIGHTS COUNCIL
Expert Mechanism on the Rights of Indigenous Peoples
First session
1-3 October 2008

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

* Late submission.

Introduction

1. In resolution 60/251, the General Assembly established the Human Rights Council and decided that the Council shall, inter alia, “assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure” (paragraph 6).
2. In resolution 6/16, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene an informal meeting to exchange views on the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations. The informal meeting took place in Geneva from 6 to 7 December 2007.
3. Following its resolutions 5/1 and 6/16 and in compliance with General Assembly resolution 60/251, the Council, in resolution 6/36, decided to establish the Expert Mechanism on the Rights of Indigenous Peoples, as a subsidiary body of the Council.

Item 1 – Election of officers

4. Pursuant to paragraph 11 of General Assembly resolution 60/251, the Human Rights Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council (A/520/Rev.15). On the election of officers, rule 103 of the rules of procedure states that each committee shall elect a Chairperson, one or more Vice-Chairpersons and a Rapporteur.

Item 2 – Adoption of the agenda and organization of work

Adoption of the agenda

5. The Expert Mechanism will have before it the provisional agenda proposed by the Secretary-General (A/HRC/EMRIP/2008/1), as well as the present annotations relating to the items included in the provisional agenda. Under this item, the Expert Mechanism shall adopt the agenda, including any revisions it might wish to make.

Organization of work

6. In resolution 6/36, the Human Rights Council decided that the Expert Mechanism shall meet once annually, for three days in its first year and thereafter for up to five days, and that the sessions may be a combination of open and private meetings.
7. Rule 99 of the rules of procedure of the General Assembly provides that each committee “shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item”. Accordingly, the Expert Mechanism will have before it for consideration and

approval a draft timetable showing the order and distribution of meeting times for each agenda item of its programme of work for the first session.

**Item 3 - Implementation of Human Rights Council resolution 6/36 entitled
“Expert mechanism on the rights of indigenous peoples”**

8. This item provides an opportunity for a general discussion on the scope, expectations and methods of work of the Expert Mechanism. Human Rights Council resolution 6/36 states that the Expert Mechanism will determine its own methods of work, although it shall not adopt resolutions or decisions.

9. In accordance with resolution 6/36, the Council decided that the Expert Mechanism will assist the Council in the implementation of its mandate, by providing, in the manner and form requested by the Council, thematic expertise on the rights of indigenous peoples.

10. According to General Assembly resolution 60/251, the Human Rights Council “shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner”.

11. In order for the Expert Mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the United Nations Permanent Forum on Indigenous Issues, the Human Rights Council decided in resolution 6/36 that it shall invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to the annual meeting of the Expert Mechanism. Accordingly, OHCHR has extended an invitation to attend the session to the Special Rapporteur and the Permanent Forum.

12. Pursuant to the same resolution, the Council decided that the meeting shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, and non-governmental organizations in consultative status with the Economic and Social Council. The meeting shall also be open to indigenous peoples’ organizations and non-governmental organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31, and practices observed by the Commission on Human Rights, through open and transparent procedures in accordance with the rules of procedure of the Human Rights Council. In line with the resolution, OHCHR has sent information about the first session of the Expert Mechanism to all the above-mentioned bodies and organizations.

Item 4 – Consideration of thematic expertise on the rights of indigenous peoples, focused mainly on studies and research-based advice

13. In resolution 6/36 the Human Rights Council recalls that, at its sixty-first session, the General Assembly adopted in resolution 61/295 the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration is the principal human rights instrument on the rights of indigenous peoples, complementary to International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, and offers the normative framework for the mandate of the Expert Mechanism.

14. Resolution 6/36 indicates that the Expert Mechanism will assist the implementation of its mandate by providing the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council and focusing mainly on studies and research-based advice. Under this item, members may discuss the thematic expertise, methodologies for research and added value of such studies that could be proposed to the Council. The Expert Mechanism may also consider how it would undertake the studies and formulate research-based advice. Any specific requests from the Council, at its ninth session, will be communicated to the Expert Mechanism.

Item 5 – Proposals to the Human Rights Council for its consideration and approval

15. As stated in resolution 6/36, the Expert Mechanism may suggest proposals to the Human Rights Council for its consideration and approval, within the scope of its work as set out by the Council. The Expert Mechanism may also formulate proposals as to how its thematic expertise could assist the Council in the implementation of its mandate and mechanisms, including the universal periodic review and the special procedures.

Item 6 – Adoption of the report

16. The Expert Mechanism will adopt its report for submission to the Human Rights Council.

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