

**INFORMAL MEETING TO DISCUSS THE MOST APPROPRIATE MECHANISMS TO  
CONTINUE THE WORK OF THE WORKING GROUP  
ON INDIGENOUS POPULATIONS**

**Geneva, 6-7 December 2007**

Draft resolution submitted by the Indigenous Caucus

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## INDIGENOUS CAUCUS PROPOSED RESOLUTION

### Expert Body on the Rights of Indigenous Peoples for the Human Rights Council

12/5/2007

#### Preambular paragraphs for draft resolution:

PP1 *Bearing in mind* paragraph 6 of the General Assembly resolution 60/251 of 15 March 2006, which calls for the Human Rights Council to “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”,

PP2 *Recalling* that the Human Rights Council institution-building text 18 June 2007 stated that the “Council will decide at its sixth session (First session of its Second Cycle) on the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations”,

PP3 *Recalling* that at its sixty-first session, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples elaborating “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.”,

PP4 *Emphasizing* that the human rights of Indigenous peoples are relevant to almost all mandates of the Human Rights Council and require special attention, expertise and insights due to the urgency and complexity of the situation facing indigenous peoples worldwide,

PP5 *Acknowledging* the important work completed by the Working Group on Indigenous Populations.

#### Mandate:

The Human Rights Council:

1. Decides to establish an Expert Body on the Rights of Indigenous Peoples:
  - a) to provide the Council with expert advice on Indigenous Peoples’ and individuals’ human rights in relation to all the Council’s mandates;
  - b) to identify and recommend to the Council effective mechanisms to implement, develop and mainstream international standards that promote and protect the human rights of Indigenous Peoples;
  - c) to review, elaborate and follow-up on best practices as well as obstacles for the promotion and protection of Indigenous Peoples’ human rights;
  - d) to review and undertake studies and focused research on human rights issues as they relate to Indigenous Peoples. States, Indigenous Peoples and their representative institutions will be invited to present statements, case studies and papers on situations pertaining to the realization of the rights of Indigenous Peoples;

- e) to cooperate, with a view to complement their respective work, with other relevant mechanisms on the rights of Indigenous Peoples, including the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people and other relevant special procedures, the Human Rights Council Advisory Committee, the Treaty Bodies, the Office of the High Commissioner for Human Rights, and regional, national and Indigenous Peoples human rights institutions;
- f) to perform other tasks at the request of the Council.

**Placement within the UN system:**

The Expert Body should be placed directly under the Human Rights Council and report annually to this Council on its work.

**Composition:**

The Indigenous Caucus developed two proposals for the composition of the Expert Body which it is presenting for discussion:

**Option 1**

The Expert Body on the Rights of Indigenous Peoples would consist of six members, including a representative of the Human Rights Council Advisory Committee, the Chair of the Permanent Forum on Indigenous Issues or a member of the Permanent Forum designated by the Chair, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and three Indigenous experts to be nominated following the same model as that of the Special Procedures.

OR

**Option 2**

The Expert body will consist of six members, 3 of which would be nominated by states and 3 of which would be selected by Indigenous Peoples as independent experts. The UN Rapporteur on Indigenous Peoples, other UN Rapporteurs and members of the UN PF would also be invited to participate.

**Terms of the members:****Option 1**

The Indigenous experts would serve for a period of three years. They would be eligible for re-election once. The Chair of the Permanent Forum, the Special Rapporteur and the member of the Advisory Committee would serve as long as they hold their respective positions.

OR

Option 2

The Indigenous experts would serve for a period of three years. They would be eligible for re-election once.

**Organization of work:**

The Expert Body will provide continuity with regards to the work of the working group on indigenous peoples including its studies and recommendations in order to advance their implementation and to elaborate and prepare new standards.

The Expert Body on the Rights of Indigenous Peoples should determine its own methods of work.

The Expert Body would hold an annual meeting to feed into the work of the Council related to Indigenous peoples rights. The Expert Body could also organize panel discussions during the sessions of the Council for an exchange of views regarding the human rights of indigenous peoples under Agenda Item #3 of the Human Rights Council.

**Participation:**

Member States, United Nations bodies and organs, inter-governmental organizations, human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council could participate as observers; organizations of indigenous peoples could equally participate, using the practical arrangements of the former UN Working Group on Indigenous Peoples.

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