

them; encouraged governments to identify resources for activities designed to implement the goals of the Decade; recommended that the High Commissioner, within the context of the Decade, give due regard to the development of human rights training for indigenous peoples; and, invited relevant UN institutions, programs and agencies to give increased priority and resources to improving the conditions of indigenous peoples, with particular emphasis on the needs of these peoples in developing countries.

#### **Decision related to the study on indigenous land rights**

The fourth text, a draft decision, related to the study on indigenous land rights (1997/114) in which the Commission, *inter alia*: approved the appointment of a Special Rapporteur of the Sub-Commission to prepare a working paper on indigenous peoples and their relationship to land, with a view to suggesting practical measures to address ongoing problems in this regard; requested the Special Rapporteur to submit a preliminary working paper to the Working Group on Indigenous Populations and to transmit the paper to governments and indigenous organizations for views that should be taken into account in the preparation of a final paper to be submitted to the Working Group and the Sub-Commission at their 1998 sessions.

#### **Decision related to the study on treaties and other arrangements**

The fifth text was also a draft decision (1997/113). In it, the Commission endorsed the decision of the Sub-Commission to request its Special Rapporteur (SR) to prepare a study on treaties, agreements and other constructive arrangements between states and indigenous populations and requested the SR to submit his final report to the 1997 sessions of the Working Group and the Sub-Commission.

#### **Sub-Commission on Prevention of Discrimination and Protection of Minorities**

The Sub-Commission Working Group (WG) on Indigenous Populations was established in 1982 with a mandate to review developments related to the promotion and protection of human rights and fundamental freedoms of indigenous peoples and the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and differences in the situations and aspirations of indigenous peoples throughout the world. The WG meets annually just prior to the session of the Sub-Commission. In 1994, the Commission requested that the WG take up the issue of the establishment of a permanent forum for indigenous people in the UN system, a subject which remains under consultation and discussion.

The conclusions and recommendations in the WG's report of its July/August 1997 meeting (E/CN.4/Sub.2/1997/14), *inter alia*: reaffirmed that the agenda item on standard-setting constituted a fundamental part of its mandate; noted the general consensus among the participants that a definition of "indigenous peoples" at the global level was not possible at this time, and certainly not necessary for the adoption of the draft UN declaration on the rights of indigenous peoples; addressed guidelines or codes of conduct for private sector energy and mining concerns and decided to include the question on the agenda of its next meeting; noted that there

continues to be serious problems for indigenous peoples related to environment, land and sustainable development; decided to highlight the issue of "indigenous peoples: education and language" at its next session; endorsed the recommendation of a workshop (on the establishment of a permanent forum), that the Commission on Human Rights at its 1998 session consider how to further the process towards the establishment of a permanent forum for indigenous people in the UN, in part through the drafting of concrete proposals and by considering the possibility of submitting the matter to ECOSOC for action; decided to focus, at its next session, on the questions of the membership, participation in and mandate of a possible permanent forum, including issues such as equitable geographical distribution on the basis of where indigenous peoples live and the open and authentic representation of indigenous nations, peoples, organizations and communities; and, welcomed the establishment by indigenous peoples of a committee on indigenous health issues for future cooperation with the Office of the High Commissioner for Human Rights, the Working Group and the World Health Organization (WHO).

At its August 1997 session, the Sub-Commission considered a number of issues related to indigenous peoples, only some of which were the subject of reports. These included:

- (a) **The UN Voluntary Fund for Indigenous Populations**, which was established in 1985 to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations;
- (b) **The International Decade of the World's Indigenous People**, which was proclaimed by the General Assembly in December 1993; the High Commissioner for Human Rights is now responsible for coordinating the activities of the Decade;
- (c) **Religious freedom of indigenous peoples**: at its 1996 session, the Commission on Human Rights requested the CHR Special Rapporteur on religious intolerance to take into account in the work and field missions the specific problems faced by indigenous peoples related to the destruction and violation of their sacred sites and religious ceremonies. The Commission also invited the SR to take into account the spiritual relationship indigenous communities have with the land and the significance of traditional lands for the practice of their religion and to examine the history of events that have been responsible for the violation of freedom of religion and religious practice for these communities.
- (d) **Special Rapporteur on the protection of the heritage of indigenous people**: based on working papers developed at the Sub-Commission in 1990 and 1991, the Commission decided in 1992 to appoint a Sub-Commission Special Rapporteur (SR) on the protection of the heritage of indigenous people. The SR was mandated to: undertake a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property; consider the relationship between indigenous cultural and intellectual property; and elaborate draft principles and guidelines for the protection of the heritage of indigenous peoples. The mandate of the SR was continued in 1997 to facilitate