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HUMAN RIGHTS COUNCIL
Expert Mechanism on the Rights of Indigenous Peoples
Second session
10-14 August 2009

ANNOTATIONS TO THE PROVISIONAL AGENDA

Note of the Secretariat*

* Late submission.

Introduction

1. Following the adoption of its resolutions 5/1 and 6/16, and in compliance with General Assembly resolution 60/251, the Human Rights Council, in its resolution 6/36, established the Expert Mechanism on the Rights of Indigenous Peoples as an advisory body to the Council.
2. At its ninth session, the Council adopted its resolution 9/7 on indigenous issues, in which it requested the Expert Mechanism to identify proposals and suggest them by consensus to the Council for its consideration in 2009, and to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, to be concluded in 2009, and to seek input from relevant stakeholders for that study.

Item 1. Election of officers

3. Pursuant to paragraph 11 of General Assembly resolution 60/251, the Council applies 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 elects a Chairperson, one or more Vice-Chairpersons and a Rapporteur.

Item 2. Adoption of the agenda and organization of work

Adoption of the agenda

4. The Expert Mechanism will have before it the provisional agenda (A/HRC/EMRIP/2009/1) and the present annotations relating to the items included in the provisional agenda. The Expert Mechanism will adopt the agenda, including any revisions it might wish to make.

Organization of work

5. In its resolution 6/36, the Council determined that the Expert Mechanism should 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. For its second session, the Expert Mechanism will meet for five days, from 10 to 14 August 2009.
6. Rule 99 of the rules of procedure of the General Assembly provides that each committee should, 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 prepared by the Secretariat showing the order and distribution of meeting times for each agenda item of its programme of work for the second session.

Item 3. Study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education

7. Pursuant to Council resolution 6/36, the Expert Mechanism has undertaken a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education. In addition to the discussion held on the right of indigenous peoples to education at its first session, the Expert Mechanism requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to send out a call for input to the study from relevant stakeholders (A/HRC/10/56). Submissions were received from Member States, United Nations agencies, national human rights institutions, indigenous organizations, universities and civil society organizations, as well as from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues.

8. Following a proposal made by the Expert Mechanism, OHCHR organized a two-day technical workshop on the implementation of the right of indigenous peoples to education, held in Geneva on 6 and 7 May 2009. The secretariat prepared a note on the technical workshop and the contributions submitted to the Expert Mechanism (A/HRC/EMRIP/2009/3).

9. The agenda item will provide an opportunity for comments and suggestions on the advanced draft study submitted at the second session. The Expert Mechanism will take such comments into account as it completes the final version of the study, to be adopted by the Expert Mechanism and submitted to the Council at its twelfth session.

Item 4. United Nations Declaration on the Rights of Indigenous Peoples

10. In its resolution 6/36, the Council recalled that, at its sixty-first session, the General Assembly adopted, in its resolution 61/295, the United Nations Declaration on the Rights of Indigenous Peoples. In the report of the Expert Mechanism on its first session, it was stressed that the Declaration is a key human rights instrument on the rights of indigenous peoples and part of the framework for the work of the Expert Mechanism (A/HRC/10/56).

11. The agenda item will provide an opportunity for general discussion on the United Nations Declaration on the Rights of Indigenous Peoples, as indicated in the report of the Expert Mechanism on its first session (A/HRC/10/56). The general discussion will focus first on the implementation of the Declaration at the regional and national levels, on adjudication, remedies, repatriation, redress and compensation.

Item 5. Proposals to be submitted to the Human Rights Council for its consideration and approval

13. As stated in resolution 6/36, the Expert Mechanism may make proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council. This may include proposals as to how its thematic expertise could assist the Council in the implementation of its mandate and mechanisms.

Item 6. Adoption of the report

14. The Expert Mechanism will adopt its report on the second session for submission to the Council.
