

in 1998, and selected representatives from four indigenous organizations — based in the United States, New Zealand, Burkina Faso and Panama — to receive fellowships in 1998.

Draft declaration on the rights of indigenous peoples

Resolution 1995/32, adopted at the 1995 session of the Commission on Human Rights, established an open-ended inter-sessional working group to elaborate a draft declaration on the rights of indigenous peoples. The work was based on a 1994 draft text prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Forty-five governments and 123 indigenous and non-governmental organizations attended the Working Group's meeting in October/November 1997.

The report of the session (E/CN.4/1998/106; E/CN.4/1998/106/Corr.1) contains a record of the general debate and the articles of the draft declaration which were adopted by consensus at first reading. A number of indigenous organizations called for adoption of the draft without changes.

The WG gave first reading to articles related to equality of rights and freedoms for women and men and the right to nationality. The points that emerged during discussions of article 3, self-determination, included: all states recognized and upheld the principle that all peoples had the right of self-determination; a number of governments expressed concern about the implications that an open reference to the right of self-determination might have; it was essential for all, states and indigenous representatives, to have a clear understanding of the precise meaning and implications of draft article 3, as this right underpinned other articles in the draft; indigenous representatives and some states considered that the inclusion of the right of self-determination was indispensable to the declaration; the right must apply on a non-discriminatory basis to all peoples; a number of states, while accepting the principle of self-determination of indigenous peoples, required further clarification on the implications of the exercise of this right within the legal and constitutional frameworks of existing states; other states that supported this principle expressed concern with respect to the implications that a wide recognition of that right might have, since it might be inclusive of the right of secession; still other states took the position that the peoples entitled to self-determination were understood to be the entire peoples of a state or those who could constitute themselves as a sovereign independent state, and not sub-national groups; some indigenous representatives pointed out that the indigenous peoples they were representing were not aspiring to secede from existing states, and that the right of self-determination, as set out in existing instruments, already provided that secession could only be invoked in extreme cases, where the right of self-determination was denied by the state.

Annex I of the report reproduces proposed amendments to articles 15 through 18 for future discussion, related to: indigenous children; diversity of cultures, traditions, histories and aspirations and appropriate reflection of that diversity in education and public information; indigenous media and the use of indigenous languages, access to and reporting by state-owned media; and international labour standards and workers' rights. Annex II of the report reproduces the texts of articles 15 to 18 that were drafted by the Sub-Commission and notes that indigenous delegations supported adoption of these texts without amendment. Annex III reproduces text for articles 15, 17 and 18, proposed by the Movimiento Indio "Tupaj Amaru".

Resolutions and decisions of the Commission on Human Rights

The Commission adopted by consensus three resolutions and one decision related to indigenous issues.

Resolution on the Working Group on Indigenous Populations and the International Decade of the World's Indigenous People

In the first resolution (1998/13), the Commission, *inter alia*: affirmed its recognition of the value and diversity of the cultures and forms of social organization of indigenous peoples, and noted that the development of indigenous peoples within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world; recalled that the goal of the International Decade 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; recognized the importance of consultation and cooperation with indigenous peoples in planning and implementing the programme of activities for the Decade, as well as the need for adequate financial support from the international community.

With respect to the report of the Working Group (WG), the Commission, *inter alia*: urged the WG to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous peoples; welcomed the WG's proposal to give priority to the theme of education and language; recommended that the WG be authorized to meet for five working days prior to the 1998 session of the Sub-Commission; invited the WG to continue its consideration of ways in which the expertise of indigenous peoples can contribute to its work; encouraged initiatives by governments, organizations of indigenous peoples and non-governmental organizations to ensure the full participation of indigenous peoples in the activities related to the tasks of the Working Group.