

***STUDY OF THE PROBLEM
OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS***

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on Prevention of Discrimination
and Protection of Minorities*

VOLUME I



UNITED NATIONS

INTRODUCTORY NOTE

The documents containing Parts I and II of the Study of the Problem of Discrimination against Indigenous Populations prepared by Mr. José R. Martínez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, are hereby re-issued in accordance with decision 1985/137 of the Economic and Social Council.

A revised version of Part III of the same study, containing the conclusions, proposals and recommendations, will be published separately under the symbol E/CN.4/Sub.2/1986/7/Add.4.

E/CN.4/Sub.2/1986/7

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STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

Final Report (First Part) submitted by the Special Rapporteur,
Mr. José R. Martínez Cobo

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Chapter I

MEASURES ADOPTED BY THE UNITED NATIONS

A. Basic provisions

1. None of the basic organic texts of the United Nations contains provisions which explicitly and specifically mention indigenous populations or the need to assist and protect them. The Charter of the United Nations contains, however, several provisions on human rights questions and the promotion of social and economic progress for all. It is in that context that action has been taken by the Organization with respect to the indigenous populations which form part of the populations of Member States.
2. Among the important provisions within whose framework the activity of the competent bodies has been carried out, mention should be made of parts of the preamble and the operative part of the United Nations Charter.
3. In the preamble, the peoples of the United Nations declare that they are determined to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person" and to "promote social progress and better standards of life in larger freedom" and, for these ends, "to employ international machinery for the promotion of the economic and social advancement of all peoples", and declare that they have resolved "to combine ... efforts to accomplish these aims".
4. The operative part of the Charter also contains several provisions reflecting recognition of the importance of respect for fundamental rights and freedoms, concern for economic and social problems and determination to improve living standards and conditions for all. Among those provisions, the following should be cited.
5. Article 1 proclaims the purposes of the United Nations. The purpose stated in paragraph 3 of that article is "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race ... language, or religion"; the purpose expressed in paragraph 4 is "to be a centre for harmonizing the actions of nations in the attainment of these common ends". Article 13, paragraph 1 b, stipulates that the General Assembly shall initiate studies and make recommendations for the purpose of "promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race ... language or religion".
6. Under the provisions of Articles 55 and 56 of the Charter, all Members pledge themselves to take joint and separate action, in co-operation with the Organization, for the achievement of the following purposes which, for its part, the United Nations also pledges itself to promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race ... language or religion.

7. Under Article 62 of the Charter, the Economic and Social Council may: (a) make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned (paragraph 1); (b) make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all (paragraph 2); (c) prepare draft conventions for submission to the General Assembly and call international conferences on matters falling within its competence (paragraphs 3 and 4).

8. So that the Economic and Social Council may best carry out its important tasks of translating these purposes and declarations into concrete measures and of achieving their practical realization, the Charter itself provides, in Article 68, that the Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

9. In view of this provision explicitly providing for the establishment of commissions for the promotion of human rights, the Economic and Social Council, during its first session, established the Commission on Human Rights. The terms of reference of this Commission, set out in resolution 5 (I) of 16 February 1946, were amended in resolution 9 (II) of 21 June 1946. None of the five points on which the Commission was to submit proposals, recommendations and reports explicitly included indigenous populations. 1/

10. In the same resolution 9 (II), the Economic and Social Council empowered the Commission to establish sub-commissions on the protection of minorities and the prevention of discrimination. At its first session (27 January-10 February 1947), the Commission, instead of establishing distinct and separate sub-commissions as authorized by the Council, decided to set up a single sub-commission on prevention of discrimination and protection of minorities. The terms of reference of the sub-commission were spelt out and broadened during the fifth session of the Commission. 2/

1/ Resolution 9 (II) added subparagraph (e) to subparagraphs (a), (b), (c) and (d) which were contained in resolution 5 (I), section A, paragraph 2. The text on the work assigned to the Commission then read: "... submitting proposals, recommendations and reports to the Council regarding: (a) an international bill of rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) the protection of minorities; (d) the prevention of discrimination on grounds of race, sex, language or religion; (e) any other matter concerning human rights not covered by items (a), (b), (c) and (d).

2/ In the relevant resolution, the Commission decided to clarify and broaden the Sub-Commission's terms of reference, which it reworded as follows: "(a) undertake studies particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and (b) perform any other function which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights" (Official Records of the Economic and Social Council, Ninth Session, Supplement No. 10, chap. IV).

11. During the third session of the General Assembly (1948-1949), there was a proposal to establish a sub-commission to study the social problems of aboriginal populations. During the first part of that session (September-December 1948), the delegation of Bolivia submitted a draft resolution (A/610) whose first operative paragraph proposed that the Economic and Social Council establish "a sub-commission of the Social Commission on the study of the social problems of the aboriginal populations of the American continent". The second operative paragraph invited the Secretary-General: (a) to prepare, in consultation with the Member States concerned, the working plan of the sub-commission; (b) to fix the term of duration of the sub-commission; (c) to request the co-operation of the specialized agencies; (d) to have the necessary financial credits provided.

12. The item was referred to the Third Committee, 3/ which at its 180th meeting 4/ decided to postpone its consideration until the second part of the third session.

13. During the second part of the third session (April-May 1949), the General Assembly decided at its 205th plenary meeting (2 May 1949) to refer this item to the Ad Hoc Political Committee, which examined it at its 53rd and 54th meetings, held on 10 May 1949. 5/ During the debate on this question, the text of the draft resolution was revised by the delegation of Bolivia and, as will be indicated later, 6/ a text was finally adopted which did not provide for the establishment of the sub-commission.

B. Measures adopted in matters of concern to indigenous populations but not aimed specifically at such populations

1. Preliminary observations

14. It should be indicated at the outset that many aspects of the work carried out in the matter of protection of minorities are fully applicable to indigenous populations. The present report will not deal with this matter, which is the subject of separate parallel endeavours concerning ethnic, linguistic and religious

3/ In the Third Committee, the delegation of Peru submitted an amendment (A/C.3/291) which proposed an addition to subparagraph (a) of the second operative paragraph to the effect that the "specialized agencies ... concerned" should be consulted.

4/ Official Records of the General Assembly, Third Session, Part I, Third Committee, 180th meeting, pp. 899 to 890 (the vote appears on p. 900).

5/ Ibid., Third Session, Part II, Ad Hoc Political Committee, 53rd and 54th meetings, pp. 374 to 386 and 386 to 394, respectively.

6/ See paragraphs 84 and 85 below.

minorities under Article 27 of the International Covenant on Civil and Political Rights. 7/ On the other hand, this part will deal briefly with some of the measures adopted in various matters which are not exclusively related to the indigenous segments of the populations of States Members of the Organizations but which are of vital interest to those indigenous populations; their situation will be examined in future reports on this study. Among these measures, mention may be made, firstly, of international agreements, conventions and recommendations of a general nature adopted under United Nations auspices. Reference should also be made to the action and the conclusions and recommendations of special committees and commissions established for the study of certain problems not particularly related to indigenous populations but which have had an important effect on them. The work of the Commission on Human Rights and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will constitute a third sector.

7/ Mention should be made in this connection of the study on the rights of persons belonging to ethnic, religious and linguistic minorities prepared by Professor Francesco Capotorti as Special Rapporteur of the Sub-Commission, submitted in 1977 and mentioned in para. 44 below and of all the preceding work on this subject in the League of Nations and in the Commission on Human Rights and the Sub-Commission. Special reference should be made to the present efforts towards the preparation of a declaration on that subject, on the basis of a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities prepared by Yugoslavia (E/CN.4/L.1367/Rev.1) submitted to the Commission on Human Rights at its thirty-fourth session in 1978 and the revised and consolidated version of the draft declaration, submitted to the Sub-Commission at its 33rd session in 1980 (E/CN.4/Sub.2/L.734). Work has been done in this connection by the Commission at its 34th, 35th, 36th and 37th sessions and by the Sub-Commission at its 32nd and 33rd sessions, with sessional open-ended working groups that have submitted reports in this connection to the Commission (E/CN.4/L.1381, E/CN.4/L.1467, E/CN.4/L.1540, E/CN.4/L.1597) at the above mentioned sessions and at the Sub-Commission's 33rd session (E/CN.4/Sub.2/455/Rev.1).

The comments on the draft declaration received from governments (E/CN.4/1298 and Add.1 to 3) and a compilation that had been prepared containing all provisions of international instruments relevant to the subject (E/CN.4/Sub.2/L.735) were also taken into account in these endeavours.

This matter has been the subject of Commission resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980 and 21 (XXXVII) of 10 March 1981. In accordance with the latter text, the item will be considered at the Commission's thirty-eighth session in 1982 and an open-ended working group will further discuss the provisions of the draft declaration. The Sub-Commission has adopted resolutions 5 (XXX) and 6 (XXX) both of 31 August 1977, decision 1 (XXXII) of 4 September 1979, and decision 1 (XXXIII) of 10 September 1980. Sub-Commission resolution 10 (XXXIII) of 10 September 1980 refers to specific cases, not to the draft declaration.

2. International agreements, conventions and recommendations of a general nature adopted under United Nations auspices

15. Several international agreements, conventions and recommendations of a general nature on various topics adopted under United Nations auspices contain provisions which, although not formulated especially for indigenous populations, may prove fully applicable within a programme of action undertaken for their benefit, assistance and protection. Reference is made below to some of the principal instruments of this nature, which will be duly examined in the relevant parts of future reports on the study.

(a) International Covenant on Economic, Social and Cultural Rights

16. This Covenant - adopted by the General Assembly in its resolution 2200 A (XXI) on 16 December 1966 - entered into force on 3 January 1976, in accordance with article 27, which required ratification or accession by 35 States.

17. As at 9 January 1981, 78 States had ratified the Covenant or acceded or succeeded to it.

(b) International Covenant on Civil and Political Rights

18. This Covenant - adopted by the General Assembly in its resolution 2200 A (XXI) of 16 December 1966 - entered into force on 23 March 1976, in accordance with article 49 which required ratification or accession by 35 States.

19. As at 9 January 1981, 77 States had ratified the Covenant or acceded or succeeded to it.

20. As at 9 January 1981, 13 States parties had made the declaration under article 41 of the Covenant recognizing the competence of the Human Rights Committee to "receive and consider communications to the effect that a State Party claims that another State party is not fulfilling its obligations under the ... Covenant." The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article.

(c) Optional Protocol to the International Covenant on Civil and Political Rights

21. This Protocol - adopted by the General Assembly in its resolution 2200 A (XXI) of 16 December 1966 - entered into force on 23 March 1976, in accordance with article 9 which required the entry into force of the Covenant and ratification or accession by 10 States.

22. As at 31 December 1980, 25 States had ratified the Protocol or acceded or succeeded to it.

(d) Convention on the Prevention and Punishment of the Crime of Genocide

23. This Convention - adopted by the General Assembly in its resolution 260 (III) of 9 December 1948 - entered into force on 12 January 1951, in accordance with article XIII.

24. As of 1 January 1980, 83 States had ratified the Convention or acceded or succeeded to it.

(e) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

25. This Convention - adopted on 7 September 1956 by a Conference of Plenipotentiaries held at Geneva (13 August-4 September 1956) in pursuance of a decision taken by the Economic and Social Council in its resolution 608 (XXI) of 30 April 1956 - entered into force on 30 April 1957 in accordance with article 13, which required ratification by two States.

26. As of 1 January 1980, 93 States had ratified the Convention or acceded or succeeded to it.

(f) International Convention on the Elimination of All Forms of Racial Discrimination

27. This Convention - adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965 - entered into force on 4 January 1969 in accordance with article 19, which required ratification or accession by 27 States.

28. As of 1 January 1980, 106 States had ratified the Convention or acceded or succeeded to it.

3. Action and initiatives by ad hoc committees and commissions

29. From time to time small groups of experts have been established specifically to examine certain unacceptable situations of economic and social exploitation such as slavery and forced labour which subsist in various regions of the world. As a result of the action by these committees, it has been established that their opinions, conclusions and recommendations are applicable, even though in special ways, to the indigenous populations of certain areas.

(a) Slavery and servitude

30. The Ad Hoc Committee appointed by the Secretary-General of the United Nations in pursuance of Economic and Social Council resolution 238 (IX) of 20 July 1949 ^{8/} submitted two reports to the Council, in March 1950 and September 1951, in addition to the documents prepared individually by its members concerning distinct aspects of slavery and other institutions or customs resembling slavery.

31. The Chairman of the Ad Hoc Committee on Slavery, in a document submitted to the Council, described various forms of labour of semi-feudal origin (personal services etc.) that are still performed in certain Indian areas in Latin America, in which he concluded that some of these forms of labour could be compared to slavery.

3/ This resolution instructed the Secretary-General, after consultation with the bodies having special competence in this field; to appoint an ad hoc committee: (1) to survey the field of slavery and other institutions or customs resembling slavery; (2) to assess the nature and extent of these several problems at the present time; (3) to suggest methods of attacking these problems; (4) having regard to the recognized fields of competence of the various bodies within the framework of the United Nations, to suggest an appropriate division of responsibility among these bodies; and (5) to report to the Council within 12 months of its appointment.

32. Since the Slavery Convention, adopted by the League of Nations in 1926, did not cover many of these institutions or practices, the Committee proposed that the United Nations prepare a supplementary convention.

33. The Committee's recommendations and conclusions were considered by the Economic and Social Council at its thirteenth session, and the Secretary-General of the United Nations was requested to prepare a report indicating what action could be taken to eliminate slavery, the slave trade and forms of servitude resembling slavery in their effects.

34. In 1953, the General Assembly adopted a protocol in pursuance of which the functions exercised by the League of Nations under the 1926 Slavery Convention were transferred to the United Nations.

35. In September 1956, a Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted and opened for signature at the Conference of Plenipotentiaries convened by the Economic and Social Council at Geneva. 2/

(b) Forced Labour 10/

36. At its 476th meeting, held on 19 March 1951, the Economic and Social Council adopted resolution 350 (XII) in which it decided to invite the International Labour Organisation to collaborate with it in appointing an Ad Hoc Committee on Forced Labour whose members would be appointed jointly by the Secretary-General of the United Nations and the Director-General of the International Labour Office, and whose terms of reference would be: (a) to study the nature and extent of the problem raised, by examining the text of laws and regulations and their application in the light of the principles of International Labour Convention No. 29 and of the United Nations Charter relating to respect for human rights and fundamental freedoms and the Universal Declaration of Human Rights and, if the Committee thinks fit, by taking additional evidence into consideration; (b) to report the results of its studies and progress thereon to the Council and to the Governing Body of the International Labour Office.

37. The Ad Hoc Committee was established in 1951 and, in its inquiry carried out on this question, it received from Governments, non-governmental organizations and individuals allegations concerning the existence of forced labour in certain countries and territories. The Committee's study covered some 24 countries or territories.

2/ See paragraphs 25 and 26 above.

10/ At its fourteenth session, on 28 June 1930, the General Conference of the International Labour Organisation adopted Convention No. 29 concerning Forced Labour, (Conventions and Recommendations adopted by the International Labour Conference 1919-1966, Geneva, ILO, 1966, pp. 155-163). This Convention had entered into force on 1 May 1932 in accordance with article 28 (2) which required the ratification of two States members of the International Labour Organization (ibid., p. 162).

38. The Committee completed its work in 1953. In its final report (E/2431), it concluded that there were two systems of forced labour in the world: the first being employed as a means of coercion or punishment for holding or expressing political views and the second for important economic purposes. It stated that its inquiry revealed that these systems threaten fundamental human rights and jeopardize the freedom and status of workers in contravention of the obligations and provisions of the Charter of the United Nations. It urged such systems of forced labour should be abolished.

39. In submitting its report in June 1953, the Committee set forth the findings of its members regarding certain alleged forms of servitude prevailing among Latin American Indians as a legacy from the semi-feudal colonial past.

40. In 1954, the Economic and Social Council and the General Assembly condemned these systems of forced labour and appealed to all Governments to re-examine their laws and administrative practices. Those bodies also requested the Secretary-General and the Director-General of the ILO to prepare a further report with more recent information on forced labour. This report was ready in December 1955.

41. At the beginning of 1956, the Council again condemned all forms of forced labour which are contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights and, in particular, all systems of forced labour which are employed as a means of coercion or punishment for holding or expressing political views, and urged that action be taken towards the elimination of forced labour.

42. In June 1957, the International Labour Conference adopted a Convention concerning the Abolition of Forced Labour (Convention No. 105). 11/

4. Action and initiatives by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities

43. Various activities undertaken and initiatives proposed to their parent bodies by the Sub-Commission and the Commission have resulted in texts which have benefited indigenous populations as segments of the populations of States Members of the United Nations.

11/ In accordance with this Convention, the States Parties undertake to suppress and not to make use of any form of forced or compulsory labour: (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilizing and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination (article 1). They also undertake to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in article 1 of the Convention (article 2). (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, Geneva, International Labour Office, 1966, pp. 891-893). The Convention entered into force on 17 January 1959 (ibid., p. 891).

44. In this connexion, mention should be made of the series of studies prepared by Special Rapporteurs of the Sub-Commission and transmitted to the Commission for its consideration. These studies contain concrete conclusions and proposals including draft declarations of principles on each subject covered, designed to enlighten the parent bodies and to guide them in adopting measures in those spheres. These special studies are the following: Study of Discrimination in Education; 12/ Study of Discrimination in the Matter of Religious Rights and Practices; 13/ Study of Discrimination in the matter of Political Rights, 14/ Study of Discrimination in Respect of the Right of Everyone to Leave any Country, Including His Own, and to Return to His Country; 15/ Study of Discrimination Against Persons Born out of Wedlock; 16/ Study of Equality in the Administration of Justice; 17/ Special Study of Racial Discrimination in the Political, Economic, Social and Cultural Spheres; 18/ (revised and updated version 1976); 19/ Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities; 20/ Study of the Question of the Prevention and Punishment of the Crime of Genocide; 21/ Exploitation of Labour through Illicit and Clandestine Trafficking; 22/ The Individual's Duties to the Community and the Limitations of Human Rights and Freedoms under Article 29 of the Universal Declaration of Human Rights. 23/

45. Some of these studies have contributed to the work of elaborating important international instruments. With respect to the study of discrimination in education, the Convention and Recommendation adopted by UNESCO on that subject in 1960 must

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- 12/ United Nations publication, Sales No. 57.XIV.3.
 - 13/ United Nations publication, Sales No. 60.XIV.2.
 - 14/ United Nations publication, Sales No. 63.XIV.2.
 - 15/ United Nations publication, Sales No. 64.XIV.2.
 - 16/ United Nations publication, Sales No. E.62.XIV.3.
 - 17/ United Nations publication, Sales No. E.71.XIV.3.
 - 18/ United Nations publication, Sales No. 71.XIV.2.
 - 19/ United Nations publication, Sales No. 76.XIV.2.
 - 20/ United Nations publication, Sales No. 78.XIV.I.
 - 21/ E/CN.4/Sub.2/416.
 - 22/ E/CN.4/Sub.2/L.629.
 - 23/ E/CN.4/Sub.2/432 and Adds. 1-7.

be mentioned (see E/CN.4/Sub.2/476/Add.3, para. 111 (3)). The Sub-Commission and the Commission have also played an active role in the preparation of various United Nations instruments; among those which should be cited here are the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly in 1965 (see paragraphs 27 and 28 above) and the International Covenants on human rights and Optional Protocol adopted by the General Assembly in 1966 (see paras. 16-22 above).

46. Mention should also be made here of the Report on Slavery prepared by Mr. Mohamed Awad ^{24/} as a Special Rapporteur pursuant to Economic and Social Council resolutions 960 (XXXVI) of 12 July 1963 and 1077 (XXXIX) of 28 July 1965. Acting on a recommendation made by the Sub-Commission, supported by the Commission in its resolution 15 (XXXVI) of 20 February 1980, the Economic and Social Council, by its decision 1980/123 of 2 May 1980, decided to authorize the Sub-Commission to entrust Mr. Benjamin Whitaker with the further extension and updating of Mr. Awad's Report on Slavery. By Commission resolution 15 (XXXVI) the Special Rapporteur was requested to submit his report to the Sub-Commission at its thirty-fourth session. At its present session the Sub-Commission will have before it document E/CN.4/Sub.2/478 containing a note by the Secretary-General compiling replies to the questionnaire with respect to this report.

47. Before 1969, neither the Commission on Human Rights nor the Sub-Commission on Prevention of Discrimination and Protection of Minorities had dealt specifically with the problems affecting indigenous populations. In that year, the Sub-Commission received a report in which the Special Rapporteur for the Special Study on Racial Discrimination in the Political, Economic, Social and Cultural Spheres had included a chapter on measures taken in connection with the protection of indigenous peoples (preliminary report on the study, document E/CN.4/Sub.2/301). This started within the Sub-Commission and the Commission, a chain of thought which led them to adopt decisions and resolutions which, translated into proposals to the Economic and Social Council, resulted in resolution 1589 (L) of 21 May 1971. In that resolution, the Council authorized the preparation of the present study on the problem of discrimination against indigenous populations, as stated in the introduction to the preliminary report on the study (E/CN.4/Sub.2/L.566, paras. 1 to 11), submitted to the Sub-Commission at its twenty-sixth session in 1972.

48. Subsequently, reports in connexion with the study have been prepared and submitted to the Sub-Commission at all sessions when the item on the problem of discrimination against indigenous populations has been on its agenda (all except the 29th and the 30th sessions), as follows: E/CN.4/Sub.2/L.584 in 1973; E/CN.4/Sub.2/L.596 in 1974; E/CN.4/Sub.2/L.622 in 1975; E/CN.4/Sub.2/L.684 in 1978; E/CN.4/Sub.2/L.707 in 1979; and E/CN.4/Sub.2/L.732 in 1980.

49. The present first part of the final report in connection with the study is being submitted to the Sub-Commission this year at its thirty-fourth session.

^{24/} United Nations publication, Sales No. 67.XIV.2. This study updated an earlier one, the Engen Report on Slavery (E/2675) prepared in 1955.

5. Action by Working Groups or Special Rapporteurs under the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities

(a) Initial remarks

50. Mention should be made of at least two such Working Groups and of the Special Rapporteur who is continuing the work of one of them. One of the Group is dealing with questions of human rights in a number of countries, including some of those covered by this study; the other focuses on only one of the countries of relevance to this study. In the course of their activities the above-mentioned Working Groups and Special Rapporteur have also examined fundamental aspects of the situation of the indigenous populations living in those countries, as well as their living and working conditions. Reference will be made, as far as the Commission is concerned, to the Working Group established to inquire into the situation of human rights in Chile, and to the Special Rapporteur who is continuing the Group's work, and, in the case of the Sub-Commission, to the Working Group on Slavery.

(b) Working Group to inquire into the situation of human rights in Chile (and Special Rapporteur who continued the Group's work)

51. A five-member Ad Hoc Working Group to inquire into the situation of Human Rights in Chile was established in 1975.^{25/} A Special Rapporteur has continued this work since 1979.^{26/} Both the Working Group and the

^{25/} The Working Group was originally established under resolution 8 (XXXI) adopted by the Commission on Human Rights on 27 February 1975. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had recommended to the Commission that it study the situation of human rights in Chile (resolution 8 (XXVII)) and the General Assembly, in resolution 3219 (XXXK), had endorsed that recommendation.

Under Commission resolution 8 (XXXI) the Group was mandated to inquire "into the present situation of human rights in Chile" on the basis of various resolutions previously adopted by organs of the United Nations and the International Labour Organisation, as well as a visit to Chile and of oral and written evidence to be gathered from all relevant sources. Since the Group was first established in 1975, its mandate was renewed three times by the Commission on Human Rights, acting at the invitation of the General Assembly, as follows: in 1976 by Commission resolution 3 (XXXII) at the invitation of the General Assembly in resolution 3448 (XXXK); in 1977 by Commission resolution 9 (XXXIII) at the invitation of the General Assembly in resolution 31/124; and in 1978 by resolution 12 (XXXIV) at the invitation of the General Assembly in resolution 32/118.

^{26/} In resolution 11 (XXXV) of 6 March 1979, the Commission on Human Rights expressed its appreciation to the Chairman and other members of the Ad Hoc Working Group for having worked continuously in a spirit of devotion and dedication, and to the Secretary-General for his constant and valuable support to the Working Group (paragraph 5). In paragraph 6 of that resolution, the Commission decided to continue to give close attention to the situation in Chile and to that end, in subparagraph (a), authorized its Chairman, in accordance with General Assembly resolution 33/175 of 20 December 1978, to appoint Mr. Abdoulaye Diéye as Special Rapporteur, who, on the basis of the mandate in Commission resolution 8 (XXXI), should inquire into the present situation of human rights in Chile, and report to the Commission on Human Rights at its thirty-sixth session and to the General Assembly at its thirty-fourth session. The Special Rapporteur's mandate was renewed by the Commission in resolution 21 (XXXVI) of 29 February 1980 and resolution 9 (XXXVII) of 26 February 1981.

Special Rapporteur have submitted reports to the General Assembly and to the Commission on Human Rights.^{27/}

52. Some of the reports on this subject, prepared by the Working Group for the General Assembly ^{23/} or for the Commission on Human Rights ^{22/} or by the Special Rapporteur for the General Assembly ^{30/} or for the Commission on Human Rights, ^{31/} examine various aspects of the situation of the indigenous populations of Chile, ^{32/} and, particularly that of the Mapuches, the largest of the country's indigenous groups.^{33/} The results of those studies will be taken into account in the relevant chapters of the part relating to national measures.

53. The indigenous populations of Chile have been explicitly mentioned in the resolutions adopted in this respect by the General Assembly and by the Commission on Human Rights from 1979 onwards. In 1978, after considering the report on the Working Group's visit to Chile, ^{34/} the General Assembly, *inter alia*, urged the Chilean authorities in particular to safeguard the human rights of the Mapuche Indians

^{27/} At its original establishment the Group was required to submit a progress report, through the Secretary-General, to the General Assembly at its thirtieth session and to report to the Commission on Human Rights at its thirty-second session (Commission resolution 8 (XXXI) para. 3). Afterwards with each renewal, the Group was requested to report to the following session of the General Assembly and of the Commission on Human Rights (Commission resolution 3 (XXXII) para. 6; 9 (XXXIII) para. 8; and 12 (XXXIV) para. 10 for the Working Group, and resolutions 11 (XXXV), para. 6 (a); 21 (XXXVI), para. 7; and 9 (XXXVII) para. 9, for the Special Rapporteur).

^{28/} The Working Group submitted documents A/10285 (1 October 1975); A/31/253 (6 October 1976) and 2/32/227 (29 September 1977), in which no reference is made to indigenous populations. On the other hand, the latter are mentioned in paragraphs 685 to 727 of A/33/331 (25 October 1978) which is the report on the visit to Chile by three members of the Working Group from 12 to 27 July 1978

^{29/} The Group submitted documents E/CN.4/1188 (4 February 1976), E/CN.4/1221 (10 February 1977) and E/CN.4/1266 (1 February 1978), in which the indigenous populations are not mentioned. On the other hand, the latter are mentioned in paragraphs 306 to 311 of E/CN.4/1310 (1 February 1979).

^{30/} The Special Rapporteur has submitted documents in which reference is made to the Mapuches, namely A/34/583 (21 November 1979), paragraphs 341 to 352, and A/35/522 (23 October 1980), paragraphs 412 to 422, 439 and 440.

^{31/} The Special Rapporteur has submitted documents E/CN.4/1362 (29 January 1980) and E/CN.4/1428 (28 January 1981) in which the indigenous population of Chile is not mentioned.

^{32/} A/33/331 (paras. 685 to 723).

^{33/} Besides the above-mentioned A/33/331, the other documents in which the indigenous populations are mentioned are A/34/583 (paras. 345 to 352), A/35/522 (paras. 412 to 440) and E/CN.4/1310 (paras. 306 to 311).

^{34/} A/33/331, cited above.

and other indigenous minorities, taking into account their particular cultural characteristics (resolution A/33/175, paragraph 4). The same terms were used by the Commission on Human Rights in resolution 11 (XXXV) of 6 March 1979. In resolution A/34/179 of 17 December 1979 the General Assembly expressed its grave concern that there had been a deterioration in a number of areas, notably in relation to the aspects listed in the resolution, which include "the treatment of indigenous people" (paragraph 4 (f)), and strongly urged the Chilean authorities to respect and promote human rights in accordance with the obligations Chile had undertaken under various international instruments and, in particular, inter alia, to respect the rights, in particular the economic, social and cultural rights, of the indigenous population" (paragraph 5 (g)). In very similar terms the Commission on Human Rights, in operative paragraph 4 of its resolution 21 (XXXVI) of 29 February 1980, "strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps: ... (g) restore the rights, in particular the economic, social and cultural rights, of the indigenous population". General Assembly resolution A/35/188 of 15 December 1980 does not specifically mention the indigenous population. However, when the Assembly "strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take concrete steps as outlined in Commission on Human Rights resolution 21 (XXXVI)" this must be construed as referring, inter alia, to the measures envisaged in paragraph 4 (g) for the restoration "of the rights, in particular the economic, social and cultural rights, of the indigenous population", which is included among the special measures to which the Commission refers. In operative paragraph 3 of its resolution 9 (XXXVII) of 26 February 1981, the Commission on Human Rights said that it "once more strongly urges the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take the following concrete steps: ... (f) respect the economic, social and cultural rights of the population in general, and of the indigenous population in particular".

(c) Working Group on slavery

54. The Sub-Commission's five-member Working Group on Slavery established in 1974 35/ has met each year since then 36/ and has submitted six reports on its

35/ Pursuant to Commission on Human Rights resolution 13 (XXIII) of 21 March 1967, and Economic and Social Council resolution 1695 (LIII) of 2 June 1972, as well as Sub-Commission resolution 7 (XXVI) of 19 September 1973 supported by Commission decision 5 (XXX) of 6 March 1974 and Council decisions 16 (LVI) and 17 (LVI) both of 17 May 1974, this Working Group was established by the Sub-Commission in its resolution 11 (XXVII) of 21 August 1974. Its members were to be five members of the Sub-Commission selected by the Chairman, one for each one of the geographical areas.

36/ The sessions of the Working Group were originally to be for not more than three working days (ECOSOC decisions 16 and 17 (LVI) of 17 May 1974). This was subsequently extended to five working days (ECOSOC decision 1980/127 of 2 May 1980).

sessions. 37/ At its XXXIVth session the Sub-Commission will have before it the Working Group's report on its seventh session (E/CN.4/Sub.2/486).

55. At its third to sixth sessions held from 1977 to 1980, the Working Group has dealt with abusive and exploitative conditions in numerous countries including several of those covered by the present study in which some of these conditions affect inter alia the indigenous populations. 38/ The names of the countries concerned are not mentioned here as some of the allegations contained in the reports are still under examination by some of these countries. 39/ This is not meant in any way as implying doubt or passing judgement on the accuracy of the contents of these reports, some of which have been taken into account when drafting the corresponding summaries of information prepared in connection with the present study 40/ and will be explicitly discussed, as appropriate, in the corresponding substantive chapters thereof. 41/

56. In particular, the Working Group has dealt with debt bondage or bonded labour, 42/ forced labour, 43/ abusive and exploitative labour practices, 44/ non-enforcement of minimum wage provisions 45/ and incidents of killings of indigenous people. 46/47/

37/ The reports are contained in documents: E/CN.4/Sub.2/AC.2/3 (first session, 1975); E/CN.4/Sub.2/373 (second session, 1976); E/CN.4/Sub.2/389 (third session, 1977); E/CN.4/Sub.2/410 (fourth session, 1978); E/CN.4/Sub.2/434 (fifth session, 1979); E/CN.4/Sub.2/447 (sixth session, 1980). Since in 1976 the Sub-Commission in para. 2 of resolution 5 (XXIX) had decided to consider this item biennially, the reports of the Working Group on its third and fourth sessions and on its fifth and sixth sessions were submitted to and considered by the Sub-Commission at its thirty-first session in 1978 and at its thirty-third session in 1980, respectively. In 1980 the Sub-Commission decided to resume annual consideration of the reports of the Working Group on Slavery (resolution 8 (XXXIII), section I, para. 6).

38/ At its second session in 1976 the Working Group dealt mainly with general questions and considered a request concerning one country among those covered by the present Study (see E/CN.4/Sub.2/373, para. 15).

39/ Furthermore, in one case, the report was later withdrawn (see E/CN.4/Sub.2/447 para. 54) and in another, a report was objected to by one of the members of the Group alleging personal knowledge of the situation (see E/CN.4/Sub.2/389, para. 22 in connection with paras. 14 and 15).

40/ The summary concerned is with the Government for comments

41/ For example, chapters on occupation, employment and vocational training; on the right of ownership with particular reference to land; on equality in the administration of justice; and legal assistance.

42/ See, for example, E/CN.4/Sub.2/389, paras. 13, 14, 15; E/CN.4/Sub.2/410, paras. 30, 31; E/CN.4/Sub.2/434, paras. 8, 9, 10, 11 and E/CN.4/Sub.2/447, paras. 51, 52.

43/ See, for example, E/CN.4/Sub.2/389, paras. 13, 14, 15 and E/CN.4/Sub.2/447, paras. 51, 52.

44/ See, for example, E/CN.4/Sub.2/410, paras. 16, 17; E/CN.4/Sub.2/434, paras. 17, 18, 19, 21, 24; E/CN.4/Sub.2/447, paras. 8, 9 and 51.

45/ See for example E/CN.4/Sub.2/389, para. 13 and E/CN.4/Sub.2/410, para. 17.

46/ See for example E/CN.4/Sub.2/389, para. 13 and E/CN.4/Sub.2/447, para. 9.

47/ The Working Group has also dealt with other practices such as the sale of children (for example in E/CN.4/Sub.2/373, para. 15); exploitation of child labour (for example in E/CN.4/Sub.2/434, paras. 26 (b), (c); and exploitation of the prostitution of others (E/CN.4/Sub.2/434, paras. 47, 49, 50 and E/CN.4/Sub.2/447, para. 54).

57. The following among the Working Group's general conclusions regarding some of the slavery-like institutions and practices should be mentioned here:

(a) at the second session in 1976 mention was made of indigenous populations in connection with the incidence of the different institutions and practices falling within the group's terms of reference; it was

"recognized that a special problem exists in countries with indigenous populations who might be vulnerable to exploitation, such as debt bondage and other slavery-like practices, and it was agreed that States should be asked to supply regularly to the United Nations, information about the existence and implementation of all measures taken for their protection."46/48/

(b) in connection with the problems faced by indigenous populations in one country which came under discussion, reference was made to the present study, stating that:

"many indigenous peoples in other areas of the world faced similar problems and that the Sub-Commission, through its Special Rapporteur, Mr. Martinez Cobo, was involved in preparing a study on discrimination against indigenous populations. The information contained in the statement by the Minority Rights Group representative could be taken into account in that study. The study might eventually lead to the elaboration of new standards concerning indigenous populations, or other measures. In the view of one member, the Sub-Commission might consider setting up a new working group on the problems of indigenous peoples which could study appropriate measures and make recommendations."49/

(c) at the Working Group's fourth session in 1978, it was pointed out in connection with debt bondage, that:

"debt bondage involved a variety of complex economic, social and legal questions and therefore did not fall easily within the terms of reference of any one United Nations agency, although several agencies carried out work that was relevant to some aspects of the problem. It was argued that, on the other hand, the Working Group on Slavery was fully competent, by virtue of its mandate, to look into all aspects of the question and their interconnections. At its second session, the Group had requested that a special study on debt bondage be carried out, but the lack of personnel had prevented the preparation of such a study. It was therefore recommended that the Group should now conduct an in-depth, world-wide study of the problem of debt bondage, including an investigation of its interrelationships with other slavery-like practices mentioned above. It was also suggested that the Group should recommend that the Sub-Commission invite the agencies engaged in rural development programmes, such as ILO, FAO and WFP, to look into the possibility of taking account of debt bondage in their projects and to consider the desirability of specific action to combat it."50/

48/ E/CN.4/Sub.2/373, para. 12.

49/ E/CN.4/Sub.2/434, para. 20.

50/ E/CN.4/Sub.2/410, para. 32.

58. The Working Group has recommended that "a special study should be undertaken for the Working Group on ... the elimination of debt bondage, especially by land reform". (E/CN.4/Sub.2/373, para. 23) and that:

"The Sub-Commission should make arrangements for an in-depth, world-wide study of debt bondage to be made which would take into account all the relevant economic, social and legal aspects and the interconnections with other slavery-like practices.

"The ILO, FAO and WFP should be invited to look into the possibility of taking account of debt bondage in their rural development projects and to consider the desirability of specific action to combat it, as well as to inform the Group of any activities undertaken in this area." (E/CN.4/Sub.2/410, para. 38, points 11 and 12).

59. The Working Group has also recommended in this respect that:

"The Secretariat should give priority to the study of debt bondage requested in Sub-Commission resolution 6 B (XXXI).

"The Sub-Commission should examine, with the specialized agencies concerned the possibility of promoting information campaigns among villagers in countries where debt bondage exists in order to inform them of their rights under national legislation and international instruments.

"The Secretariat should examine the possibility of organizing a round-table or symposium on debt bondage, with the participation of experts, the specialized agencies and all concerned parts of the United Nations system, as part of its advisory services programme, in order to study the problem in depth." (E/CN.4/Sub.2/434, para. 52 points (b) (c) and (d)).

60. The Working Group has recommend that a special study be undertaken for the Working Group on the problem of the sale of children ...". (E/CN.4/Sub.2/373, para. 23).

61. The Working Group has recommended the updating of two studies on matters falling within its terms of reference: Mr. Mohamed Awad's Report on Slavery, preferably by an expert on slavery ^{51/} and the study of traffic in persons and prostitution. ^{52/} Similarly it has recommended that the Sub-Commission should make arrangements for a study on the implementation of the Convention on the Suppression of the traffic in persons and the exploitation of the prostitution of others, in co-operation with other relevant organs of the United Nations (see E/CN.4/Sub.2/410, para. 38(3)).

62. Among the Working Group's recommendations there are some calling for the ratification of relevant international Instruments - either in general terms or with reference to particular countries - or for States to submit reports under

^{51/} United Nations Publication, Sales No. 67.XIV.2: See E/CN.4/Sub.2/389, para. 21 (c) and also para. 46 above.

^{52/} ST/SOA/SD/8; see also E/CN.4/Sub.2/389, para. 21 (f).

the terms of those instruments, when they already are parties to them.^{53/} Other recommendations contain requests that either the Working Group's own reports or reports or other information submitted to it, and dealing with particular countries, be brought to the attention of the Governments concerned for their information and requesting comments from them.^{54/}

6. Action by Committees established by provisions of International Instruments on Human Rights

(a) Initial remarks

63. The purpose of this section is merely to name such committees and mention those aspects of their work in which reference has been made to indigenous populations, either in general terms or with particular reference to specific countries. Two committees will be mentioned, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, since indigenous populations which have been referred to in the course of those Committees' meetings reside in a number of the States which are parties to the International Covenant on Civil and Political Rights or to the International Convention on the Elimination of All Forms of Racial Discrimination.

(b) Human Rights Committee

64. The International Covenant on Civil and Political Rights provides for a reporting procedure as the main method of international implementation, and for the establishment of the Human Rights Committee in that connection.

65. States Parties to the Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights: (a) within one year of the entry into force of the Covenant for the States Parties concerned; and (b) thereafter, whenever the Committee so requests (art.40(1)). These reports are to be submitted to the Human Rights Committee, which is to study those reports and to transmit its reports and such general comments as it may consider appropriate to the States Parties. The Committee may also transmit those comments to the Economic and Social Council, along with copies of the reports it has received from States Parties. States Parties have the right to submit observations on any comments that may have been made (Covenant, articles 28, 29 and 40). The Human Rights Committee is to submit to the General Assembly, through the Economic and Social Council, an annual report on its activities (article 45).

All the documents mentioned in foot-notes 53 and 54 below are in the "E/CN.4/Sub.2" series and, therefore, only the individual identifying number will be given, underlined and followed by the indication of the relevant paragraphs.

^{53/} Report among others, for example, on violations of human rights in several countries, 389, para. 21 (j); report on violations of human rights in one country, 434, para. 52 (e); report on child labour 434, para. 52 (h); report on child labour 447, para. 66 (i); report on forced and bonded labour 447, para. 66 (l).

^{54/} Among others, Supplementary Convention of 1956, and Traffic in Persons and Exploitation of the Prostitution of others Convention, or one of them in General: 373, paras. 25, 26; 389, para. 21 (b), (d); 447, para. 66 (n). ILO Convention on minimum age for admission to employment, 1973 (No. 138); 447, para. 66 (k). In particular: ILO Indigenous and Tribal Peoples Convention 1957 (No. 107), 434, para. 52 (f); ILO Indigenous and Tribal Peoples Convention 1957 (No. 107) and Forced Labour Convention 1930 (No. 29), 410, para. 21 (4).

66. The system of inter-State proceedings in matters concerning the application of the Covenant and the conciliation of differences arising in this regard (foreseen in article 41 of the Covenant) have not been applied up to the present time. Neither has the ad hoc Conciliation Commission (foreseen in article 42 of the Covenant) had any work to do up to now.

67. The Committee is established under article 28 of the Covenant. It consists of 18 members who are to be nationals of the States Parties to the Covenant, nominated by them and elected for a term of 4 years by States Parties at a special meeting convened at United Nations Headquarters for that purpose. Members of the Committee serve in their personal capacity and may be renominated and re-elected (Covenant, Articles 28 to 32).

68. In accordance with article 30 paragraph 1 of the Covenant, the Committee was initially formed on 20 September 1976 for a term of four years to begin on 1 January 1977 (except for 9 of its initial members whose term was to lapse in two years (Article 32 (1))). For details see the first report of the Human Rights Committee.55/

69. The Committee has received reports from State Parties in which the indigenous populations living in those countries have been mentioned, and/or it has discussed the situation of, and the problem affecting, those populations on several occasions. It has then dealt with aspects of the problems of indigenous populations in some of the countries covered by the present study, as for example, Canada, 56/ Chile,57/ Colombia,58/ Costa Rica,59/ and Finland.60/

55/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 44 (A/32/44), paras. 2 and 3.

56/ CCPR/C/1/Add.43, vols. I and II discussed at the 205th to 208th and 211th meetings of the Committee on 25, 26 and 28 March 1980, during its ninth session: Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 40, (A/34/40), paras. 134-196. The indigenous populations are discussed in paras. 176 and 195.

57/ CCPR/C/1/Add.25, discussed at the 127th to 130th meetings on 11 and 12 April 1979 (sixth session). Official Records of the General Assembly Thirty-fourth Session, Supplement No. 40, (A/34/40), paras. 70-109. The indigenous populations are discussed in paras. 92 and 106.

58/ CCPR/C/1/Add.50 discussed at the 221st to 223rd and 226th meetings on 15, 16 and 17 July 1980 (tenth session): Official Records of the General Assembly Thirty-fifth Session, Supplement No. 40 (A/35/40), paras. 239-274. The indigenous populations are discussed in paras. 259 and 274.

59/ CCPR/C/1/Add.46 discussed at the 236th and 240th meetings on 28 July 1980, (tenth session): Official Records of the General Assembly Thirty-fifth Session, Supplement No. 40 (A/35/40), paras. 354-369. The indigenous populations are discussed in paras. 352 and 368.

60/ CCPR/C/1/Add.42 discussed at the 170th-172nd meetings on 13 and 14 August 1979 (seventh session). Official Records of the General Assembly Thirty-fourth Session, Supplement No. 40 (A/34/40), paras. 390-437. The indigenous populations are discussed in para. 419.

(c) Committee on the Elimination of Racial Discrimination

70. The International Convention on the Elimination of All Forms of Racial Discrimination provides for the establishment of a reporting procedure as the main method of international implementation, and of the Committee on the Elimination of Racial Discrimination in that connection. The Committee is required, *inter alia*, to consider reports that States Parties undertake to submit for its consideration on the legislative, judicial, administrative or other measures which those States have adopted to give effect to the provisions of the Convention; to make suggestions and recommendations based on the examination of the reports and other information received from States Parties; to perform functions with a view to settling disputes among States Parties concerning the application of the Convention; to receive and consider communications from individuals or groups of individuals within the jurisdiction of States Parties which have recognized the competence of the Committee; and to forward suggestions and recommendations in regard to such communications. The Committee reports annually to the General Assembly (Convention, articles 8, 9, 11 and 14).

71. The Convention also provides for the establishment of an *ad hoc* Conciliation Commission which makes available its good offices to States Parties in disputes concerning the application of the Convention. This Commission is required to present a report embodying its findings on all questions of fact relevant to the issues between the parties and containing such recommendations as it may think appropriate for the amicable solution of the dispute. These reports are communicated to the States Parties concerned and, eventually, to the other Parties to the Convention (Convention, articles 12 and 13).

72. The Committee consists of 18 experts of high moral standing and acknowledged impartiality, elected by States Parties to the Convention from among their nationals who serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems (Convention, article 8, paragraph 1). The members of the Committee are elected by secret ballot from a list of persons nominated by the States Parties, each of which may nominate one person from among its own nationals. Elections for the members of the Committee are held at a special meeting convened for the purpose by the Secretary-General at United Nations Headquarters. The members of the Committee are elected for a four-year term except that nine of its initial members served for only two years. (Convention, art. 8, paras. 2, 3, 4 and 5).

73. The Committee was originally constituted on 20 November 1969 and held its first meeting on 19 January 1970.^{61/} It has held two sessions a year since then and reported annually to the General Assembly. The eleven printed reports that the Committee has submitted to the General Assembly up to 1980 are as follows: 1970 report covering the Committee's first and second sessions;^{62/} 1971 report covering the third and fourth sessions;^{63/} 1972 report covering the fifth and sixth sessions; ^{64/} 1973 report covering the seventh and eighth sessions;^{65/}

^{61/} Official Records of the General Assembly Twenty-fifth Session, Supplement No. 27 (A/8027), paras. 2 and 3.

^{62/} Ibid.

^{63/} Ibid., Twenty-sixth Session, Supplement No. 18 (A/8418).

^{64/} Ibid., Twenty-seventh Session, Supplement No. 18 (A/8718).

^{65/} Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018).

1974 report covering the ninth and tenth sessions;66/ 1975 report covering the eleventh and the twelfth sessions;67/ 1976 report covering the thirteenth and fourteenth sessions;68/ 1977 report covering the fifteenth and sixteenth sessions;69/ 1978 report covering the seventeenth and eighteenth sessions;70/ 1979 report covering the nineteenth and twentieth sessions 71/ and 1980 report covering the twenty-first and twenty-second sessions.72/

74. At the Committee's meetings the indigenous populations of some of the countries covered by the study which are States parties to the Convention have been mentioned, be it in the Government's periodic reports, in the discussion of these reports by Committee members or in questions and requests for information by the Committee or by Committee members, or in all those contexts. The countries covered included Argentina,73/ Australia,74/ Brazil,75/ Canada,76/ Chile,77/ Costa Rica,78/ Denmark,79/ Ecuador,80/ Finland,81/ India,82/

66/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618).

67/ Ibid., Thirtieth Session, Supplement No. 18 (A/10018).

68/ Ibid., Thirty-first Session, Supplement No. 18 (A/31/18).

69/ Ibid., Thirty-second Session, Supplement No. 18 (A/32/18).

70/ Ibid., Thirty-third Session, Supplement No. 18 (A/33/18).

71/ Ibid., Thirty-fourth Session, Supplement No. 18 (A/34/18).

72/ Ibid., Thirty-fifth Session, Supplement No. 18 (A/35/18).

73/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18), paras. 246-247 and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 268, 269 and 276.

74/ Ibid., Thirty-second Session, Supplement No. 18 (A/32/18), paras. 165 and 174, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 399 and 400.

75/ Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), paras. 122 and 126, Thirty-third Session, Supplement No. 18 (A/33/18), para. 300, and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 167 and 173.

76/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618), paras. 139-141, Thirty-first Session, Supplement No. 18 (A/31/18), para. 183, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 260 and 265.

77/ Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), paras. 270-272, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 250-251.

78/ Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), paras. 135-137.

79/ Ibid., para. 305, and Thirtieth Session, Supplement No. 18 (A/10018), paras. 94 and, indirectly, 95.

80/ Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), paras. 105 and 107, Thirty-first Session, Supplement No. 18 (A/31/18), paras. 223, 226 and 227, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 359 and 362.

81/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618), para. 109, Thirty-first Session, Supplement No. 18 (A/31/18), paras. 45-46, Thirty-third Session, Supplement No. 18 (A/33/18), paras. 144 and indirectly, 147, and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 192 and 198.

82/ Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), para. 236, Thirtieth Session, Supplement No. 18 (A/10018), paras. 91-93, Thirty-third Session, Supplement No. 18 (A/33/18), paras. 110, 113 and, indirectly, 109, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 365-366, 373 and 375.

Mexico, 83/ New Zealand, 84/ Norway, 35/ Panama, 86/ Peru, 37/ Philippines, 83/
Sweden, 89/ and Venezuela. 90/

7. Decade for Action to Combat Racism and Racial Discrimination

(a) Initial remarks

75. In resolution 3057 (XXVIII) of 2 November 1973, the General Assembly approved the Programme for the Decade, which began on 10 December 1973, the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights.

76. Among the activities carried out by the United Nations at the regional and international levels within the framework of the Programme for the Decade for Action to Combat Racism and Racial Discrimination approved by the General Assembly in resolution 3057 (XXVIII) of 2 November 1973, mention must be made at least of the World Conference to Combat Racism and Racial Discrimination and the regional seminars on special aspects of combating racism and racial discrimination. 91/

77. In its resolution 33/99 III, of 16 December 1978, the General Assembly requested the Secretary-General to convene in 1979 a regional seminar on recourse procedures available to victims of racial discrimination and activities to be undertaken at the regional level. The Assembly, in resolution 33/100 of 16 December 1978, also requested the Secretary-General to organize, during the second half of the Decade for Action to Combat Racism and Racial Discrimination, at the level of each region of the United Nations, regional seminars on action against racism and racial discrimination.

83/ Ibid., Thirty-first Session, Supplement No. 18 (A/31/18), paras. 233-234, and Thirty-fourth Session, Supplement No. 18 (A/34/18), para. 80.

84/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618), para. 100.

85/ Ibid., para. 121, Thirty-first Session, Supplement No. 18 (A/31/18), paras. 205, 207 and 212, Thirty-third Session, Supplement No. 18 (A/33/18), paras. 181 and 188, and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 223 and 230 and, indirectly, 342.

86/ Ibid., Thirty-second Session, Supplement No. 18 (A/32/18), para. 190, and Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 165-166 and 170.

87/ Ibid., Thirty-first Session, Supplement No. 18 (A/31/18), paras. 77-80, Thirty-third Session, Supplement No. 18 (A/33/18), para. 90, and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 99 and 103.

88/ Ibid., Thirty-fourth Session, Supplement No. 18 (A/34/18), paras. 62 and 64.

89/ Ibid., paras. 304-305 and 314.

90/ Ibid., Thirty-first Session, Supplement No. 18 (A/31/18), paras. 114 and 116, and Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 205 and 209.

91/ Paragraphs 13 (a) and (b) and 15 (e) of the Programme.

(b) World Conference to Combat Racism and Racial Discrimination

78. The World Conference to Combat Racism and Racial Discrimination was held in Geneva, Switzerland, from 14 to 25 August 1978.^{92/} The Conference was attended by representatives of the governments of 125 States,^{93/} including 33 of the 37 States covered by this study.^{94/} The Conference adopted a Declaration,^{95/} paragraphs 20 and 21 of which contain direct allusions to national, ethnic and other minorities and indigenous peoples, respectively, while paragraph 27 contains a Programme of Action^{96/} envisaging measures of a general nature at the national level which, although not aimed at indigenous peoples, are applicable to them (paragraphs 1(i)-(xiii), 2, 3 and 7).

79. The Declaration also contains measures concerning, in particular, the ethnic or national origin of citizens (paragraph 6) and persons belonging to minority groups (paragraph 7) and devotes four entire paragraphs to indigenous peoples (paragraphs 8, 9, 10 and 11). The paragraphs in which minority groups and indigenous populations are mentioned explicitly are reproduced in the Annex (Part A).

(c) Seminars on special aspects of combating racism and racial discrimination

80. As mentioned above, the Programme for the Decade states that "seminars on special aspects of combating racism and racial discrimination should be organized" as part of the activities which should be undertaken at the regional and international levels to implement the programme. Programme, paragraph 15 (e)). Reference has already been made to the way in which General Assembly resolutions 33/99 III and 33/100, both of 16 December 1978, followed up these provisions with more specific measures.

81. In conformity with the above-mentioned resolutions, a "seminar on recourse procedures available to victims of racial discrimination and activities to be undertaken at the regional level" was held for the region of Europe and North America in Geneva from 9 to 20 July 1979. The seminar was attended in an individual capacity by participants from 29 countries, including five of those covered by this report.^{97/} The topics discussed at the seminar concerning the indigenous population of a number of countries are mentioned in the Annex (Part B).

82. A seminar on recourse procedures and other forms of protection available to victims of racial discrimination and activities to be undertaken at the national and regional levels is planned for the Latin American region, to be held in a country of that region, from 10 to 18 December 1981. It is intended that, at the seminar, particular reference will be made to the indigenous populations of the countries of the region in which such populations live.

^{92/} Document A/CONF.92/40.

^{93/} Ibid., para. 12, pp. 3 and 4.

^{94/} With the exception of only the United States of America, Laos, Paraguay and Surinam. The attendance of Denmark and France implied that of Greenland and Guyana, respectively.

^{95/} A/CONF.92/10, pp. 9-14.

^{96/} Ibid., pp. 15 to 26.

^{97/} Canada, Finland, France (Guyana), Norway and Sweden.

C. Measures adopted in matters relating specifically to the indigenous populations of independent countries which are States Members of the United Nations

83. On various occasions and in connection with different proposals, the General Assembly and the Economic and Social Council have expressed interest in the social progress of the indigenous populations of the western hemisphere. In the General Assembly - except for occasional referrals to other committees - the various matters relating to indigenous populations have been considered by the Third Committee, which deals with social, humanitarian and cultural affairs. Activities in this connection have been carried out in the context of provisions such as those of the United Nations Charter cited above (para. 3 *et seq.*) relating to the observance of human rights and fundamental freedoms for all, the promotion of higher levels of living and the solution of economic, social, cultural, educational and health problems posed by the social and economic progress of all. 98/

84. Having been originally assigned to the Third Committee, the item was transferred to the Ad Hoc Political Committee of the General Assembly which, in discussing the Bolivian draft resolution on aboriginal populations at its 53rd and 54th meetings (see paragraphs 11 to 13 above), acted on the basis of a revised draft resolution (A/AC.24/71/Rev.1) submitted at the beginning of the 53rd meeting, which proposed that the Economic and Social Council, with the assistance of its subsidiary organs, should study the situation of the aboriginal population of the American continent and report to the General Assembly as soon as possible. The Secretary-General was also invited to co-ordinate those activities and to initiate such studies as were deemed necessary in consultation with the interested Member States and the competent regional organizations. At the same meeting, the representative of Haiti submitted an amendment (A/AC.24/77/Rev.1) designed to broaden the study to include under-developed social groups, and the representative of Mexico submitted another amendment (A/AC.24/75) calling for collaboration with the Instituto Indigenista Interamericano. At the 54th meeting, before the proposed texts were put to the vote, the representative of Bolivia submitted another revised draft resolution (A/AC.24/71/Rev.2), incorporating the amendments of Mexico and Haiti. In the voting, the amendments submitted by the representative of Denmark at the 53rd meeting proposing, inter alia, that the question should be referred to the Economic and Social Council for study and appropriate action (A/AC.24/76) were rejected. A vote was then taken on the Bolivian revised draft resolution which, with some drafting changes, was adopted by 28 votes to none, with 9 abstentions. 99/

85. At its 208th plenary meeting, held on 11 May 1949, the General Assembly considered the draft resolution recommended by the Ad Hoc Political Committee. In the course of the debate, the representatives of Bolivia, Cuba, Ecuador, Guatemala, Haiti, Poland and the Union of Soviet Socialist Republics spoke in favour of the draft. The representatives of the last two countries referred to the indigenous and black populations of the United States of America. The draft resolution was put to the vote and adopted by 37 votes to none, with 14 abstentions, as General Assembly resolution 275 (III). 100/ The text is as follows:

98/ See paragraphs 2 to 8 above.

99/ Official Records of the General Assembly, Third Session, Part II, Ad Hoc Political Committee, 53rd meeting, pp. 374-386; and 54th meeting, pp. 386-394. (the voting appears on page 393).

100/ Ibid., Plenary Meetings, 208th meeting, pp. 349-355 (the voting appears on page 355).

"275 (III) Study of the social problems of the aboriginal populations and other under-developed social groups of the American continent

Whereas the Charter sets forth as one of the objectives of the United Nations the promotion of social progress and higher standards of living throughout the world,

Whereas there exist on the American continent a large aboriginal population and other under-developed social groups which face peculiar social problems that it is necessary to study in the field of international co-operation,

Whereas several American nations are directly and vitally interested in that problem,

Whereas the material and cultural development of those populations would result in a more profitable utilization of the natural resources of America to the advantage of the world,

The General Assembly

1. Recommends that, in accordance with Articles 13 and 62 of the Charter, the Economic and Social Council, with the assistance of the specialized agencies concerned, and in collaboration with the Instituto Indigenista Interamericano, study the situation of the aboriginal populations and of the above-mentioned under-developed social groups of the States of the American continent requesting such help;

2. Invites the Secretary-General to co-operate in such studies as are deemed necessary, in consultation with the interested Member States and taking into account the studies and conclusions of the Instituto Indigenista Interamericano, in compliance with the terms of this resolution."

86. At the ninth session of the Economic and Social Council (July-August 1949), the Secretary-General reported that, in pursuance of General Assembly resolution 275 (III), he had requested the Governments of Canada, the 21 American Republics, France, the Netherlands and the United Kingdom, as well as the Instituto Indigenista Interamericano, to make preliminary comments or suggestions for appropriate action (E/1364). The Secretary-General also transmitted other documents to the Council. 101/

87. The Council considered this question at its 320th meeting on 3 August 1949. During the debate the representatives of Belgium and the United States of America maintained that no measures could be taken on the basis of the Assembly resolution unless countries with large indigenous populations requested that type of technical assistance. On the other hand, the representative of Poland considered that the question should be referred to one of the functional commissions without waiting for the interested countries to submit requests. On 5 August 1949, the Council by 16 votes to none, with 1 abstention, adopted a draft resolution submitted jointly by Brazil, Chile, France, Peru, the United States and Venezuela (E/1487) together with an oral amendment by the USSR. In the operative part of that resolution (245 (IX)), the Council requested the Secretary-General to report to the eleventh session of the Council on the progress being made in this field by all parties concerned, and, in particular, to report on the comments received from Governments.

101/ Document E/1432, which contains a resolution of the Second Inter-American Indigenous Congress, transmitted to the Council by the Secretary-General, and document E/1389, which enumerates the measures adopted by the Fourth Labour Conference of American States Members of ²⁶ International Labour Organization.

88. In his report to the Council at its eleventh session (E/1691), the Secretary-General informed the Council that he had received no comments or requests from any Member States for the Secretariat to study the situation of the aboriginal populations and other under-developed social groups of the American continent.

89. The Council briefly considered this question at its 397th plenary meeting on 24 July 1950 and, on the proposal of the representatives of Chile, Peru and the United States (E/L.76), it unanimously adopted resolution 313 (XI). The resolution underlines the importance of raising the standard of living of the aboriginal populations of the American continent and requests the Secretary-General: (a) to render in this regard, with the advice and collaboration of the specialized agencies concerned, his expert assistance to any governmental body, whether national or international, that may request such expert assistance; (b) to report to the Council on this matter whenever necessary.

Measures to eradicate the chewing of coca leaf in Bolivia and Peru 102/

90. In a communication dated 22 April 1947, addressed to the Secretary-General of the United Nations, the Permanent Representative of Peru proposed that an investigation should be made of the biological, social and economic effects of chewing coca leaves, a habit in which, he said, the inhabitants of certain regions in South America had indulged since time immemorial. The communication requested the inclusion in the agenda of the forthcoming session of the Commission on Narcotic Drugs of the Economic and Social Council of an item described in an accompanying draft recommendation. The draft recommendation proposed that the Economic and Social Council should organize a committee or study group of experts to carry out a field survey, in co-operation with the World Health Organization, of the effects of coca-leaf chewing in order to determine whether that habit did or did not have harmful effects on the human body in general or on some specific organ in particular; the factors which prompted that habit; its social and economic implications; and the measures that should be taken to eradicate it, if it was proved to be harmful to health. 103/

91. At its second session (24 July-8 August 1947), the United Nations Commission on Narcotic Drugs, as the functional commission competent to deal with the matter, considered the request of the Government of Peru and recommended to the Economic and Social Council that a commission of inquiry should be sent to Peru and such others of the countries concerned as might give their approval, to take charge of an inquiry on the spot into the possibilities of limiting the production and regulating the distribution of coca leaves. The General Assembly, in its resolution 134 (II) of 7 November 1947, took note of the recommendation made by the Commission on Narcotic Drugs and invited the Economic and Social Council to consider the problem with all the urgency it deserved.

92. During its sixth session, the Economic and Social Council, in resolution 123 C (VI) of 2 March 1948, approved in principle the dispatch of a commission of inquiry to Peru, and requested the Secretary-General of the United Nations to submit to the Council at its next session a detailed plan for such a commission, taking into account any request which might be received from other countries concerned.

93. In accordance with that resolution, the Secretary-General presented the plan (E/860) to the Economic and Social Council at its seventh session.

102/ Although the problem of coca-leaf chewing is not restricted to Bolivia and Peru, the great majority of chewers are to be found in those two countries and the problem affects principally the indigenous populations.

103/ Official Records of the Economic and Social Council, Twelfth Session, Special Supplement No. 1, p. 3.

94. In resolution 159 (VII) IV of 10 August 1948, the Council approved the dispatch of a commission of inquiry to Peru at the earliest possible date to investigate the effects of chewing the coca leaf and the possibilities of limiting its production and controlling its distribution, and recommended that the General Assembly appropriate the necessary funds for the Commission of Enquiry.

95. The General Assembly, at its third session, made an appropriation of \$17,000 for the Commission. 104/

96. During its eighth session (7 February-18 March 1949), the Economic and Social Council, having examined a report of its Social Committee on 2 March 1949, adopted resolution 202 (VIII), requesting the Commission on Narcotic Drugs to choose the experts who were to be the members of the Commission of Enquiry into the Effects of Chewing the Coca Leaf, after consultation with the World Health Organization.

97. On 19 April 1949, the Government of Bolivia, through its Permanent Representative to the United Nations, requested the Secretary-General to instruct the Commission to extend its mission to Bolivia.

98. At its fourth session (16 May to 3 June 1949), the Commission on Narcotic Drugs considered the request by the Government of Bolivia and the other proposed changes, decided that it would be desirable for the Commission to extend its work to Bolivia, and recommended that note should be taken of the request, that satisfaction should be expressed at the offers of co-operation received from the Governments concerned, and that the Secretary-General should be required to make appropriate administrative and financial arrangements.

99. In accordance with Council resolution 202 (VIII), the Commission on Narcotic Drugs appointed four experts and made recommendations to the Council. On the basis of a recommendation by its Social Committee, the Council adopted resolution 246 H (IX), in which it decided:

"1. To record its satisfaction at the declarations made to the Commission on Narcotic Drugs by the representatives of Bolivia and Peru of the willingness of the Governments of these two States to grant to the Commission of Enquiry all assistance and facilities for the successful performance of its mission;

"2. To request the members of the Commission of Enquiry to start work in Peru not later than during the second week of September 1949;

"3. To endorse the opinion of the Commission on Narcotic Drugs that the means should be given to the Commission of Enquiry to extend its investigations to Bolivia and to carry out its tasks satisfactorily; and accordingly

"4. To request the General Assembly to appropriate before 30 September 1949 the additional funds necessary to enable the Commission of Enquiry, with the terms of reference given in resolution 159 (VII) IV, to spend at least three months in Bolivia and Peru and to prepare a report on its work after the conclusion of its investigations in the field."

100. On 20 October 1949, the General Assembly approved the proposal of the Fifth Committee, which had itself approved the Secretary-General's recommendation, to increase the sum appropriated for the Commission by \$27,000. 105/

104/ Ibid., p. 4.

105/ 30-37/ Ibid., p. 5.

101. The Commission of Enquiry on the Coca Leaf and its secretariat were organized in early September 1949, left New York on 10 September and returned on 4 December 1949, after spending that period carrying out their functions in Peru and Bolivia. The Commission presented its report in May 1950.

102. Among the conclusions reached by the Commission, the following deserve mention in this document. The habit of chewing coca leaves could not be considered as an isolated phenomenon, but as a consequence of the economic and social conditions under which large sectors of the population of Peru and Bolivia were living, in particular the agricultural and mining groups, which were largely made up of indigenous peoples (conclusion A). The Commission also concluded that, because of the effects of the cocaine contained in coca leaves, the habit was harmful, from the point of view of the individual and of the nation, to the physical and moral health of those populations. The harmful effects noted by the Commission included the following: the chewing of coca leaf inhibits the sensation of hunger and thus maintains a constant state of malnutrition in the individual; it induces in the individual undesirable changes of an intellectual and moral character; it reduces the economic yield of productive work, and therefore contributes to a low economic standard of life (conclusions B and D). It has not been proved that the chewing of coca leaves is necessary for acclimatizing people to life at high altitudes in the Andes (conclusion F). In no way can the chewing of coca leaves be considered as a substitute for an adequate diet (conclusion E). The chewing of coca leaves can be eradicated if the various conditions under which it originates are suitably modified (conclusions G and H).

103. The Commission submitted two groups of recommendations concerning: (a) the factors chiefly responsible for the chewing of coca leaf, and (b) the possibility of limiting the production of the coca leaf and controlling its distribution and the gradual suppression of chewing.

104. The following are the main points included in the first set of recommendations: the nutritional status of the affected populations must be improved as a principal means of eradicating the chewing of coca leaf; sanitary and hygienic conditions should be improved in the regions affected; the improvement of housing conditions is essential; it is necessary to organize the struggle against illiteracy; the living conditions and agricultural production of rural workers should be improved; working conditions should be improved, particularly in agriculture; it is necessary to revise the regulations and practices relating to land tenure, to develop agricultural credit, to establish producers' and consumers' co-operatives and to develop means of communication and transport.

105. The second set of recommendations comprises two groups. The first relates to the limitation of production and the control of distribution and includes the following provisions: (a) simultaneous and gradual limitation of production of coca leaves in Peru and Bolivia, bearing in mind medical and scientific requirements in respect of narcotics; (b) the establishment of a system of control of production and sales through a cadastral survey of coca cultivation and production; the registration of producers and dealers in coca leaf, and the prohibition of new coca-leaf plantations and progressive reduction of those in existence; the substitution of other crops for coca cultivation, bearing in mind international needs in the matter, by providing technical and financial aid to farmers to carry out such substitution; the promulgation and application of legal provisions establishing administrative and penal sanctions against those who violate the provisions relating to the limitation and regulation of coca-leaf production.

106. With regard to the gradual suppression of the habit, which is the subject of the second group of the second set of recommendations, the Commission recommends the enactment of legal provisions prohibiting the chewing of coca leaf during military service; the dissemination of information regarding the dangers and harmful effects of this habit; the legal prohibition and punishment of payment for work or any other kind of service directly or indirectly, wholly or partly, with coca leaf (gradual application); the prohibition and punishment of infringements of the legal provisions regarding the gradual reduction in the daily supply of coca leaf to workers and the gradual suppression of the practice of chewing coca leaf; the regulation of prices and the international co-ordination of a policy designed to bring about the gradual and total eradication of the habit of chewing coca leaves, to limit production and to control distribution.

Annex

A. World Conference to Combat Racism and Racial Discrimination a/

1. Minority groups and persons belonging to them:

(a) Declaration: Declarative part

"20. The Conference recognizes that persons belonging to national, ethnic and other minorities can play a significant role in the promotion of international co-operation and understanding and affirms that national protection of the rights of persons belonging to minorities in accordance with the International Covenant on Civil and Political Rights, in particular its article 27, is essential to enable them to fulfil this role; the Conference stresses that granting persons belonging to majority groups the opportunity to participate fully in the political, economic and social life of their country can contribute to the promotion of understanding, co-operation and harmonious relations between the different groups living in a country; the Conference also recognizes that in certain cases special protection of minority rights may be called for, in particular by the adoption of effective measures in favour of particularly disadvantaged minority groups; the Conference endorses the action taken so far by the competent United Nations bodies to protect persons belonging to minorities and is confident that the future action currently envisaged will appropriately enhance the international protection of the rights of persons belonging to minorities; in the promotion and guarantee of the rights of persons belonging to minorities, there should be strict respect for the sovereignty, territorial integrity and political independence of the countries where they live and of non-interference in their internal affairs;"

(b) Declaration: Programme of Action (para. 27)

"7. The Conference also recommends that States adopt specific measures in the economic, social, educational and cultural fields and in the matter of civil and political rights, in order that all persons may enjoy legal and factual equality and that discrimination between majorities and minorities may be eliminated. Such specific measures should include appropriate assistance to persons belonging to minority groups, to enable them to develop their own culture and to facilitate their full development, in particular in the fields of education, culture and employment."

"31. The Conference recommends the Commission on Human Rights to continue its attempts to prepare an international instrument for the protection of the rights of persons belonging to minorities."

2. Indigenous peoples and indigenous persons

(a) Declaration: Declarative part

"21. The Conference endorses the right of indigenous peoples to maintain their traditional structure of economy and culture, including their own language, and also recognizes the special relationship of indigenous peoples to their land and stresses that their land, land rights and natural resources should not be taken away from them;"

a/ See paragraphs 78-79 above.

(b) Declaration: Programme of Action (para. 27)

"8. The Conference urges States to recognize the following rights of indigenous peoples:

"(a) To call themselves by their proper name and to express freely their ethnic, cultural and other characteristics;

"(b) To have an official status and to form their own representative organizations;

"(c) To carry on within their areas of settlement their traditional structure of economy and way of life; this should in no way affect their right to participate freely on an equal basis in the economic, social and political development of the country;

"(d) To maintain and use their own language, wherever possible, for administration and education;

"(e) To receive education and information in their own language, with due regard to their needs as expressed by themselves, and to disseminate information regarding their needs and problems.

"9. Funds should be made available by the authorities for investments, the uses of which are to be determined with the participation of the indigenous peoples themselves, in the economic life of the areas concerned, as well as in all spheres of cultural activity.

"10. The Conference urges States to allow indigenous peoples within their territories to develop cultural and social links with their own kith and kin everywhere, with strict respect for the sovereignty, territorial integrity and political independence and non-interference in the internal affairs of those countries in which the indigenous peoples live.

"11. The Conference further urges States to facilitate and support the establishment of representative international organizations for indigenous peoples, through which they can share experiences and promote common interests."

B. Seminars on special aspects of combating racism
and racial discrimination b/

Seminar in Geneva, 4-20 July 1979

Section IV (Activities at the regional level) of the agenda of the seminar included item 1, "Question of the protection of specific groups of persons such as migrant workers or indigenous populations". In the course of the discussion, the suggestion was made that States with minority populations or ethnically diversified populations should take special measures to prevent inflammatory manifestations from being held by members of the majority population against other groups (para. 179). References were also made to instances of subregional co-operation on behalf of some groups, such as the co-operation among the Nordic countries on the treatment of the Lapps (para. 180). As regards arrangements to complement the existing regional or international procedures, it was suggested that efforts could be made to assist disadvantaged groups such as indigenous populations, migrant workers and gypsies to organize regional co-operation among themselves. That would give them a better opportunity to act in defence of their human rights and to combat discrimination against their members (para. 186). With respect to the Lapps, it was noted that the Nordic countries concerned, individually and within the framework of the Nordic Council, had established systems of co-operation to deal with the problems concerning that group. It was also noted that, in accordance with the wishes of the Lapps, those problems were being considered as part of the global complex of the problems of indigenous people (para. 205).

b/ See paragraphs 80-81 above.

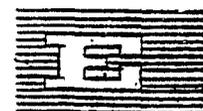
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Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Thirty-fifth session
Item 12 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

Final Report (Supplementary Part) submitted by the
Special Rapporteur, Mr. José R. Martínez Cobo

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Chapter II

ACTION TAKEN BY THE SPECIALIZED AGENCIES

A. Introductory remarks

1. This chapter deals with the main features of action taken by the specialized agencies of the United Nations, as reported by them and supplemented by information available to the Special Rapporteur. In response to requests from the Latin American countries concerned, post-war activities of the ILO in connection with indigenous populations have concentrated in Latin America particularly, as have those of other agencies that were later established within the United Nations system. The first four sections of this chapter deal separately with material concerning the following specialized agencies: FAO, ILO, WHO and UNESCO. Section F discusses the Andean Indian Programme, a programme of action undertaken jointly by all of the previously mentioned agencies in co-operation with the United Nations.

B. Food and Agriculture Organization of the United Nations (FAO)

1. Introductory remarks

2. In response to invitations to provide information in connection with the present study, communications were received from FAO dated 23 February 1973, 26 February 1974 and 10 June 1981. A communication was also received from the World Food Programme, dated 5 June 1981. The essential elements of the information contained in all these communications are summarized in the following paragraphs.

3. On 23 February 1973, FAO submitted the following statement:

"It would be difficult for FAO to report on measures taken 'to protect indigenous populations'. Our programmes in agrarian reform, education and development of co-operatives and other types of rural organizations are part of an integrated view of development which promotes human improvement both as an objective in itself and as a tool for promoting socio-economic growth and should no doubt imply the development of indigenous groups following the same general purposes and principles adopted for the country as a whole. It is, of course, up to the Governments to decide on purpose, policies and priorities."

4. In a communication dated 26 February 1974, FAO made the following reaffirmation:

"the statement [in para. 3 above] is still valid as it is difficult for us to isolate particular elements of our programmes specifically directed towards indigenous populations."

5. The programmes of FAO are part of an integrated view of development which promotes human improvement both as an objective in itself and as a tool for promoting socio-economic growth and should no doubt imply the development of indigenous groups following the same general purposes and principles adopted for the country as a whole. It is, of course, up to the Governments to decide on purpose, policies and priorities.

2. FAO's early technical assistance programme

6. Some aspects of the varied activities of technical assistance given by FAO at the request of the Governments of the countries concerned seem, nevertheless, clearly to address themselves to problems affecting indigenous populations in particular. At least the following should be mentioned in this connection.

7. In Ecuador, FAO provided an expert in all aspects of the sheep industry, including feeding, breeding and management of wool and meat, under range conditions at high altitudes. 1/ An FAO specialist assigned to help indigenous textile workers recommended improved methods for the processing and dyeing of wool and set up a modern workshop at Otavalo, where courses of instruction could be given and indigenous weavers could learn and apply modern methods in their work. In addition, a number of well-equipped workshops have been set up, mostly with locally built equipment bolstering this industry, which provides supplementary income for many agricultural communities, most of which are indigenous. 2/

8. In Guatemala, an FAO expert assisted the Government in its efforts to provide credit facilities to small farmers, for agricultural development. A preliminary study was made among rural communities which were partly or wholly outside the monetary economy of the country, and agricultural credit specialists from FAO and the United Nations Technical Assistance Administration drew up a plan for a system of supervised rural credit, under which money was to be loaned to small farmers without the usual securities, on condition that they carried out agricultural improvements under technical supervision. 3/

9. In Nicaragua, technical assistance has been provided by FAO in programmes of nutrition and education mainly intended for the indigenous populations. 4/

10. The indigenous populations whose means of livelihood are centred around agriculture and forestry have benefited from the assistance given by FAO in programmes of agrarian reform, of agricultural improvement and of forest protection policies, as well as in programmes designed to promote conservation and rational exploitation of forest products. The training of local technical personnel has been included in many FAO programmes.

3. Current programmes and projects

11. A note dated 10 June 1981 received from FAO contained information on its most recent activities. This information is summarized in the following paragraphs.

12. A major recent contribution of FAO to the development problems of indigenous populations is the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development (Rome, July 1979). The Programme of Action stressed the importance of specific policies and measures for the socio-economic development and participation of disadvantaged groups in rural areas, which would in practice involve special measures for indigenous populations where they are economically and socially disadvantaged.

1/ Information furnished by FAO to the ILO on 20 February 1953, as contained in Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries, Studies and Reports, New Series, No. 35 (Geneva: International Labour Office, 1953), pp. 605-606.

2/ Ibid.

3/ Informe sobre crédito agrícola supervisado para Guatemala (publicación de las Naciones Unidas, No. de venta: 1952.II.E.1); "The Indian Economic Development Service of Guatemala" (SI/TAO/K/Guatemala/2, March 1960); Indigenous Peoples ..., p. 606.

4/ Information furnished by FAO to the ILO on 20 February 1953, as contained in Indigenous Peoples..., p. 608.

13. FAO, in support of Government efforts to achieve rural development goals, is providing the necessary technical and financial assistance to promote and develop the appropriate organizations for small farmers, men and women, many of whom make up indigenous or mixed populations. Through these organizations they have access to the necessary farm supplies, credit, marketing facilities and technical know-how to enable them to increase food production and income. Good examples of such projects are to be found in Ecuador, Honduras, Mexico, Chile and India. Experts and consultants are responsible for the provision of technical assistance to, and the supervision of, these projects.

14. In India, a "People's Self-Development Action Project" with the National Labour Institute in New Delhi commenced in 1979 with the aim of reaching a tribal group in a village of the Bihar State. With the assistance of social workers living in the village and with access to development resource agencies, they have been able to reach a stage of development that can be used as a model for emulation by neighbouring villages. Based on these good results, a new project is being processed in order to: (i) expand the work in a widening circle; (ii) start several other "growth points"; and (iii) use the present village for training new social workers and "delivery system" personnel in tribal areas.

15. With regard to nutritional surveys, paragraph 29 of the outline used for the collection of information, FAO has no specific activities related to indigenous populations. However, samples for FAO's food consumption and household surveys in rural areas of developing countries cover some indigenous groups although it is impossible to extract from these data special information regarding the food consumption of such groups.

16. With regard to preventive sanitary measures, paragraph 30 of the outline, FAO has undertaken programmes and projects that directly benefit indigenous livestock-oriented populations (e.g. the bedouin of the Middle East; Turkana, Karamojongs, Borana, Masai, Tuareg, Bahima and Fulani tribes of Africa, the Koochins of Central Asia, etc.). These populations are transhumant and nomadic by nature and it is mainly because of their movements that supplies and services needed for promoting the production and health of their animals are not readily available to them. FAO activities in this area include: the control of rinderpest, contagious bovine pleuropneumonia, foot-and-mouth disease, anthrax, haemorrhagic septicaemia, ticks and tick-borne diseases, helminthiasis. These have been carried out in recent years by the FAO Technical Co-operation projects and other long-term projects which provide training for indigenous peoples. Apart from transhumant and nomadic indigenous populations whose livelihood depends mainly on livestock, sedentary indigenous populations also derive part of their income from livestock. FAO's rural development programmes and projects invariably have a livestock component that is directed towards improving the health and husbandry of the stocks owned by indigenous populations.

17. With regard to the prevention of harm to the natural environment of forest-dwelling-populations, paragraph 31 of the outline, it should be noted that indigenous populations are included in the target group of the FAO Forestry for Local Community Development Programme.

18. For centuries, individuals and communities have been able to live in harmony with their environment, but during past decades the rapid growth of populations and the higher expectations which have been generated throughout the world have led to an increase in the use of forests to such an extent that in many places they have deteriorated if they have not been razed to the ground. Moreover, the forest dweller's life has, in many places, become one of misery. Industrial exploitation, while sometimes contributing to national and regional economies, has not benefited the rural poor and has often even led to the impoverishment of agricultural soils that are dependent on the protective value of the forests. Forestry for Local Community Development is a new people-oriented policy adopted by FAO, the objective of which is

to raise the standard of living of the rural dweller, to involve him in the decision-making processes which affect his very existence and to transform him into a dynamic citizen capable of contributing to a larger range of activities than he was used to and of which he will be the direct beneficiary. Forestry for Local Community Development is therefore directed at rural people. Its ultimate objective is not physical but human. And one of the vehicles which is advocated to assist in the achievement of these objectives is forestry. 5/

19. Recent examples of FAO technical assistance projects relevant to the right of ownership, with particular reference to land, paragraphs 59-70 of the outline, include:

Papua New Guinea, assistance in the preparation of legislation aimed at providing the indigenous population with increased benefits derived from their customary forest rights;

Vanuatu, provision, upon independence, of an expert in land legislation to assist the Government in its efforts to return all lands to the indigenous owners and to protect the interests of the local population; and

The provision of experts to assist the United Nations Council for Namibia with the preparation for Agrarian Reform and Resettlement Programmes, as part of the Nationhood programme which is aimed towards the objectives of achieving freedom for Namibia, and of meeting the basic needs of the Namibian people. The objective of the assistance is to describe and analyse the existing legal-institutional framework in order to determine the action that would be appropriate to bring it in line with the needs of the people of Namibia. Within this project, FAO will analyse the laws and institutions relating to land, water and fisheries resources, and formulate any necessary proposals for their modification in order to assist in the protection of the interests of the indigenous populations of Namibia. The project is now in progress.

4. The World Food Programme (WFP)

20. In its communication dated 5 June 1981, WFP has included information that is summarized as follows.

21. The World Food Programme, being one of the organs of the United Nations System, operates in accordance with the Universal Declaration of Human Rights, which emphasizes the non-discriminatory rights of individuals.

22. WFP provides food aid to developing countries for specific development projects or emergency operations in response to requests received from the Governments of those countries. Those requests are made within the context of the policies and priorities which are the sovereign responsibility of the Governments concerned. However, according to the Programme's General Regulations, the Executive Director is responsible for assuring that the projects supported by the Programme are "... sound, carefully planned and directed towards valid objectives...".

23. From the inception of the Programme, the Governing Body of WFP, formerly the Intergovernmental Committee (IGC), now the Committee on Food Aid Policies and Programmes (CFA), has maintained that assistance should be provided on a non-discriminatory basis. At its Seventh Session in May 1979, the CFA agreed on a set of Guidelines and Criteria for Food Aid for bilateral as well as multilateral food aid programmes which state, inter alia:

5/ Attached to its communication of 10 June 1981, FAO submitted a copy of the booklet Forestry for Rural Communities. FAO Forestry Department, FAO, 1979 (56 pages).

"In the allocation of food aid resources, donor countries should give priority to low-income, food deficit countries. Due attention should also be given to the food aid needs of other developing countries in support of projects specifically designed to benefit the poorest segments of their populations. An important consideration in allocating food aid to the eligible countries should be a strong commitment on the part of their governments to development policies for achieving self-reliance, reducing poverty and improving the nutritional status particularly in rural areas".

24. The proportion of WFP commitments for development projects in the low-income, food-deficit countries, has averaged about 80 per cent per annum over the past four years. The bulk of the Programme's assistance has therefore gone to the poorest countries and to the poorest segments of the populations in those countries, including their indigenous peoples.

25. The General Regulations of the Programme stipulate that:

"In all stages of the development of its activities, the Programme shall, as appropriate, consult with and seek advice and co-operation from the United Nations and FAO. It shall also operate in close liaison with appropriate United Nations agencies and United Nations operating programmes..."

26. Requests for WFP assistance are sent to the United Nations and the specialized agencies of the United Nations system (FAO, ILO, UNESCO and WHO) for technical scrutiny in their fields of competence before they are submitted for approval. This procedure ensures that the principles, regulations and conventions of these organizations are fully taken into account.

27. As a result, no-one should be discriminated against in the distribution of WFP assistance to beneficiaries within approved projects. This applies, for example, in supplementary feeding projects designed to improve the nutritional status of mothers and pre-school children, in school-feeding projects and in training projects. Equally, in food-for-work projects, the Programme observes the ILO Conventions against all forms of discrimination in terms of conditions of work and rates of remuneration.

28. WFP has also assisted a number of development projects which have been explicitly formulated by recipient Governments to address the problems of indigenous groups. For example, the Programme has supported projects in Africa and the Near East for the benefit of nomadic populations. It has also given assistance to a number of countries in Latin America which have served the Andean-Indian population. In other countries, Governments have requested that assistance be focused exclusively on the poorest and most depressed areas. Where different cultural communities exist in a country, the Programme's Governing Body has insisted that WFP assistance should be equitably shared. In projects involving the settlement of people in new agricultural schemes the Committee has sought assurance that potential socio-economic disruption caused by the transfer of people of one ethnic group to regions populated predominantly by people of other groups is avoided and that settlement or resettlement takes place on a voluntary basis.

29. The non-discriminatory distribution of the Programme's assistance in times of disaster, whether caused by nature or man-made, has been one of the corner-stones in the granting of emergency food assistance.

30. The Programme's General Regulations also make provision for support to liberation movements in Africa, which might also involve indigenous populations, provided that they are:

"...recognized by the United Nations and the OAU, implemented with the agreement of the host countries, ... are in conformity with specific resolutions of the United Nations and FAO (and) meet the aims of WFP, the implementation being carried out in accordance with the criteria and procedures of the Programme as appropriate".

C. International Labour Organisation (ILO)

1. Introductory remarks

31. In response to requests for information in connection with the present study communications dated 3 February 1973, 28 February 1974 and 22 May 1981 were received from ILO. As far as possible, these communications have been used in toto in the paragraphs constituting this section. ^{6/} Consequently, what appears in this section contains basically the ILO's own approach to this matter as well as its own assessment of the impact of ILO action in this field.

32. Ever since its inception ILO has adopted resolutions, conventions and recommendations, issued publications and undertaken different types of projects concerning the condition of indigenous populations throughout the world.

33. In its early years ILO confined its activity almost exclusively to the framing of international labour standards; but in 1953 it entered the operational field with the Andean Indian Programme, which is discussed in section E of this chapter.

2. Historical background

34. ILO states that as early as 1921 the International Labour Office had carried out a series of studies on indigenous workers in the independent countries. ^{7/}

35. Later, in May 1926, the Governing Body of ILO set up a Committee of Experts on Native Labour, which held its first meeting in July 1927 and whose work resulted in the adoption of a series of international labour conventions and recommendations concerning, among others, nationals of independent countries, including aboriginals.

36. These conventions and recommendations were adopted by the ILO Conference at its fourteenth session (Geneva 10-28 June 1930), its twentieth session (Geneva 4-24 June 1936) and its twenty-fifth session (Geneva 8-28 June 1939) and are: the Forced Labour Convention, 1930 (No. 29); ^{8/} the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35); ^{9/} the Forced Labour (Regulation)

^{6/} The present section provides a brief historical review of the main ILO activities in this field and discusses particular aspects of them which are relevant in connection with the Special Rapporteur's study. The summary submitted here is based on the information furnished by ILO in response to the request for information for the preparation of the present study, and on materials contained in one or more of the following publications: Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries, Studies and Reports, New Series, No. 35 (Geneva, International Labour Office, 1953); Conventions and Recommendations adopted by the International Labour Conference, 1919-1966 (Geneva, ILO, 1966); G.A. Johnston, The International Labour Organisation, Its Work for Social and Economic Progress (London, Europa Publications, 1970), pp. 258-261.

^{7/} Information furnished on 23 February 1973.

^{8/} Adopted on 28 June 1930, it came into force on 1 May 1932 (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 155-163).

^{9/} Adopted on 28 June 1930 (ibid., pp. 164-165).

Recommendation, 1930 (No. 36); 10/ the Recruiting of Indigenous Workers Convention, 1936 (No. 50); 11/ the Elimination of Recruiting Recommendation, 1936 (No. 46); 12/ the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); 13/ the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); 14/ the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 15); 15/ and the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59).16/17/

37. The International Labour Conference, in article 2 (b) of the Recruiting of Indigenous Workers Convention, 1936 (No. 50), defined "indigenous workers" as "workers belonging to or assimilated to the indigenous populations of the dependant territories of Members of the Organisation and workers belonging to or assimilated to the dependant indigenous populations of the home territories of Members of the Organisation".

38. According to the terms of this definition, this and other conventions 18/ applied not only to indigenous workers in non-self-governing territories, but also to certain classes of workers known as indigenous or aboriginal in the independent countries where they existed.

39. The first Regional Conference of American States Members of the ILO, held at Santiago, Chile, in 1936, asked countries with a substantial proportion of indigenous peoples among their population to "supply the Office with all the necessary information concerning the economic and social problems affecting the life and labour of that section of the population so that the Office may consider the possibility of international action leading to practical results".

10/ Adopted on 28 June 1930 (*ibid.*, pp. 166-167).

11/ Adopted on 20 June 1936, it came into force on 8 September 1939 (*ibid.*, pp. 301-308).

12/ Adopted on 20 June 1936 (*ibid.*, p. 309).

13/ Adopted on 27 June 1939, it came into force on 8 July 1948 (*ibid.*, pp. 421-429).

14/ Adopted on 27 June 1939, it came into force on 8 July 1948 (*ibid.*, pp. 430-432).

15/ Adopted on 27 June 1939 (*ibid.*, p. 433).

16/ Adopted on 27 June 1939 (*ibid.*, p. 434).

17/ A selected list of ILO Conventions, Recommendations, Resolutions, Special Technical Meetings and Publications concerning Indigenous Populations and Rural Workers, as provided by ILO, appears in annex I, q.v.

18/ This definition recurs in subsequent conventions dealing with indigenous workers, i.e. the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), art. 1 (a), and the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65), art. 1.1 (see para. 36 above).

40. The second Regional Conference of American States Members of the ILO, held at Havana, Cuba, in 1939, called attention to the social and cultural state of "these proletarian masses and particularly of those among which the descendants of the aboriginals play a prominent role".

41. In 1943, ILO took part in the work of a commission set up jointly by the Governments of Bolivia and the United States to inquire into living and working conditions among Bolivian workers, and more especially among the miners, most of whom are indigenous.

42. The Recommendation concerning minimum standards of social policy in dependent-territories, 19/ adopted in 1944 at the Philadelphia Conference, drew attention to the special problems of the populations of these territories, also called non-self-governing territories or non-metropolitan territories. The Governing Body of ILO decided in June 1945 to set up a Committee of Experts on Social Policy in Non-Metropolitan Territories. 20/ From then on, a clear distinction was drawn between workers in the non-metropolitan territories and the aboriginal workers of the independent countries.

43. A resolution passed in Mexico City in April 1946 at the Third Conference of American States Members of the ILO called upon the Governing Body of the International Labour Office to "establish a Committee of Experts on social problems of the indigenous populations of the world" and requested the Governing Body to "have prepared for presentation to the next Conference of the American States Members of the International Labour Organisation, which should take place within two years, a full report on the situation of the Indian population of the American countries based on the work of the Committee of Experts".

44. The Governing Body of the International Labour Office approved in principle the setting up of a Committee of Experts in September 1946 and decided that this new committee should not duplicate the work of the Committee on Social Policy in Non-Metropolitan Territories. It recognized, however, that certain problems would be likely to interest both committees. It was decided that the new committee would be composed of three members of the Governing Body and 10 experts on indigenous questions, at least five of whom should be specialists in problems relating to the aboriginal populations of Latin America. It was also decided that consideration should first be given to conditions in Latin America and that a special item on this subject should be placed on the agenda of the Fourth Conference of American States Members of ILO.

19/ Social Policy in Dependent Territories Recommendation, 1944 (No. 70), adopted on 12 May 1944, at the twenty-sixth session (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 492-503).

20/ See ILO, Minutes of the 94th Session of the Governing Body, pp. 113-114 and 208, 209; ILO, Minutes of the 95th Session of the Governing Body, pp. 109, 110.

45. The Fourth Conference of American States Members of ILO, held at Montevideo in April-May 1949, also passed a resolution on the living and working conditions of indigenous populations. The preamble states that problems affecting these populations, and action required to solve them, are essentially social and economic in character; that numerically, these populations constitute important manpower resources in several Latin American countries; that a more effective utilization of these resources would result in an improvement of the social and economic conditions of these populations and, at the same time, in a fuller development of the national economy of each of the countries concerned; and that important groups of these populations "are living in precarious conditions and are working under special circumstances which prevent them from enjoying the benefit of the protection afforded by legislation to workers in general".

46. After enunciating these principles, the text expressly reaffirms the "principles of equality of rights and opportunities without distinction of race or nationality" contained in the Declaration of Philadelphia, the Universal Declaration of Human Rights and documents of other international and regional organizations.

47. In the operative part of this resolution, the Governing Body of ILO is requested to:

"Recommend that governments should take steps to put into effect legislation to adapt to the real needs and the special characteristics of life and work of the respective indigenous populations concerning, in particular -

"(a) equal pay for equal work;

"(b) regulation of the activities of private recruiting agents with respect to contracts of employment so as to provide adequate protection and guarantees for the workers, taking into account where appropriate standards established in international Conventions;

"(c) provision of adequate housing and medical, hospital and pharmaceutical care as an obligation to be established by contracts of employment;

"(d) recognition of the family as an economic unit in the extension of social insurance benefits and other forms of social assistance;

"(e) inclusion of indigenous workers in plans for land settlement;

"(f) general education and technical training of indigenous workers as a means to ensure their integration in the social and economic life of their respective countries."

The Governing Body is also requested to:

"Instruct the Office to study and co-ordinate the experience acquired by the various countries with respect to indigenous workers concerning -

"(a) the development of programmes of vocational training;

"(b) the extension of social insurance and other forms of social assistance;

- "(c) the systems of land ownership and agricultural credit;
- "(d) the application of legislation concerning labour inspection and the prohibition of unpaid services;
- "(e) the division of agricultural wages between payment in cash and in kind;
- "(f) the conversion of Indian comunidades into agricultural and livestock co-operatives;
- "(g) measures for protecting the economic interests of indigenous handicrafts (problems of access to raw materials, credit, technology, marketing, etc.);
- "(h) recruitment of indigenous agricultural labourers and mine workers for work within the country as well as abroad;
- "(i) adaptation of industrial safety devices to the risks of industry and in particular to mining, and methods of instructing workers concerning occupational risks and in the observance of safety regulations."

and is further requested to:

"ensure co-ordination of the activities of the International Labour Office in this field with any similar work that may be undertaken by the Economic and Social Council of the United Nations, the Economic Commission for Latin America of the United Nations, the Economic and Social Council of the Organization of American States, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Pan American Sanitary Bureau as the Regional Office of the World Health Organization and the Inter-American Indian Institute."

48. The first session of the Committee of Experts on Indigenous Labour was held at La Paz, Bolivia (15-27 January 1951). Its members were drawn from the following countries: Bolivia, Brazil, Canada, Ecuador, Guatemala, India, Mexico, New Zealand, Peru, Philippines, and United States of America. Pursuing the themes of the Montevideo Conference, the Committee adopted a number of resolutions, all of them revolving round the dominant idea that the legislation of each country should be extended to the whole population, including the aborigines, who had hitherto been excluded from its scope. 21/

21/ The report was published in: ILO, Minutes of the 114th Session of the Governing Body, appendix V, pp. 85-90. See also "First session of the ILO Committee of Experts on Indigenous Labour" in International Labour Review, vol. LXIV, No. 1 (July-November 1951), pp. 61-84.

49. These resolutions stressed the desirability for the aboriginal peoples of general education, vocational training, social security, protection of handicrafts, protection at the time of recruitment for employment, research into safety and health in the mines where they were employed, etc.

50. The Committee's report and recommendations, approved by the Governing Body at its 114th session, in March 1951, 22/ formed the basis of much of the subsequent work of ILO in this field.

51. In one of its resolutions, the Committee asked ILO "to ascertain how the International Labour Office, in close collaboration with the United Nations and appropriate specialized agencies, can best assist indigenous workers through the medium of the Expanded Technical Assistance Programme". 25/ The Technical Assistance Board early in 1952 appointed an interagency field planning mission made up of the United Nations and the specialized agencies.

52. In its report, later approved by the United Nations Technical Assistance Board, the mission proposed that a series of projects be started in Bolivia, Ecuador and Peru. Thereupon, the International Labour Office drew up a detailed working plan. This formed the point of departure for what has since become a large-scale technical co-operation project known as the "Andean Indian Programme", described more extensively below (see paras. 198-239).

53. In another of its resolutions the Committee of Experts suggested that the Governing Body of ILO should instruct the latter to intensify its activities in the collection of information to all facilities and studies concerned with the problem of indigenous labour. Following this recommendation, ILO, in 1953, published a major survey of social conditions among aboriginal populations throughout the world (see para. 62 below).

54. At its second session, held at Geneva (15-26 March 1954), the ILO Committee of Experts on Indigenous Labour was composed of members from 15 countries, members from Burma, Colombia, Pakistan and Venezuela having been added to the original 11 members. 24/ At its Geneva session, the Committee focused attention on the conditions of life and work of indigenous forest-dwelling populations, examining legislative measures, methods and results thereof. The Committee adopted a programme of action for the protection and integration of indigenous forest-dwellers that

22/ ILO, Minutes of the 114th Session of the Governing Body, pp. 14, 15.

23/ International Labour Review, vol. LXIV, No. 1, p. 82. (Resolution on the organization of a Joint Field Working Party, para. 3 (c), pp. 81, 82.)

24/ ILO, Minutes of the 125th Session of the Governing Body, pp. 11 and 40, 41. The Governing Body approved the report of the second session of the Committee on Indigenous Labour (p. 41). The report was mentioned in appendix III (pp. 40, 41). The text of the report was published in International Labour Review, vol. LXX, No. 5 (November 1954), pp. 418-441, q.v.

envisaged action to be developed in several interrelated fields. 25/ The Committee recommended the advisability of consulting the United Nations, FAO, UNESCO, WHO and the Inter-American Indian Institute as it became evident to the Committee that any action to implement its resolutions would have to be taken in co-operation with the international organizations when appropriate. 26/

55. Resolutions were adopted by the Committee concerning indigenous forest-dwelling populations, in connection with raising living standards, social protection and integration, land problems, ways and means of action and international technical assistance. 27/ In a resolution on the study entitled Indigenous Peoples, the Committee requested

"the Governing Body of the International Labour Office to instruct the Office to secure the widest possible dissemination by whatever means seems appropriate for the said report among all the persons and groups, governmental, official and unofficial concerned; to continue its work of collecting comprehensive information on indigenous peoples so that developments regarding the problems of such peoples may be followed with close attention; and to make readily available such information regarding these developments so that official and non-official policy may be based upon the widest comparative knowledge." 28/

56. In a resolution on international action on indigenous populations in independent countries, 29/ the Committee requested

"the Governing Body of the International Labour Office to consider now the desirability of giving attention to placing on the agenda of a forthcoming session of the International Labour Conference the item 'the social problems of indigenous populations of independent countries' as was requested by the resolution adopted by the 29th Session of the International Labour Conference."

57. In another resolution, considering the need to study the factors affecting the success of planned social and technological change, 30/ the Committee recommended

"that the International Labour Office, as the responsible organization for the implementation of the Andean Indian Programme undertaken by the United Nations and specialized agencies, appoint such an anthropologist to the staff of the Programme, whose sole task it will be to analyse the whole process of social and technological change as it occurs so as to draw up conclusions which can be of service to others desiring to institute comparable programmes of change;"

and further recommended that any similar project of technical assistance and economic development undertaken in indigenous communities in the future should likewise include an anthropologist with such a responsibility.

25/ International Labour Review, vol. LXX, No. 5, pp. 420-428.

26/ Ibid., p. 428.

27/ Ibid., pp. 429-459.

28/ Ibid., p. 441.

29/ Ibid., p. 439.

30/ Ibid., pp. 439, 440.

58. Since the beginning of the Andean Indian Programme, ILO has continued its standard-setting work in the field of indigenous labour, as a result of which a convention and a recommendation were adopted by the International Labour Conference in 1957 (see paras. 64-99). It is of interest to note that the standards set forth in those instruments were framed by ILO in close co-operation with the four other international organizations that had taken part in the Andean Indian Programme from the time of its inception - the United Nations, FAO, WHO and UNESCO. 31/

59. The ILO Permanent Agricultural Committee recommended at its sixth session (Geneva, 1960) that high priority in rural development activities should be given to studies of problems raised by the sedentarization of nomadic and semi-nomadic tribes, in order to assist Governments in carrying out programmes of economic and social development and in facilitating the integration of such tribes in rural areas.

60. From 1962 to 1967, the ILO organized the first session of the Panel of Consultants on Indigenous and Tribal Populations and a Technical Meeting on Problems of Nomadism and Sedentarization. In addition, the ILO organized a seminar and study tour financed by UNDP on the sedentarization of nomadic populations in the Kazakh and Kirghiz Soviet Socialist Republics.

61. ILO has always enlisted the co-operation of the other international organizations concerned - the United Nations, FAO, UNESCO, and WHO - in any programme of action it sought to undertake for the benefit of nomads.

3. ILO source book on indigenous populations

62. In 1953, ILO published a comprehensive reference book entitled Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries. 32/ This 628-page volume contains a world-wide survey of the status of those populations as well as of national and international action taken on their behalf.

63. The ILO reports 33/ that

"there have been proposals to prepare a complementary volume on nomadic and semi-nomadic populations, and to update the book Indigenous Peoples, but lack of resources has prevented the ILO from undertaking this work".

31/ Last preambular paragraph of the Convention (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, p. 901.)

32/ Studies and Reports New Series, No. 35 (Geneva, International Labour Office, 1953).

33/ Information furnished on 23 February 1973 for the present study.

4. International standards of 1957

64. On the basis of careful preparatory work carried out by the International Labour Office in close consultation with the United Nations, FAO, WHO and UNESCO, the International Labour Conference at its fortieth session, held at Geneva in June 1957, adopted two basic texts setting out general international standards of action concerning indigenous and other tribal and semi-tribal populations in independent countries, namely: (a) Convention 107, concerning the Protection and Integration of Indigenous and other Tribal and Semi-tribal Populations in independent countries (Convention on indigenous and tribal populations, 1957), adopted on 26 June 1957; 34/ and (b) Recommendation 104, concerning the Protection and Integration of Indigenous and other Tribal and Semi-tribal Populations in independent countries (Indigenous and Tribal Populations Recommendation, 1957), adopted on 26 June 1957. 35/

65. The Convention entered into force on 2 June 1959, 36/ and as at January 1982 had been ratified by 27 countries. 37/ States parties to the Convention are required to report regularly on the measures taken to ensure its application. On receipt, these reports are sent for comment to the United Nations and the specialized agencies concerned. They are then processed by ILO, together with all the comments received, and examined by the ILO Committee of Experts on the Application of Conventions and Recommendations. This Committee is responsible for ascertaining the extent to which ratified conventions are applied and may call on Governments to supply further information or to take further measures in regard to given provisions of these conventions. A tripartite Committee on the Application of Conventions, which is a regular feature of the International Labour Conference, periodically examines the reports submitted by Governments, together with the comments made thereon by the Committee of Experts.

66. In four paragraphs of the preamble to the Convention, its fundamental reasons and purposes are set out in clear terms, as follows:

"Considering that the Declaration of Philadelphia confirms that all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

34/ Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 901-908. See annex II.

35/ Ibid., pp. 909-915. See annex III.

36/ Ibid., p. 901.

37/ Angola, Argentina, Bangladesh, Belgium, Bolivia, Brazil, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Malawi, Mexico, Pakistan, Panama, Paraguay, Peru, Portugal, Syrian Arab Republic, Tunisia (information furnished by the ILO as obtaining on 5 March 1981).

"Considering that there exist in various independent countries indigenous and other tribal and semi-tribal populations which are not yet integrated into the national community and whose social, economic or cultural situation hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population, and

"Considering it desirable both for humanitarian reasons and in the interest of the countries concerned to promote continued action to improve the living and working conditions of these populations by simultaneous action in respect of the factors which have hitherto prevented them from sharing fully in the progress of the national community of which they form part, and

"Considering that the adoption of general international standards on the subject will facilitate action to assure the protection of the populations concerned, their progressive integration into their respective national communities and the improvement of their living and working conditions."

67. The operative part of this Convention contains 37 articles organized into eight parts covering: I. General policy (articles 1-10); II. Land (articles 11-14); III. Recruitment and conditions of employment (article 15); IV. Vocational training, handicrafts and rural industries (articles 16-18); V. Social security and health (articles 19-20); VI. Education and means of communication (articles 21-26); VII. Administration (article 27); and VIII. General provisions (articles 28-37).

68. The Convention defines the populations to which it applies (article 1) and the circumstances in which special measures for their protection may be adopted (article 3), in the following manner:

"Article 1

"1. This Convention applies to -

"(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

"(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

"2. For the purposes of this Convention, the term 'semi-tribal' includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

...

"Article 3

"1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

"2. Care shall be taken to ensure that such special measures of protection:

"(a) Are not used as a means of creating or prolonging a state of segregation; and

"(b) Will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

"3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection."

69. In article 2, paragraph 1, the Convention specifies that Governments have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

70. The Convention leaves to the Governments the choice of the specific measures and programmes to be applied within the framework of the general principles set forth. In this respect it is provided that the nature and scope of the measures to be taken to give effect to the Convention shall be determined in a flexible manner, having regard to the characteristic conditions in each country (article 28).

71. This freedom of choice and this flexibility in the application of measures to be taken are, of course, not absolute. The Convention contains limiting norms for its application, as it provides that, in promoting the integration of these populations into the national community, there shall be: (a) no trespass upon human dignity and individual initiative (article 2, para. 3); (b) no recourse to force or coercion (article 2, para. 4); (c) no use of measures tending towards their artificial assimilation (article 2, para. 2 (c)); and (d) no adverse effects on benefits conferred on them in pursuance of other conventions and recommendations (article 29). 38/

72. On the other hand, the Convention also contains certain fundamental guidelines on organizational matters and concrete basic norms on action which is deemed indispensable to give effect to the Convention's provisions. For instance, article 27 of part VII, on administration, stipulates:

38/ See also articles 12 and 13, in paras. 77 and 78, below.

"1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.

"2. These programmes shall include - .

"(a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;

"(b) proposing of legislative and other measures to the competent authorities;

"(c) supervision of the application of these measures."

73. Other provisions, in part I of the Convention, make it clear that such action shall include measures enabling indigenous populations to benefit, on an equal footing with other elements of the population, from the rights and opportunities established by national laws or regulations; promoting their social, economic and cultural development and raising their standard of living, seeking the collaboration of indigenous populations, and providing them with opportunities for the full development of their dignity, usefulness and initiative; stimulating the development of civil liberties among them, and their participation in elective institutions; creating possibilities of national integration to the exclusion, as mentioned in paragraph 71, above, of measures tending towards their artificial assimilation (articles 2 and 3).

74. This part of the Convention also provides that: (a) due account shall be taken of the cultural and religious values and of the forms of social control existing among indigenous populations, and of the nature of the problems that face them, both as groups and as individuals, when they undergo social and economic change; (b) the danger involved in disrupting the values and institutions of indigenous populations, unless they can be replaced by appropriate substitutes which they are willing to accept, shall be recognized; (c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted; (d) regard shall be had for the customary laws of indigenous populations in defining their rights and duties (articles 2, 4 and 7).

75. Further, the Convention stipulates, in part I, that: (a) indigenous populations shall be allowed the retention of their own customs and institutions which are not incompatible with the national legal system or the objectives of integration programmes, while not preventing them from exercising the rights granted to all citizens and assuming the corresponding duties (article 7); (b) the customs of indigenous populations in regard to penal matters shall be borne in mind and their methods of social control shall be used as far as possible in dealing with offences committed by members of these populations (article 8); and (c) the exaction of compulsory personal services in any form, whether paid or unpaid, which are not prescribed for all citizens shall be prohibited and punished by law (article 9).

76. Special provisions are made in matters of penal proceedings and sanctions against persons belonging to indigenous populations, who shall be especially guarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights. It is stipulated that preference shall be given to methods of rehabilitation rather than confinement in prison and that, in imposing penalties laid down by general law on members of these populations, account shall be taken of the degree of cultural development of the populations concerned (article 10).

77. On the very important matter of rights to ownership and use of land and the transmission thereof, the Convention provides:

"Article 11

"The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised."

"Article 13

"1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.

"2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members."

78. Regarding the question of removal of indigenous populations from their ancestral land, which is always to be viewed as an exceptional measure and is to be undertaken with all the necessary precautions, it is stipulated:

"Article 12

"1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.

"2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.

"3. Persons thus removed shall be fully compensated for any resulting loss or injury."

79. National agrarian reform programmes should not be allowed to work to the detriment of indigenous populations. It is provided in this respect:

"Article 14

"National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to -

"(a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;

"(b) the provision of the means required to promote the development of the lands which these populations already possess."

80. The Convention then turns to other important matters. With regard to health services, the Convention stipulates that Governments shall assume the responsibility of providing indigenous populations with adequate health services which shall be organized on the basis of systematic studies of their social, economic and cultural conditions and developed in co-ordination with general measures of social, economic and cultural development (article 20, paras. 1, 2 and 3).

81. As far as vocational training is concerned, the Convention provides (a) that persons belonging to the indigenous populations shall enjoy the same opportunities as other citizens (article 16), and (b) that whenever programmes of vocational training of general application do not meet the special needs of members of those populations, Governments shall provide special training facilities for such persons. These special facilities shall: (i) be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations and shall include, in particular, those enabling the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude; and (ii) be provided only so long as the stage of the indigenous populations' cultural development requires them and, when this is no longer so, they shall be replaced by the facilities provided for other citizens (article 17, paras. 1, 2 and 3).

82. Concerning matters of recruitment and conditions of employment, States parties to the Convention shall do everything possible to prevent all discrimination between workers belonging to the population concerned and other workers, in particular as regards (a) admission to employment, including skilled employment; (b) equal remuneration for work of equal value; (c) medical and social assistance, the prevention of employment injuries, workmen's compensation, industrial hygiene and housing; and (d) the right of association and freedom for all lawful union activities and the right to conclude collective engagements with employers and employers' organizations (article 15).

83. The Convention further stipulates that existing social security schemes shall be extended progressively, where practicable, to cover wage earners and other members of the indigenous populations of the country (article 19).

84. As regards matters of education and means of communication (part VI), the Convention includes five articles dealing with the education of the indigenous populations and one on that of the non-indigenous sections of the national community.

85. On provisions for the education of indigenous populations, it is provided that measures shall be taken to ensure that members of indigenous populations be afforded the opportunity to acquire education at all levels on an equal footing with the rest of the national community (article 21); that one of the aims of primary education for the indigenous populations shall be imparting knowledge and skills that will help children to become integrated into the national community (article 24); that children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not possible, in the language most commonly used by the groups to which they belong, making provision for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country, and for the preservation, as far as possible, of the mother tongue or the vernacular language (article 25); and that Governments shall adopt measures appropriate to the social and cultural characteristics of indigenous populations, to make known to them their rights and duties, especially in regard to labour and social welfare. If necessary, this shall be done in the language of those populations by means of written translations and through the use of mass communication media (article 26).

86. As regards non-indigenous populations, it is stipulated that educational measures shall be taken among the non-indigenous sections of the population, particularly among those that are in most direct contact with the indigenous populations, with the object of eliminating prejudices that those sections of the population may harbour in respect of indigenous populations (article 25).

87. Articles 30 to 36 of the Convention deal with matters of ratification and denunciation of the Convention, ^{39/} its revision by subsequent conventions, and the communication of all these acts to the United Nations under Article 102 of the Charter of the United Nations. Article 37 declares the English and French versions of the Convention to be equally authoritative.

88. The Recommendation (104 of 1957), ^{40/} elaborates on the principles set forth in the Convention and makes detailed provisions on the different matters contained therein. The Recommendation consists of 37 provisions organized into 11 parts, as follows: I. Preliminary provisions (1); II. Land (2-8); III. Recruitment and conditions of employment (9-15); IV. Vocational training (16-21); V. Handicrafts and rural industries (22); VI. Social security and measures of assistance (23, 24); VII. Health (25-27); VIII. Education (28-32); IX. Languages and other means of communication (33, 34); X. Tribal groups in frontier zones (35); Part XI. Administration (36, 37).

89. In the appropriate chapters of future reports on his study the Special Rapporteur will make a thorough analysis of the provisions of the Convention and of the Recommendation. In the present report, however, he purposely abstains from any comments in this regard and merely makes reference to the contents of the provisions contained in these extremely important international instruments, with a brief description of those of the Convention, as it is binding upon many countries today.

^{39/} States parties to the Convention may denounce it only after the expiration of a period of 10 years. If they fail to do so at the appropriate time, they are bound for another 10-year term (article 32).

^{40/} See para. 64.

50. The International Labour Office, in the information transmitted in 1973 in response to the request for information for the present study, makes the following general comments on the Convention: 41/

"There is now general acceptance by governments that any policy directed at improving the conditions of work and life of indigenous populations is in the long run beneficial to the country as a whole.

"The application of many of the principles contained in the Convention can best be assured by giving indigenous peoples full access to technical and higher education; this will help remove obstacles preventing them from benefiting from economic development and social progress.

"The widespread lack of public funds in developing countries makes it impossible for them to apply the Convention to the letter. It must be noted however that measures advocated in the Convention can be introduced progressively and spread over a number of years within the context of national development plans. Technical co-operation obviously has a big role to play but should preferably be inspired to a greater extent than it is now on the ILO international standards mentioned above.

51. In connection with article 3, paragraph 2, of the Convention 42/ ILO states: 43/

"The practice followed in some countries of setting up indigenous parks or reservations appears to run counter to the spirit of the Convention since although they purport to protect indigenous populations from extermination and land appropriations, there is the risk of indefinitely prolonging their segregation, which the Convention aims to eradicate. A more effective means of protecting indigenous populations may be the establishment of specialized institutes of the type already existing in several countries, provided they are staffed by honest and dedicated people with a thorough understanding of the problems, adequate resources and that there is good co-ordination with other government services."

52. On the stipulation that "enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection" (Convention, article 3, para. 3), ILO states: 44/

"Most legislations provide for full equality before the law of indigenous inhabitants to facilitate their rapid integration. In fact, however, the situation of near serfdom and of utter poverty in which many indigenous populations have lived and still live, prevents legal equality from becoming a reality."

41/ Information submitted on 23 February 1973.

42/ See para. 68.

43/ Information furnished on 23 February 1973.

44/ Idem.

and adds: 45/

"Certain governments have undertaken energetic campaigns in the field of education, vocational training, public health and environmental sanitation, and have promoted the protection of land rights, the improvement of cultivation methods and of agrarian structures as well as technical and financial assistance needed to make indigenous integration programmes part of their general social and economic development programmes, and ensuring that indigenous populations do in fact enjoy equality of opportunities."

93. In the information transmitted in 1981, ILO stated: 46/

"The basis of the ILO's activities concerning indigenous populations remains the Indigenous and Tribal Populations Convention, 1957 (No. 107) and its accompanying Recommendation (No. 104), which are still the only international instruments ever adopted covering the entire spectrum of the life and work of these population groups. The Convention has now been ratified by 27 countries (see attached ratification list) in all areas of the world, and including most of the countries which have major indigenous populations. Consultations are going on with other countries which are examining the possibility of ratifying the Convention."

94. It was added that the Committee of Experts on the Application of Conventions and Recommendations has continued to make observations and direct requests on the application of the Convention in ratifying countries, on the basis of the regular reports received from them under article 22 of the ILO Constitution. In doing so, it has raised a number of points about particular situations which have come to its attention and which affect the rights or situation of these populations in the countries concerned. The observations have been published and may be found in the annual reports of the Committee of Experts to the International Labour Conference (published as Report III (Part 4A) of each session on the International Labour Conference), while direct requests have been communicated directly to these Governments, with copies to the employers' and workers' organizations in each country.

95. In making its comments, the Committee has continually emphasized the need to adopt an attitude of collaboration with the indigenous populations themselves in planning and implementing development and other programmes which affect them (in this connection, see article 5 of the Convention). In doing so, it has suggested that Governments might wish to forward copies of their reports on the application of the Convention to representatives of the indigenous populations in each country for their comments, and for suggestions on how the Convention might be better applied, and a few countries have responded positively to this suggestion.

96. The Committee has also stressed the need to review the approach to "indigenous affairs" in each country. In many cases legislation concerning indigenous populations is badly out of date, sometimes having been adopted during the past

45/ Idem.

46/ Information furnished on 22 May 1981.

century.. This legislation should be revised to bring it more into accord with the needs and aspirations of indigenous populations today, and this should be done with the active collaboration of representatives of these populations. In addition, in many cases the structure of the administration of indigenous affairs should be reviewed and revised. There are several countries in which non-governmental organizations (aside from organizations of the indigenous peoples themselves, such as religious or other groups) have assumed or been assigned major responsibility for the administration of indigenous affairs, and this would not necessarily seem to be in the best interests of the indigenous populations. The Committee has therefore recommended that the primary responsibility be assumed by the Governments, in consultation with representatives of indigenous populations, thus increasing the accountability of the authorities actually responsible in this area.

97. In this connection, requests have recently been received from two countries (Colombia and Ecuador) for ILO technical assistance in the revision of their legislation concerning indigenous populations, in the light of Convention No. 107, and the International Labour Office has begun furnishing the assistance requested. The Sub-Commission will be informed of subsequent developments in this regard.

98. ILO is also collaborating with the Inter-American Indian Institute of the Organization of American States in the implementation of the Five-Year Inter-American Indian Action Plan begun in 1980. Arrangements have been made for the Institute to receive copies of the reports sent by ratifying countries on the implementation of Convention No. 107, and to make any comments which may assist the Committee of Experts in its examination of these reports. This supplements arrangements which already exist with regard to the United Nations, FAO, UNESCO and WEO.

99. Finally, ILO will continue its efforts to improve the situation of indigenous populations, particularly in countries which have ratified Convention No. 107. In doing so it will as usual co-operate with other intergovernmental and non-governmental organizations, in particular with representatives of indigenous populations, to do whatever is possible to safeguard the interests of indigenous populations and assure their continued existence.

5. Panel of Consultants

100. Appointed by the Governing Body of ILO, a Panel of Consultants on Indigenous and Tribal Populations met in Geneva in 1962. This meeting was attended by consultants from all regions of the world.

101. Their principal conclusions and recommendations are summarized by ILO as follows: 47/

"1. National Policies:

(a) use of the integral approach, both as it relates to national (inter-ministerial co-ordination) and international (interagency co-ordination) bodies in the social and economic development of tribal areas;

47/ Information furnished on 22 May 1973.

(b) adoption of systems of training of national personnel adapted to the conditions and needs of those areas with particular emphasis on the training of social promoters and auxiliary workers;

(c) adaptation of methods and techniques in the fields of education, health, vocational training, co-operative organization, etc., to the economic, social and institutional characteristics of the populations concerned;

(d) formulation of national integration plans within which specific social and economic programmes could be carried out in a co-ordinated manner;

(e) inclusion in such plans of the necessary studies in order to be duly aware of the economic, social and institutional characteristics of the areas in which they were being implemented.

"2. International Exchange of Experience:

(a) periodic regional and international meetings with the participation of the technical and administrative authorities responsible for integration programmes and international experts assigned to such programmes;

(b) publication by the Regional Office of the Andean Indian Programme of a bulletin designed to diffuse the results of investigations, development of indigenous policies, national legislation, action programmes, progress achieved in the implementation of the latter, selected bibliographies, etc.;

(c) publication, with the assistance of the competent international and regional agencies of a series of monographs and reports concerning the indigenous problems which had a practical bearing on the formulation and implementation of integration programmes;

(d) fuller use of an expanded international fellowships programme with the twofold purpose of completing the training of personnel and facilitating the exchange of national experience within the Andean region and outside it.

"3. Training of National Personnel in Integration Techniques:

(a) incorporation of the social sciences in the programme of studies of the professional and technical personnel whose services were required for the implementation of the various aspects of the integration programmes, as was the case in Mexico, and had been initiated in the Agronomic, Catholic and Engineering Universities of Peru and in the Cochabamba University in Bolivia, the latter as part of the Special Fund project which was being executed by the FAO within the general framework of the Andean Indian Programme;

(b) organization of complementary training courses for work in the rural indigenous environment; these courses could be given regularly by an institution especially established for this purpose - as was the case of Guaslán in Ecuador - or in different operational centres - as was the case of the courses for teachers in Bolivia and in Peru (Puno). Such courses should always include theoretical instruction and practical work directly linked with the normal activities of the integration programmes;

(c) the last phase in the training of personnel should consist of in-service training on the basis of an objective evaluation of the results obtained in practice in all and every one of the activities carried out by the operational centre to which such personnel was attached; and

(d) the organization of periodic seminars in order to discuss questions of doctrine and the implementation of integration programmes, with the participation of the competent authorities, experts and students of the matter at the local and national levels.

"4. Social Problems of Nomadic and Semi-Nomadic Populations:

(a) the ILO should explore, in close consultation with the other organizations concerned, ways and means of developing a programme of research and operational activities designed to assist requesting governments in the formulation and execution of national and regional projects for the improvement of the conditions of life and work of their nomadic and semi-nomadic tribal populations, and the integration of these populations into national life, by means of settlement schemes or any other action which might prove to be necessary;

(b) in the development of such a programme special attention should be given to the need for carrying out intensive field research with a view to obtaining basic information on the tribal values and institutions of these populations which might facilitate the implementation of operational projects and in this connection the possibility should be examined of promoting the establishment or development of national or regional institutes for the study of the social and economic problems of tribal groups in the desert and semi-desert areas and the training of specialists in this field;

(c) the ILO should offer assistance to interested governments in the implementation of the norms incorporated in the Indigenous and Tribal Populations Recommendation 1957 and in particular those concerning tribal groups in frontier zones."

6. Organizations of Rural Workers and their Role in Economic and Social Development

102. Although it is not explicitly concerned with indigenous population, a recent convention concerning improvements in the living and working conditions of peasants and rural development should also be mentioned, namely, Convention No. 141, adopted in 1975, concerning organizations of rural workers and their role in economic and social development, which has already been ratified by 21 member States. This instrument and the corresponding recommendation (149) establish: (1) the basic criteria and guarantees required for the constitution and development of such organizations, and (2) social policy objectives and standards concerning their participation in economic and social developments. 48/

48/ Information furnished on 22 May 1981.

7. Symposium on equality of opportunity in employment in the American region

103. The Symposium was convened in accordance with a decision taken by the Governing Body of the International Labour Office at its 188th session (Geneva, November 1972). The Symposium was held at Panama City, at the invitation of the Government of Panama, from 1 to 12 October 1973.

104. In establishing the terms of reference of the Symposium, the Governing Body decided that the meeting should deal with the following two main questions:

(a) General discussion of the problems and policies relating to equality of opportunity and treatment in employment and occupation, with particular reference to the problems encountered by different racial ethnic, religious and cultural groups, including the problems of migrant workers;

(b) Methods for the promotion of equality of opportunity in employment, including legislation, employment policy and practice, administrative action, educational action and action by employers' and workers' organizations, with particular reference to the role of collective bargaining.

105. The purpose of the Symposium was to facilitate the exchange of opinions and experience on these questions in the light of conditions in the Americas. The results of the Symposium will serve in particular to promote national and international action in this field in the American region.

106. Representatives of 12 countries took part in the Symposium (Barbados, Canada, Chile, Colombia, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, United States of America, Uruguay and Venezuela), as well as representatives of the United Nations and UNESCO and a Panamanian expert. The report, which was issued under the signatures of the Chairman and the Rapporteur of the Symposium on 12 October 1973 (SEE/AM/1973/R), consists of two main parts: I. General discussion of problems and policies relating to equality of opportunity and treatment in employment and occupation; and II. Methods for the promotion of equality of opportunity and treatment in employment. The conclusions of the Symposium are reproduced at the end of the report.

107. Among the many interesting statements contained in the report, the following passages relate directly to the indigenous populations of various countries:

(a) Part I:

"15. Reference was made to the problem of indigenous populations in several countries of the region. It was indicated that in Peru, the Indian population, which had a highly organized civilization in pre-colonial times, had since suffered four centuries of oppression, colonialism, dependence and subsequent governmental neglect. This population had become a marginal group inside its own country, and the very term Indian had become a pejorative concept. Although the Constitution had laid down the rights of Indians, in particular, to the possession of their community lands, until recently no effective legislation had been enacted to make these rights a reality. Having been deprived of their ancestral lands, many Indians had been forced to seek employment elsewhere, mainly in the mines, and had in particular suffered discrimination from foreign companies operating in the country. There had also been inequalities between the labour legislation applicable to manual workers, the category in which Indians predominated, and non-manual workers. There was also a linguistic problem, since

most Indians spoke one or two native languages, and many did not speak Spanish. It was pointed out in this connection that a general problem facing indigenous populations in many countries was the lack of educational and training facilities in their own languages. It was only recently that the new Government of Peru had begun to take positive measures to promote the economic and social development of the Indian population, to restore their human dignity, to give them back their lands, and respect their rights. It was stated that in Canada some of the indigenous peoples were attached to their traditional culture and way of life, and these generally had no desire to be integrated into the mainstream of national economic life. One of their main aspirations was ownership of their lands and natural resources for their own use. There existed a number of programmes for their economic and social advancement. Reference was also made to the situation of indigenous populations in Mexico and Venezuela, and to measures taken in those countries to improve the health and educational standards of these populations in their own areas and languages and to ensure their protection in agricultural employment respectively.

"16. As regards the principal factors affecting equality of opportunity in employment in the American region, there was general agreement that problems of economic under-development, rapid population growth, high rates of unemployment and under-employment and serious imbalances in economic and social development, which were closely interrelated factors affecting the majority of countries in the region, were among the most serious obstacles in the achievement of equality of opportunity in employment in the region."

(b) Part II:

"38. Among disadvantaged groups, the problems of indigenous populations were felt to require special attention. The approach to these problems would of course vary according to whether the objective was to integrate them into national economic and social life or to maintain their separate identity and traditional way of life. It was suggested in particular that there should be adequate protection against expropriation of their land. Governments should recognize and financially support organizations of indigenous peoples and, whenever possible, native languages should be used as the vehicle for primary education, and adult literacy programmes, with the official language taught as a second language. It was also felt that employment and training opportunities should be brought to the areas of the indigenous people, and adapted to their specific attitudes, rather than being made available in the urban environment, to which these people were generally poorly adapted. However, those who wished to take up employment in towns, with their families, should be given assistance to find suitable employment and to adapt themselves to urban life."

(c) Among the conclusions, the following are particularly relevant to indigenous populations:

"(1) The main problems of discrimination based on race, ethnic origin or national origin in the region were basically rooted in causes of economic and educational inequalities, and notably the disparities between rural and urban areas.

"...

"(5) Unemployment and under-employment were fundamental elements aggravating problems of discrimination and social tensions in so far as they affected certain groups more seriously than others in different parts of the region.

"(6) The experience of the American region had shown that clearly defined national policies, comprising both appropriate legislation and a social, economic and educational strategy, as well as general policies designed to reduce disparities between groups, were indispensable if one was to tackle effectively the different problems which existed, and not only some of their aspects.

"(7) The experience of the region had particularly revealed the need for the following elements of national policy:

A full employment policy, which would particularly take into account the need to eliminate disparities in the levels of unemployment affecting different groups, and at the same time ensure adequate social mobility.

A manpower policy linked with educational policy, which would be designed to offer equal opportunities to members of all groups.

A rural development strategy designed to eliminate, among others, economic, social and educational disparities between rural and urban areas, which would take into account the cultural particularities of populations, which were often of different race, ethnic origin or language, and would seek, among other objectives, the creation of non-agricultural employment in rural areas.

The existence of appropriate methods for the examination and redress of cases in which discrimination in employment may have occurred.

General educational action designed to promote awareness of all citizens, and particularly workers and employers of the principles of equality of opportunity and treatment.

Co-operation between all social groups concerned, particularly employers, workers and Governments, through tripartite machinery with a view to promoting the interests of all sections of the population, especially through the collective bargaining process.

Special measures designed to make up for the disadvantages suffered by certain groups, which should be based on socio-economic criteria and technical skill considerations rather than on considerations of race, origin, sex, etc. and should include in particular the provision of educational and training grants to members of such groups.

"...

"(9) All States Members of the region, which have not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), should consider associating themselves with the great majority which had ratified it. The other relevant ILO standards should also generally be ratified and applied in the region.

"(10) Co-operation between the different countries of the region should be further developed under the auspices of the ILO, particularly through the organization of further symposia, as appropriate, at a subregional level or on particular topics. Advantage should also be taken of the assistance which the ILO can provide to States in the form of technical co-operation for the

elaboration of measures to promote equal opportunity and eliminate discrimination. The ILO could also undertake special surveys bearing on situations existing in particular countries or groups of countries and in particular sectors of the economy, which could be conducted by an expert or group of experts. In addition, the methods for the promotion of equal opportunity in the American region could be studied in depth by a select group of experts on the basis of the conclusions of the present Symposium."

3. Special Technical Projects

108. Information was transmitted on three aspects of the technical assistance provided by ILO in the form of projects carried out in various countries, one directly by that agency and two by it as the executing agency for United Nations Development Programme (UNDP) projects in co-operation with other agencies.

(a) Project carried out in Ecuador

109. The purpose of this project was to assist the Government - in particular the Andean Mission of Ecuador - in planning zonal programmes for the modernization of rural life in the Andes. Financed by UNDP, it began in February 1971 and was completed in July 1973. The executing agency was the International Labour Office in co-operation with the United Nations, FAO, UNESCO and WHO. International assistance consisted in providing the project director, eight experts and consultant services. The zone for action selected by the Government was a region in the north-western part of the country with a population of 366,000 inhabitants. The practical activities of an experimental nature focused on rural education (establishment of school centres and training of rural teachers), health (training of auxiliary nurses), social organization of the rural inhabitants (establishment of 72 local committees and one regional commission of rural inhabitants), organization of a co-operative movement (setting up of pre-co-operative groups), agriculture and animal husbandry (introduction of improved methods), marketing of agricultural products (establishment of centres for the collection and storage of cereals), small processing industries (canneries and abattoirs) and road infrastructure.

110. ILO makes the following comment:

"The project has also made it possible to co-ordinate more effectively the activities of various services and agencies operating in rural areas and to collect information and basic data essential for the planning and application of a rural development policy adapted to the conditions in the Andean zones."

(b) "Multinational project for community development in the Andes"

111. The project was carried out, between February 1971 and January 1974, on a regional basis comprising three countries: Bolivia, Ecuador and Peru. The technical assistance provided, under UNDP, by ILO as executing agency, the United Nations and FAO, included the project director, 14 experts for periods varying from 6 to 18 months and consultant services. The areas studied were: agricultural economy and development, rural employment, rural sociology, training of professional and technical staff, the building of small irrigation works and of local roads. The information that was gathered and the experiments undertaken in these areas were analysed and discussed in a series of meetings held by the executive committee for the project made up of national co-ordinators, the technicians responsible for the various subprogrammes and representatives of the rural inhabitants of the three countries.

112. ILO states:

"As a result of these meetings at three different levels, it was possible to ensure effective co-ordination between the various national bodies participating in the project and the active participation of the organizations of rural inhabitants in the preparation and execution of community programmes. In accordance with its objectives, the project has thus been of assistance in drawing up a regional development strategy and in launching integrated community activities in the three countries. Moreover, the studies relating to the socio-economic conditions in rural areas which were carried out in each of the countries by experts working in multidisciplinary teams made it possible to define the direction and general outlines of a plan for the execution of rural development programmes geared to the economic and social integration of the countries that are parties to the Andean Pact. Accordingly, a proposal has been made for the elaboration of a further multinational project that could be carried out in the near future with the assistance of UNDP and ILO."

(c) Technical assistance by ILO in Venezuela

113. An ILO expert has been assisting the Government of Venezuela since 1972 on all questions relating to the indigenous population.

(d) Bhoomi Sena - A "Land Army" in India, and other similar projects ^{49/}

114. In 1977-1978 ILO collaborated in a participatory research project to study, jointly with the UN Asian and Pacific Development Institute (Bangkok) and the National Institute of Bank Management (Bombay), the indigenous Bhoomi Sena (Land Army) movement of poor tribal peasants in the Thana district of Maharashtra, India. The movement is more than a decade old by now, and is focused on the liberation of bonded labour, recovering land usurped by the money lenders, obtaining a legal minimum wage, and implementation of the Employment Guarantee Scheme. The movement has developed innovative methods of raising collective awareness among the poor peasants, and encourages people's initiatives as opposed to centralist methods. In 1978 Bhoomi Sena formed an Agricultural Workers' Union in the Thana district.

115. The participatory study of the movement in which the Bhoomi Sena were active partners was financially supported by the Dag Hammarskjöld Foundation and the International Foundation for Development Alternatives. The objective was to assist Bhoomi Sena to document and analyse their movement and understand it in a broader social context. The study was given wide circulation by the Dag Hammarskjöld Foundation and has stimulated thinking about participatory development at the grass-root level. ILO is providing ad hoc advice to Bhoomi Sena and is exploring possibilities for further support to the movement.

116. The authors of the study were stimulated by this experience to apply elements from Bhoomi Sena's method of awareness raising in Sri Lanka, through a UNDP-supported government project on Cadre Training and Action Research in Self-reliant Rural Development. ILO provided advisory inputs to this project, which started in 1978. The Sri Lankan project has by now generated a number of small rural producers' organizations, and an NGO, called the Participatory Institute for Development Alternatives,

^{49/} The content of paras. 114-124 was provided by ILO on 22 May 1981.

has been set up to extend the work in other areas of Sri Lanka. Encouraged by the success of the Sri Lanka experiment ILO has initiated TCDC exchanges among the Rural Workers' Office of the Philippine Government Ministry of Labour which has an ILO-supported pilot project in participatory rural development in the sugar-crop-dominated regions, the Sri Lanka project and Jhoozi Sena. This is having a profound impact on the Philippine project which is reorienting its effort towards greater grass-roots participation and self-reliance.

(e) Rehabilitation of Destitute Tribal (MIL) Labour in Selected Areas of Rajasthan, India

117. This project was launched in the early 1980s by the National Labour Institute, New Delhi in co-operation with and with the financial support of ILO. The first phase, which was for a period of one year, envisaged the implementation of an intensive survey; education and training of people; and identification of critical support systems and enhancement of their preparedness. In terms of activities covered under the first phase were preliminary visits; awareness-raising camps; fact-finding surveys; identification of critical support systems; interfacing with the tribal youth and the personnel from the support systems; and joint efforts to identify the alternative employment potential of the areas.

118. The review of the progress made during the first phase was concluded by the end of 1980. Significant achievements of the first phase include:

- (i) Emergence of around 200 tribal youth leaders as a result of the awareness-raising process practised in the areas;
- (ii) Identification of the alternative employment potential in a number of areas for promoting economic activities;
- (iii) Creation of organizations of the rural poor, now active in collecting evidence on, and taking action in, cases of injustice;
- (iv) Interfacing and persuading the contractors to pay minimum wages;
- (v) Contact with government officials to ensure that justified claims of local people under developmental schemes are met;
- (vi) Initiating joint efforts by development agencies and tribal youth for identifying alternate economic opportunities and utilizing existing facilities for achieving them in the context of ongoing development programmes.

119. The youth workers, after the interface work with the development agencies in January 1981, returned to their villages to organize Gana Sabhas (Village Councils) for executing the plan of action for economic activities. Second phase: the objectives of the second phase of the project are as follows:

- (i) Development of viable economic units and programmes for rehabilitation of destitute workers;
- (ii) Initiation and implementation of the schemes of rehabilitation.

The second phase is expected to start in 1982 with multi-bilateral funding and ILO technical support.

(f) Special labour-intensive public works programme to provide employment and income opportunities for indigenous populations

120. Opportunities for employment and income for depressed indigenous groups also arise, though on a limited scale, within another important ILO programme, namely the special labour-intensive public works programme.

121. One pilot project in the Jhagram subdivision of the West Midnapore district in the West Bengal State of India (project ILO/AUS/75/IND/2) carried out from 1976 to early 1980, resulted in the creation of substantial job opportunities for the very poor Santhal and Munda tribal workers through forestry and minor irrigation activities. Over 76 per cent of the total project cost of \$US 193,000 was disbursed as wages of workers. An interesting aspect of this project was the organization of some 200 tribal workers into four labour construction co-operatives. These co-operatives are now being regularly awarded departmental reforestation and small-scale irrigation works - worth approximately Rs. 80,000 annually, i.e. \$US 10,000 or \$US 80 per member - thereby cutting down the long periods of seasonal idleness of their members.

122. A similar, but somewhat larger and more ambitious pilot project has just started in another predominantly tribal and drought-prone community development block in the Purulia district of West Bengal (ILO/DANIDA/79/IND/3 - Pilot Project for promotion of employment and income opportunities for tribal workers/share-croppers through systematic development of labour-intensive public works, skills training and workers' organization in Sundwan Block, Purulia). DANIDA has provided \$US 497,162 for this three-year pilot project which aims at undertaking a variety of labour-intensive community works e.g. village woodlot, wells and surface-tank construction, contour-bunding and bench terracing, planting of sabia grass for rope-making etc. (which will create over 500,000 man-days of employment) besides training-cum-production centres, based on locally available materials in a number of trades, e.g. blacksmith, bamboo crafts, rope-making, bricks and tile-making, babai rope-making etc. Roughly 825 tribal workers will be trained in these trades and the centres will eventually be handed over to the trained tribal workers. As in the previous project, an effort will be made to organize the tribal workers into labour construction and craft/trade co-operatives as subsidiaries to the local large-sized agricultural multi-purpose societies.

123. These two modest ILO projects in West Bengal are helping the poor tribesmen who suffer long spells of unemployment and earn less than half the average wage of West Bengal workers as a whole to learn that development projects can assist, or not to be ignored, and are even worth supporting.

124. Several other projects in this field in Africa, supported by ILO and its bilateral partners and designed specifically to mitigate droughts and to prevent environmental degradation through soil conservation and erosion control measures, are also indirectly helping tribal and nomadic populations both by augmenting their employment and earning prospects and by improving infrastructure facilities and amenities in their habitats. Mention may be made in this connexion of the ILO/Norway project in Cape Verde, costing \$US 441,000 which started in January 1979; the ILO/Netherlands project in Mali to support a special public works programme costing over \$US 5 million (the project's contribution will be over \$US 1.6 million); the ILO-UNDP-Netherlands project in Uganda to support a crash employment programme (UNDP contribution for technical assistance \$US 192,000 and UNDP and Netherlands contribution for support of programme costs \$US 2.57 million).

(g) Activities directed towards the rural environment 50/

(i) General rural development activities

125. In addition to operations in its field of competence that are specifically adapted to the characteristics of the rural environment: peasant organizations and participation, co-operatives and other forms of rural association, rural workers' training, development of appropriate technologies, rural handicrafts and cottage industries, job creation, social security and extension of public services, ILO, together with other organizations of the United Nations system, participates in integrated rural development work and projects. In that context, ILO took part in the Working Group on Rural and Community Development appointed by the Administrative Committee on Co-ordination, the senior body inside the system, to unify criteria and co-ordinate the activities of its components with a view to relieving rustic poverty which principally affects the indigenous population in that part of the world. In that capacity, ILO also participated in the visiting mission to Bolivia in 1977 and in the formulation of the subsequent project, the initial phase of which is currently under way.

126. As for rural employment, within the overall framework of the World Employment Programme, ILO's work is primarily directed towards meeting the basic needs of the poorest sectors of the population - which include the peasant population that is mainly indigenous in various Latin American countries - in accordance with the Programme of Action adopted by the World Employment Conference in 1976. At the regional level, the Regional Employment Programme for Latin America and the Caribbean (PREALC), with its headquarters at Santiago, has carried out studies on employment in Ecuador and Bolivia, both of which provide ample information on the traditional rural sector.

127. With regard to rural vocational training, the Inter-American Vocational Training Research and Documentation Centre (CINTERFOR), with its headquarters at Montevideo, held a special seminar on vocational training policies for the rural sector at Asunción, Paraguay (1977) and published some textbooks on the subject. A methodological guide to rural vocational training is in the final stages of revision.

128. The ILO Advisory Committee on Rural Development makes a periodic general review of the Organization's activities and puts forward recommendations for their future development. In 1979, it drew attention to the need to adopt special methods to establish organizations representing indigenous workers, in view of the fact that they usually had their own cultural models and forms of organization.

129. In such special fields as integrated rural development activities, ILO provides technical co-operation for the implementation of projects with varied scope and content. For example, in Bolivia, it is participating in the project for the organization and supply of vulnerable groups, in which UNDP and the World Food Programme are co-operating, with a view to promoting the establishment of small-scale productive units based on groups of countrywomen; and, in Ecuador, in co-operation with the Fondo de Desarrollo Rural Marginal (FODERUMA) (marginal rural development fund), it is participating in the appropriate endogenous technologies project, which is being implemented in the inter-Andean provinces and aims at preserving, improving and disseminating forms and methods of work, many of which are deeply rooted in the indigenous culture.

(ii) Special activities connected with indigenous populations

130. Among those which concern them specifically, reference may be made to two activities:

Research into traditional forms of social organization and authority in indigenous Andean groups, for which a plan has just been completed. This project will be carried out in co-operation with the Inter-American Indian Institute in view of the fact that it deals with a similar theme to the participating research programme on traditional forms of social organization among indigenous peoples, which forms part of the Five-Year Inter-American Indian Action Plan. Similarly, research into the living conditions of indigenous persons who migrate to the cities is a project which will be entrusted to a working group appointed by ILO to study the problems of urban marginality and will be linked with the programme for seeking solutions to marginality and discrimination which is also part of the afore-mentioned Five-Year Plan.

Advice on the preparation of draft legislation in accordance with the standards contained in the international conventions relating to indigenous populations, particularly No. 107. To that end, two missions have been sent to Colombia, last year and this year, and similar work will begin in the next few weeks in Ecuador at the Government's request.

Exchange of information and documentation. In order to facilitate such exchanges the ILO Regional Office has begun to reorganize and classify the records of the Andean Programme, a technical co-operation programme that was mentioned at the beginning of this report.

(h) Relations with the Inter-American Indian Institute and collaboration in the Five-Year Indian Action Plan

131. Early in August 1980, a meeting was held at Lima between the Director of the Institute and the competent officials of the Regional Office, with a view to exchanging information and discussing new forms of co-operation and joint action. The Chief of Anthropological Research of the Institute also visited that Office twice and had talks on various matters.

132. With a view to formalizing the positive conclusions of those discussions, the ILO Regional Office for the Americas and the III signed a Co-operation Agreement at Mexico City.

133. ILO welcomed the approval of the Five-Year Inter-American Indian Action Plan, because it considered it to be the ideal instrument, at least potentially, to combat the poverty and marginality of the indigenous populations on the American continent, as it stated at the meeting of international organizations held in Washington (21-22 August 1980) to discuss co-operation with and support for the implementation of the Plan. On that occasion, ILO expressed its readiness to co-operate fully in the Plan, indicating the specific programmes in which it was particularly interested in participating.

134. ILO attended the eighth Inter-American Indian Congress with a view to contributing to the common aim of improving the living and working conditions of the indigenous populations of America and assisting the efforts being made to achieve those purposes at the national and regional level.

D. United Nations Educational, Scientific
and Cultural Organization
(UNESCO)

1. Introductory comments

135. In response to requests to do so, UNESCO has submitted some information relevant to this study. Its contributions were sent on 8 February 1973, 27 August 1973, 4 March 1974 and 17 July 1981.

136. Various subjects were considered in those communications, namely: (a) normative action and application of the norms; (b) studies and research; (c) UNESCO participation in meetings and seminars on racism; (d) educational activities; (e) activities concerning public museums and (f) information on specific projects.

2. Normative action and application of the norms

(a) Introductory comments

137. At very least, reference should be made in this connection to the Convention and Recommendation against Discrimination in Education, of 1960, and to two more recent texts: the UNESCO Declaration on Race and Racial Prejudice of 1978 and the Athens appeal of 1981.

(b) Convention and Recommendation against Discrimination in Education (1960)

138. The Convention and Recommendation against Discrimination in Education were adopted on 14 December 1960 by the General Conference of UNESCO at its Eleventh Session. ^{51/} The Convention contains substantive provisions which will be cited in appropriate parts of the study. Article 7 and section VII of the Recommendation foresee the submission of periodic reports on measures taken to implement these provisions. In fulfilment of these obligations, States parties have submitted two periodic reports, the first in 1961. ^{52/} The second periodic reports were submitted in 1971 and are those referred to by UNESCO in its information.

139. Regarding the reports by States Members on the implementation of the Convention and Recommendation against Discrimination in Education, it was stated that:

"The second periodic reports, which were submitted by Member States in 1971 on the implementation of the Convention or Recommendation against discrimination in education, did not contain information regarding any direct or indirect impediments, limitations, restrictions or obstacles affecting indigenous persons or communities." ^{53/}

140. Reference was made, however, to the fact that the reports of Australia and New Zealand, which are States parties to the Convention, refer to certain measures taken to overcome educational inequalities affecting indigenous populations. ^{54/} The same information was subsequently furnished with regard to the report of Canada. ^{55/}

141. The information concerning Australia, Canada and New Zealand will be included in the appropriate paragraphs of the study as substantive information.

^{51/} UNESCO, General Conference, Eleventh Session, Resolutions. See the status of the Convention as at June 1981 in chapter VIII (E/CN.4/Sub.2/Add.3, paras. 111-113).

^{52/} UNESCO, General Conference, Initial special reports of Member States on Action taken by them upon the Convention and Recommendation adopted by the General Conference at its Eleventh Session, item 13 of the provisional agenda, document 12 C/11).

^{53/} Information furnished in 1973.

^{54/} Ibid.

^{55/} Information furnished in 1974.

(c) Declaration on Race and Racial Prejudice (1978)

142. While the first UNESCO Declarations on Race of 1950 and 1960 were drawn up by groups of experts meeting in their personal capacity, the Declaration on Race and Racial Prejudice, solemnly adopted on 27 November 1978 by the General Conference at its Twentieth Session, was the outcome of a meeting of the governmental representatives of over 100 States members of UNESCO. The Declaration is undoubtedly one of the most significant of UNESCO's instruments in the fight against racism and racial prejudice.

143. It contains 10 preambular paragraphs. It is an instrument which, although not legally binding, constitutes a moral and ethical commitment by the international community as a whole against racism and racial prejudice. It covers all aspects of the problem: biological, social, cultural, economic and political. It is original in that it not only reaffirms the fundamental unity of mankind, but also proclaims the diversity of culture, environment and history. Three novel aspects of the Declaration deserve particular attention.

144. First, the right of all individuals and all groups to be different - in other words the right to be themselves - because every human being per se constitutes a unique entity that is therefore irreplaceable, was affirmed for the first time at the international level. Thus article 1, paragraph 2 states that: "All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism."

145. Obviously it was a gamble to affirm the right to be different in a declaration on race. There are two ways of evaluating the difference. The first is racist in inspiration: it affirms the immutable nature of the differences, establishes a hierarchy, particularly of ethnic, cultural and social differences, and attributes a permanent superiority to genetic or even sociological factors. The second values the difference, because it is a source of mutual enrichment, because its social reality reflects a harmony based on diversity, plurality of cultural and spiritual aspirations and, of course, change. It is this second way of understanding the difference that the Declaration on Race and Racial Prejudice proposes should be recognized.

146. The Declaration thus reaffirms both the unity of the human race and its diversity, the need for pluralism. This is a fundamental requirement for an international community based on justice, equality and solidarity.

147. As the Director-General of UNESCO stated in August 1978 at the World Conference to Combat Racism and Racial Discrimination: "It was (...) in the twentieth century - I would even say in our own generation - that mankind discovered its multiplicity. And people then began to understand that mankind as a whole could not take on the appearance of any specific ethnic group or civilization, but that, on the contrary, its strength lay in the extent to which it learned to acknowledge, without exception or exclusion, the entire heritage of its past and all the specific expressions of its future. There is no privileged way of thinking, being or dreaming, but an infinite diversity of ways, in space and in time, which have expressed the different potentialities of man throughout his history. However, over longer or shorter periods of time, certain societies managed to believe that they were self-sufficient, and personified to some extent the destiny of mankind. In varying degrees, all

societies are beginning to understand the extent of such an illusion. They are beginning to see not only what they can bestow upon others, but also what they stand to gain by learning from others".

148. Second, the right to development is reaffirmed as a consequence of the requirements of a just international order. Thus article 3 states that: ... "Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development, is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide."

149. Third, for the first time the principle of the international responsibility of States for any form of racial discrimination is expressed. Thus article 9, paragraph 1 states that: "The principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practised by a State constitutes a violation of international law giving rise to its international responsibility."

150. It will be noted that the General Conference duly completed the Declaration on Race and Racial Prejudice with a resolution for its implementation inviting the Director-General: "to prepare a comprehensive report on the world situation in the fields covered by the Declaration, on the basis of the information supplied by Member States and of any other information (...) which he may have gathered ..."

151. There can be no doubt that UNESCO intends resolutely to pursue the implementation of the Declaration on Race and Racial Prejudice. It will continue to give it wide publicity and to encourage its translation into vernacular languages. A meeting of experts is planned in 1982 for the purpose of improving the ways of implementing the Declaration.

(d) Athens appeal

152. At a time when there was a resurgence of racist phenomena and when some people were trying to give them and the ideologies inspiring them a scientific and rational basis, UNESCO organized a symposium at Athens from 30 March to 3 April 1981, at the invitation of the Athens human rights foundation, which brought together some 20 eminent scientists. They reviewed the main conclusions of recent work carried out in the areas most closely linked to the question, such as anthropology, ethnology, biology and psychology.

153. The participants launched an appeal "to the peoples of the world and to every human being" which denounced the misinterpretation of certain areas of scientific work and stressed that to engage in science is to assume a large share of responsibility for the social future of one's contemporaries". It also states that: "any scientific research, particularly in the field of the human and social sciences, must respect the dignity of man".

154. The participants once again emphasized that "the most recent anthropological discoveries confirm the unity of the human species" and that "its geographical dispersion has resulted in racial differentiation which has not however undermined its fundamental biological unity".

155. They also indicated that "biology provides no grounds for establishing a hierarchy among individuals or populations" and that "it is not possible to proceed from the observation of a difference to the conclusion that there is a superiority/inferiority relationship without being arbitrary".

156. The appeal also made it plain that it is unacceptable and scientifically unjustifiable to make use of the results of scientific tests, such as the intelligence quotient, for purposes of racial discrimination.

3. Studies and research

157. A whole series of works attempt to analyse the consequences of apartheid in UNESCO's various fields of competence. 56/

158. Reference may also be made to Sociological Theories: Race and Colonialism, UNESCO 1980. This work, which contains contributions by a number of authors of different schools of thought, shows how different sociological theories have contributed to the study of racism and, by extension, the study of colonialism. It stresses, inter alia, the strengths and weaknesses of conventional sociological theories based on the works of Marx, Weber and Durkheim, and includes a critical analysis of the most recent theoretical approaches, for example those connected with the fundamentalist American school. It also indicates the economic, political and social factors which led to the emergence of relatively structured racist ideologies in the nineteenth century and the role they played in maintaining or developing certain social structures at both the national and international level.

159. Three books have been published by UNESCO in a series on ethnicity: The first, Two Studies on Ethnic Group Relations: Senegal and the United Republic of Tanzania, discussed ethnic relations in two African countries. The second, Race and Class in Post-colonial Society, dealt with race and ethnicity in Bolivia, Chile, Mexico and the English-speaking Caribbean. The third is Trends in Ethnic Group Relations in Asia and Oceania.

160. The studies, in all cases, have been preceded by a historical analysis of the circumstances under which particular groups come into contact. The account in the publications have been backed by field work.

56/ Reference can be made to: Apartheid its effects on Education, Science, Culture and Information (1967 and 1972 editions, the third edition is being prepared). Portuguese Colonialism in Africa: The end of an era. The effects of Portuguese colonialism on education, science, culture and information. (UNESCO, 1974); Southern Rhodesia: the effects of a conquest society on education, culture and information (UNESCO 1977). Namibia: the effects of apartheid on culture and education, (UNESCO 1977). There are also works by A.K.H. Weinrich concerning former Rhodesia, i.e. Muccheke: race, status and politics in a Rhodesian community. (UNESCO 1976); Women and Racial Discrimination in Rhodesia. (UNESCO 1979). [French version entitled: La situation de la femme au Zimbabwe avant l'indépendance (UNESCO 1981)].

Furthermore, in the historical field reference can be made to the work of Marianne Cornevin entitled Apartheid: Power and Historical Falsification, (UNESCO, 1979). In this publication, the author exposes the fallacious historical postulates on which the ideology of apartheid is based.

161. For Race and Class in Post-colonial Society and Trends in Ethnic Group Relations, UNESCO invited a social scientist, from outside the regions concerned, to contribute an introductory chapter as a way of broadening the approach by including aspects of such theory which go beyond regional studies. Moreover, the relevance of models commonly used in discussing group conflicts can now be reassessed in the light of the new material provided and the different ways available for interpreting it. This series should make those interested in comparative research more aware of the complexity of ethnicity, and of the need for basic research. Countries were selected, not because of the presence, absence or intensity of group conflicts but because of the opportunities they offered for investigating questions posed by different methods of incorporating ethnic minorities politically and economically into a nation-State. The aim was not to underline instances of discrimination-- although these exist - but to unravel social situations in which ethnicity is perceived as a factor of social importance.

162. In 1981, UNESCO reported in connection with these works that, following the two studies on ethnic group relations in Senegal and the United Republic of Tanzania (published by UNESCO, Paris, in 1973), a series of studies on relations between ethnic groups in Bolivia, Chile, Mexico and the English-speaking countries of the Caribbean had been made by social science experts belonging to the region. The purpose was to analyse the extent to which the colonial structure had influenced relationships between the race or ethnic group and social stratification during the post-colonial period, and how far changes in the economic pattern, such as the exploitation of tin mines in Bolivia, coffee-growing in Mexico or tourism in the English-speaking countries of the Caribbean had facilitated the social mobility of certain groups. These studies were published under the title: Race and Class in Post-colonial Society: A study of ethnic group relations in the English-speaking Caribbean, Bolivia, Chile and Mexico, in 1977.

163. Research institutes and individual research workers in India, Nepal, the Philippines and New Zealand have carried out studies on ethnicity in those countries. In the case of India, historical and sociological analyses were combined to permit the study of the relationship of the Chota Nagpur region with Hindu society as a whole. Reference was made, inter alia, to the effects on the region of Mongol domination, British colonialism, tea plantations and the introduction of local industries during the post-colonial period. The chapter on Nepal analyses the complexity of social relations in a pre-industrial society, the evolution of the caste system and the effect of resettlement in new zones on relations between ethnic groups.

164. In the case of the Philippines, two separate studies were carried out: the first dealt with the evolution of the nature of the Filipino-Chinese community, its social, economic and cultural institutions and the way in which the group was integrated into Philippine society as a whole; while the second analysed the relationship between urban Muslims and the Muslims in rural areas as well as the influence of the growing national Philippine culture.

165. The changes in the structure of land ownership among the Maoris of New Zealand and the effect of those changes on their status in New Zealand society form the subject of the last study carried out under this project. The ways in which the traditional forms of social relationships could be used as the basis for a modern economy were also analysed. These studies were published under the title: Trends in Ethnic Group Relations in Asia and Oceania in 1979.

166. A copy of the final report on the Meeting of Experts on the Concepts of Race, Identity and Dignity was attached to the communication of 8 February 1973. This

meeting, held at UNESCO headquarters, Paris, from 3 to 7 July 1972 ^{57/} considered four topics: (a) separatism as an attempt to maintain or create cultural forms different from those valued by other groups in the society; (b) pre-independence movements which have used culture as a part of the struggle for independence; (c) the plural society; and (d) Messianic movements. The papers submitted, particularly those on separatism and on the plural society, contain important data that will be useful in other parts of the present study.

4. UNESCO participation in meetings and seminars on racism

(a) Co-operation between UNESCO and the Committee on the Elimination of Racial Discrimination (CERD)

167. The possibility of establishing useful co-operation between UNESCO and CERD (constituted under article 8 of the Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965) to combat racism, racial discrimination and apartheid goes back to the Committee's decision 2 (VI) of 21 August 1972. ^{58/} Since then, UNESCO has made every effort to participate actively in various sessions of the Committee, particularly with regard to the agenda items falling within its competence.

168. In this connection, it will be noted that CERD held its nineteenth session at UNESCO from 26 March to 13 April 1979. This gave the Committee an opportunity to make: "arrangements for co-operation between UNESCO and the Committee in implementation of article 7 of the Convention".

169. It will be remembered that the aforementioned article 7 provides that: "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration of the Elimination of All Forms of Racial Discrimination, and this Convention."

170. The twenty-first and twenty-third sessions of the Committee gave UNESCO the opportunity to react positively to the Committee's request in Decision 2 (XIX) by submitting two documents concerning: (a) preliminary observations by UNESCO on the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, and (b) draft guidelines for the implementation of article 7.

171. UNESCO's intention in that respect can be fairly accurately summarized by stating that, generally speaking, it endeavours to co-operate actively with all institutions, particularly those of the United Nations system, which are concerned with human rights and the fight against racism, racial discrimination and apartheid.

(b) Seminar on "Children under the régime of apartheid"

172. On the occasion of the International Year of the Child, UNESCO acted as host for the above-Seminar from 18 to 20 June 1979 at its headquarters, under the auspices of the United Nations Special Committee against Apartheid. The Director-General took the opportunity, during his opening statement at the seminar, to which UNESCO made a

^{57/} "Final Report of the Meeting of Experts on the Concepts of Race, Identity and Dignity" (UNESCO document SEC/MD/21, Paris, 17 November 1972).

^{58/} Decision 2 (VI) of 21 August 1972. Co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the report of CERD, Official Records of the General Assembly, Twenty-seventh session, Supplement No. 18, document A/8718, p.59.

significant contribution with its paper on the condition of children under Nazi laws and South African legislation, to denounce vigorously racism and the régimes which made use of it, declaring, inter alia, that: "Freedoms will recover their rightful place in South Africa only to the extent that apartheid is combated, isolated and finally overcome there".

(c) United Nations round table on the teaching of problems of racial discrimination

173. This round table, held at Geneva from 5 to 9 November 1979 as part of the Programme of the Decade for Action to Combat Racism and Racial Discrimination in implementation of General Assembly resolution 33/99 of 16 December 1978, enabled the UNESCO representative to introduce the study which the Organization had been requested to make on the teaching of problems of racial discrimination. The first part of that study outlined the role of education in the fight against racism; the second part was devoted to aspects of the UNESCO programme concerning education and teaching against racism, while the third and last part put forward some comments and suggestions on the promotion of education against racism and racial discrimination.

(d) United Nations Seminar on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination (Nairobi, Kenya 19-30 May 1980)

174. This seminar, which was also organized within the framework of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, enabled the representative of the Director-General of UNESCO to introduce the study for which the Organization had been asked concerning its activities in the struggle against racism. The document first referred to UNESCO's normative action in the fight against racism and racial discrimination. It went on to consider the problem of failure to recognize the cultural identity and cultural contribution of certain population groups, with a view to preserving and maintaining their cultural heritage. Lastly, it dealt with discriminatory practices concerning the right to education and training, and the lack of measures in the field of information to dispel the preconceived ideas that various groups in the population might entertain concerning each other.

(e) International Conference of Teachers to Combat Racism, Anti-Semitism and Human Rights Violations (Tel Aviv, 9-14 November 1980)

175. This Conference was organized by the Union of Israeli Teachers together with teachers associations from the Netherlands, Germany, France and America. It gave the representative of the Director-General of UNESCO an opportunity to recall that, since its creation, the Organization had organized a number of international conferences to review genetic work concerning populations and social science research into the "racial problem", that it had also published several works on that question and had constantly developed its study and research programme on the subject. In his statement, he analysed the contribution of the various UNESCO declarations on race, giving pride of place to the most recent: the Declaration on Race and Racial Prejudice adopted on 27 November 1978 by the UNESCO General Conference.

(f) Meeting of Experts on the analysis of the bases and forms of individual and collective action by which violations of human rights can be combated

176. This Meeting, held in Sierra Leone from 3 to 7 March 1981, provided an opportunity to consider, on the one hand, specific forms of action to oppose apartheid and colonialism and, on the other, the sanctions against human rights violations, and more particularly against apartheid and racism.

(g) Meetings to promote ethnic development and combat ethnocide

177. Three meetings, to be held in turn in Latin America, Africa and Asia, will bring together ethnologists, anthropologists and sociologists as well as the representatives of ethnic movements, to consider ways to promote ethnic development and combat ethnocide.

178. The first of these meetings was held at San José, Costa Rica, from 7 to 12 December 1981. On Friday, 11 December 1981, the Meeting adopted by acclamation a text entitled the "San José Declaration":⁷ this text is reproduced in annex VI.

5. Activities in the Field of Education

179. Among UNESCO's many activities in the broad field of education, at least the following should be mentioned as directly affecting indigenous populations.

(a) Social integration

180. At its sixth session in 1951 the General Conference of UNESCO, in resolution No. 3.22, authorized the Director-General to "undertake, in collaboration with Member States concerned, a critical inventory of the methods and techniques employed for facilitating the social integration of groups which do not participate fully in the life of the national community by reason of their ethnical or cultural characteristics or their recent arrival in the country". 59/

181. Under this resolution studies were made, in collaboration with national institutions in several countries, including Brazil (with an expert from the ILO) and Mexico. 60/

182. Forest-dwelling tribes of the Huallaga basin. In 1948, in agreement with the Peruvian Government, UNESCO sent a scientific expedition to the central Huallaga basin, which is inhabited by small groups of forest-dwelling Indians. The results of its investigations have been published in a work dealing with the geographical, economic, ethnographic and health problems of the area. 61/

183. Regional Fundamental Education Centre for Latin America. In 1949 the General Conference of UNESCO adopted a resolution authorizing the Director-General to co-operate with Member States in the establishment of regional centres for the training of teachers and the production of materials for fundamental education. In May 1951 a Regional Fundamental Education Centre for Latin America 62/ was set up at Pátzcuaro, Mexico, by virtue of agreements concluded in 1950 between the United Nations, the Organization of American States and the Government of Mexico. The ILO, FAO and WHO also collaborate in the work of the Centre.

184. The aims for which the Centre was set up are to assist the Governments of the Latin American countries in their efforts to provide fundamental education, to train teachers for the purpose and to produce the necessary educational materials. The teachers are trained through active participation in the Centre's general experimental programme for the development in selected Indian communities

59/ UNESCO Records of the General Conference, Sixth Session, Resolutions, p. 23.

60/ Indigenous Peoples ..., p. 602.

61/ Informe sobre el Huallaga (Lima, Organismo, Coordinador de la Hilea Peruana, 1950).

62/ See Regional Fundamental Education Centre for Latin America. UNESCO document ED/195 (Paris 1951); and El CREFAL en América (Pátzcuaro, Mexico, CREFAL, 1957).

of agriculture, stock-raising and handicraft; the conservation and exploitation of natural resources; the improvement of nutrition; the prevention of disease; the improvement of domestic hygiene and economy; the participation by individuals in community enterprises; the encouragement of sports, games and recreational activities; the employment of leisure time in intellectual and cultural pursuits; and, in particular, the eradication of illiteracy.

185. The second branch of the Centre's activities is mainly concerned with the production of educational materials adapted to the needs, resources and cultural levels of each community, and the training of teachers or instructors in the production, use and choice of these materials.

186. The Centre has a permanent staff consisting mainly of educational specialists. In addition, experts in weaving, ceramics, dyeing, agronomy, hygiene and domestic economy have been sent by other specialized agencies.

187. UNESCO is executing agency for a UNDP project entitled "The Regional Education Centre for Community Development (CREFAL)", which was approved in September 1968, with an estimated completion date of January 1973, according to a 1972 UNDP publication. 63/

(v) Other activities

188. Further, UNESCO has published a series of monographs on fundamental education, some of which should be mentioned here in connection with problems affecting indigenous populations: Fundamental Education; 64/ Co-operatives and Fundamental Education by Maurice Colombain; 65/ The Mexican Cultural Mission Programme by Lloyd H. Hughes; 66/ and The Use of Vernacular Languages in Education. 67/ Also relevant are two studies on illiteracy: Progress of Literacy in Various Countries 68/ and World Literacy at Mid-century, a Statistical Study. 69/

189. In addition, UNESCO has provided expert assistance in many programmes directly dealing with the welfare and development of indigenous populations. Suffice it to mention here UNESCO's important collaboration with the Inter-American Indian

63/ Compendium of Approved Projects as of 30 June 1972
(UNDP/MIS/Series A/No. 1), p. 276.

64/ UNESCO Monographs on Fundamental Education, Publication No. 365 (Paris, 1949).

65/ Ibid., Publication No. 632 (Paris, 1950).

66/ Ibid., Publication No. 637 (Paris, 1950).

67/ Ibid., Publication No. ED.52.III.8.A. (Paris, 1952).

68/ UNESCO Publication No. ED.52.III.6.A. (Paris, 1953).

69/ UNESCO Publication No. ED.56.III.12.A. (Paris, 1957).

Institute in the material and cultural development of the Mezquital Valley in Mexico; 70/ the survey made of the use of vernacular languages for education; 71/ its contributions in campaigns against illiteracy in many countries; 72/ and its efforts in favour of adult education in its new conception 73/ and for the introduction of compulsory education in Asian countries. 74/ UNESCO provided experts for the joint mission sent to three Andean countries in 1952 and continued to make important contributions to the Andean Indian Programme which evolved from this and which is discussed in section E below.

6. Activities regarding Public Museums

190. UNESCO has stated that libraries and museums could play a great role in the future cultural development of indigenous populations in several ways. In this respect UNESCO communicates that:

"(a) UNESCO adopted a recommendation (in 1960) concerning the most effective means of rendering museums acceptable to everyone. This means that no discrimination can keep 'indigenous populations' away from museums provided they have the physical possibility to visit them.

"(b) The same attitude is taken by the UNESCO Public Library Manifesto marking the International Book Year in 1971."

191. The "Manifesto" referred to contains the following statements which are considered particularly relevant to the present study:

70/ Carried out in collaboration with the Inter-American Indian Institute, the plan of action included education; the establishment of a textile industry with appropriate techniques; the elimination of exploiting intermediaries; the protection of marketing for indigenous products; and the introduction of new agricultural methods. See "Investigación y entrenamiento en el Valle del Mezquital" in América Indígena, vol. X, No. 4 (October 1950), pp. 279-281.

71/ See, for example, "Problem of the use of vernacular languages for education", preliminary report by UNESCO submitted to the United Nations Committee on Information from Non-Self-Governing Territories (A/AC.35/L.103 of 28 August 1952).

72/ An idea of the importance of this problem, work done in this field and tasks ahead can be gathered from the publications mentioned in paragraph 188 above, foot-notes 68 and 69.

73/ For the changing ideas on adult education see, for instance, A.S.M. Hely, New Trends in Adult Education - From Elsinor to Montreal, Monographs on Education, publication No. ED.62/XVI.4/E (Paris, UNESCO, 1963).

74/ Indigenous Peoples ..., p. 604.

"The Public Library

"To fulfil its purposes, the Public Library must be readily accessible, and its doors open for free and equal use by all members of the community regardless of race, colour, nationality, age, sex, religion, language, status or educational attainment.

"Resources and services

"Its contents should be a living demonstration of the evolution of knowledge and culture, constantly reviewed, kept up to date and attractively presented. In this way it will help people form their own opinions and develop their creative and critical capacities and powers of appreciation. The public library is concerned with the communication of information and ideas, whatever the form in which these may be expressed.

"...

"The total collection should include material on all subjects, to satisfy all tastes at differing educational and cultural standards.

"All languages used by a community should be represented, and there should be books of world importance in their original languages.

"...

"The public library is a natural cultural centre for the community, bringing together as it does people of similar interests. Space and equipment are therefore necessary for exhibitions, discussions, lectures, musical performances and films, both for adults and children.

"Branch libraries and mobile libraries should be provided in rural and suburban areas.

"Trained and competent staff in adequate numbers are vital to select and organize resources and assist users. Special training will be required for many activities such as work with children and handicapped, audio-visual materials, and the organization of cultural activities.

"The Public Library in the community

"The public library should be active and positive in its outlook, demonstrating the value of its services and encouraging their use.

"It should link itself with other educational, social and cultural institutions, including schools, adult-education groups, leisure-activity groups and with those concerned with the promotion of the arts.

"It should be watchful for the emergence of new needs and interests in the community, such as the establishment of groups with special reading requirements and new leisure interests to be represented in the library's collections and activities." 75/

7. Information with regard to certain rural development projects

192. UNESCO communicates the following information with regard to certain rural development projects:

"UNESCO also wishes to mention that, although the Organization faces necessarily the problem of 'indigenous populations' in a project such as teaching by satellites in Alaska [see below in this section for further information on this project], projects of this type do not aim at the preservation of indigenous cultures as such but at promoting rural development. UNESCO has for instance a project in Peru, which involves production and diffusion of radio programmes in Quetchua language for the Indians living on the High Andean plateau. UNESCO also tries to develop the installation of rural newspapers in Africa in autochtone languages ..." 76/

193. The material received as UNESCO's contribution to the study includes information on a report entitled "Alaska: Implications of Satellite for Education", which was prepared on the basis of work done in September 1970 by a group of consultant experts. Some of the substantive aspects taken up in that report will be dealt with in the appropriate chapters of the study. Some of the conclusions of the group which have a general bearing on this matter and do not relate solely to Alaska are reproduced in the following paragraphs.

"Production of radio and television programmes which are truly responsive to the needs and conditions of rural Alaska is not an easy task. It requires both skill in the handling of equipment and imagination in its use. Experience of educational broadcasters in the lower 48 who have worked mainly in urban areas and have applied the media within the context of existing school systems or for generally enriching public service purposes is only a limited base for such training. The Public Broadcasting Corporation has noted in recent studies that the media have hitherto been misused rather than used as far as continuing education is concerned. The transformation of an educational system to meet the cultural and material needs of a native rural population is an entirely novel task. The value and justification not only of satellite communication but of every type of educational radio and television in Alaska will depend upon the quality, originality and imagination of the staff which is responsible for it. Facilities, funds and time for training are therefore considered a vital necessity. A training programme should be set up which calls on the best talent in the rest of the United States and also elsewhere.

"Equally important is the training of users, whether they be teachers, health workers, community leaders or others. Such training is not only concerned with the technical manipulation of equipment, but with the pedagogical use of the media, the handling of follow-up work and discussion and the evaluation of impact. All such personnel should be trained for this purpose, both initially and continuously. There is also need for some field supervision with respect to the use of these media. This requires both staff and transportation.

76/ Information furnished on 4 March 1974.

"The key to educational usefulness of the media is not their existence but what they transmit. There is no denying that the mere availability of radio and television in the villages will make a profound impact. They are a symbol of modern technology and a link with the outside world. But most villagers are already familiar with modern media of communication. They may not have seen television, but they are used to radio receivers and even audio tape recorders seem quite widespread. Films are shown in all schools and are also regularly seen by adults. The media revolution has already penetrated the rural areas. But it has not yet hit them with its full impact. One may be concerned with the impact on native populations of the full blast of commercial radio and television, for its values, content and consumer stimulation seem ill adapted to meet the specific needs and aspirations of people who already are torn in conflict between two cultures. This is not to say that commercial programming would not be highly popular; but it may alienate people from their own bonds and traditions without enabling them to adapt themselves healthily to another society. Such use of the media may sharpen the conflict between cultures rather than contribute to cross cultural communication.

"The educational use of the media, and their responsiveness to native culture, assumes therefore particular importance under present circumstances. Satellite communication, far from contributing to inter-cultural communication, may in fact lead to greater polarization and alienation. A conscious, deliberate effort to use satellite communication for educational purposes should be aware of these pitfalls and seek to counterbalance them.

"Radio and television, whether distributed by satellite or other means, have their inherent limitations and inadequacies. They are not self-sufficient and become fully valuable only when integrated into a comprehensive educational programme (multi-media as well as inter-personal). The cost of production, especially of television is high, though the cost per viewer may be low. Hence, there is need to make sure that the media are employed in the most appropriate and effective manner. The key issue of each program should be presented not only through statements, interviews, and discussions at the central studio but largely through field recordings which air the voice and views of the people themselves. They should be open-ended and provocative so that they give incentive to discussion, reaction, and practical follow-up at the receiving end. In addition to home listening, arrangements should be made wherever possible for the reception of these programs by community groups, so that they may examine the issue with respect to the particular condition of their village and make their comments accordingly either on the air or through recordings and the mails. In places where the audience listens to the programs from a transceiver, feedback on the air is possible. Such feedback might be scheduled one hour after the termination of the original broadcast so that groups have time to formulate their response. This might lead to an on-the-air discussion not only with the originating station but also with other communities listening under the same condition.

"Many villages will, however, receive the program through rebroadcast by a local station. In that case, response can only come by mail or by tape recordings made of the discussion. A report of these reactions and comment on them would have to be carried in a subsequent program.

"Natives should be intimately involved in the selection of topics and their presentation on the air." II

E. World Health Organization (WHO)

194. On 26 February 1973, WHO communicated the following information:

"WHO has for many years co-operated with the ILO, which has special responsibilities for matters relating to indigenous populations. The Organization reviews on behalf of ILO reports received from Governments which ratified the ILO's Convention 107 of 1957. These reports usually contain information relevant to two sections of the Convention which are of concern to WHO, namely Article 19 which deals with 'social security' and Article 20 which deals with 'health'. These reports are submitted by the Governments on a biannual basis and together with the views of the specialized agencies they are studied by the ILO's Committee of Experts on the Application of Conventions and Recommendations which meets annually. WHO is represented at the ILO's Committee of Experts by a senior staff officer from headquarters who provides the Committee with advice on the public health aspects of actions taken by the Governments relevant to their social security and their health programmes for the benefit of indigenous populations in their countries.

"The 'measures taken by the Organization to protect indigenous populations' ... are normally part of the assistance provided on request by the Organization to the Governments. These are usually implemented either as health activities for the total populations including the indigenous groups, or, in some cases, are especially designed for groups of indigenous populations. The latter activities usually constitute part of the over-all programmes for which the ILO is the executing agency and WHO is one of the participating or associated agencies. A typical example is the WHO assistance in connection with the programme for the Andean Indian Indigenous Populations in Latin America."

195. On 1 February 1974, in a communication relating to the study, WHO reaffirmed the information provided in 1973, which appears in the preceding paragraph. ... In essence, WHO states that its technical assistance activities are as a rule directed towards the entire population of the country concerned, including the indigenous groups, although in some cases they were "especially designed for groups of indigenous populations". The latter type of activities were usually part of over-all programmes for which the ILO was the executing agency and WHO was one of the participating or associated agencies. WHO points out that, as regards the Indigenous and Tribal Populations Convention, 1957 (No. 107), it is concerned with articles 19 and 20, entitled "Social Security and Health", and that through its representative on the ILO's Committee of Experts it provides assistance in such matters in accordance with those two articles.

196. In a special communication relating to the present study, dated 7 May 1981, WHO has transmitted the following statement

"In WHO's views health development is not limited to any specific group or community. The Organization's programmes are, therefore, generally not geared towards group-specific activities, unless explicitly requested by Member governments. Nevertheless, the over-all thrust of WHO's present programmes is particularly relevant to the provision of health care to such underprivileged and marginal population groups as indigenous and tribal groups, as its focus is on the development of the health system infrastructure starting with primary health care for the delivery of country-wide programmes that reach the whole population.

"In 1977 the World Health Assembly decided that the main health target of governments and of WHO in the coming decades should be the attainment by all the people of the world of a level of health that will allow them to work productively and to participate actively in the social life of the community in which they live. To attain such a level of health, every individual should have access to primary health care and through it to all levels of a comprehensive health system. Primary health care includes measures for health promotion, disease prevention, diagnosis, therapy and rehabilitation.

"The main objectives of primary health care are health coverage of the total population, self-reliance which implies the acceptance of individuals of a high degree of responsibility for their own health, and community involvement and participation in shaping its own health and socioeconomic future.

"The development of a country-wide primary health care system should, no doubt, accelerate the solution of the main health problems prevalent among indigenous populations such as high infant and maternal mortality, lack of health manpower, inadequate sanitary facilities, lack of safe drinking water, nutritional and dietary deficiencies."

197. Although geared toward the population in general, several assistance programmes undertaken by WHO have sought the solution of health and sanitary problems that are highly prevalent among the indigenous populations of the countries concerned. Instances to be mentioned in this connection are efforts to reduce high infant and maternal mortality rates; programmes to cope with the rising needs for trained paramedical and nursing personnel; and action to help overcome serious nutritional and dietary deficiencies.

F. The Andean Indian Programme (AIP) 78/

1. Introductory remarks

198. The Andean Indian Programme is a joint programme of action undertaken within the framework of the United Nations Expanded Programme of Technical Assistance by the United Nations, ILO, UNESCO, FAO and WHO.

199. The programme is directed towards improvement of the conditions in which some 10 million Indians live in the Altiplano, the high and barren plateau of the Andes, 10,000 or more feet above sea level and straddling six South American countries: Argentina, Bolivia, Chile, Colombia, Ecuador and Peru. For decades this Indian population has lived in conditions of great poverty, suffering from lack of housing, water, food, clothes and medical care. The aim of the Andean Programme, according to the Director-General of ILO, is "to raise the living standards of these people to integrate them into the life of their nations, to bring them hope for the future and to give their countries the full strength of their hitherto untapped human resources".

200. The Programme, which was organized in 1953, became operational in 1954 under the co-ordination and general administration of ILO. Initially established at the request of the Governments of three Latin American countries, the Programme is at present also operational in four other Latin American countries, at the request of their Governments, and similar activities have been started in another.

201. ILO states in this regard: 79/

"The Andean Indian Programme, an interagency, multisectoral and multicountry action programme, financed initially by the Technical Assistance Board of the United Nations, and under the co-ordination of ILO, began with the establishment of action centres in Bolivia, Ecuador and Peru in 1954. Subsequently, it was extended to Colombia in 1960, to Chile and Argentina in 1961 and to Venezuela in 1964, while similar activities were also undertaken in Guatemala."

78/ This summary is based on materials contained in the ILO contribution to this report on the study (23 February 1973); in the book Indigenous Peoples ..., pp. 610-614; and in articles published in the International Labour Review: Jef Rens, "The Andean Programme", vol. LXXXIV, No. 6 (December 1961); "Vocational training and the establishment of service workshops in a poor rural area: the experience of the Andean Indian Programme", vol. LXXXV, No. 2 (February 1962); "The use of social promoters at the Puno base of the Andean Indian Programme", vol. LXXXVI, No. 5 (September 1962), Jef Rens, "The development of the Andean Programme and its future", vol. LXXXVIII, No. 6 (December 1963); and G.A. Johnston, The International Labour Organisation, Its Work for Social and Economic Progress (London, Europa Publications, 1970), pp. 258-261.

For additional information on AIP, see also Ernest Beaglehole, "A technical assistance mission in the Andes", International Labour Review, vol. LXVII, No. 6 (June 1953), pp. 520-534; and reports submitted by the Director of the office of AIP, Lima, issued in mimeographed documents bearing the symbol ACC/WGRCD.

79/ Information furnished for the present study (February 1973).

2. Inception

202. As a result of one of the resolutions adopted at its first session (La Paz, 1951) by the Committee of Experts on Indigenous Labour, 80/ the Technical Assistance Board began from the early part of 1952 onwards to receive applications for assistance in the field of aboriginal labour of the kinds mentioned in the various resolutions adopted at that meeting. 81/

203. The Governments of Bolivia, Ecuador and Peru requested the Director-General of the International Labour Office to give practical effect to those recommendations, and the Technical Assistance Board, at its seventeenth session (January-February 1952) approved a programme of action to be carried out in those countries jointly by the United Nations and ILO, UNESCO, FAO and WHO.

204. The first stage of this programme consisted in appointing a joint planning mission of the United Nations and the specialized agencies and sending it to the three countries concerned, with the tasks of:

"(a) reviewing previous attempts at social and economic rehabilitation of indigenous populations, assessing causes of past failures or success in order to determine the types of technical assistance that would ensure the maximum success in the continuation and expansion of existing projects or in the development of new projects;

"(b) exploring, in consultation with the governments concerned, the practical possibilities and conditions for carrying out a first demonstration pilot project;

"(c) determining the nature of this first pilot project;

"(d) selecting an area for this first pilot project." 82/

205. In the second stage, the international organizations participating in the planning mission were to carry into effect the technical projects of a practical nature prepared in consultation with the interested Governments.

206. The members of the mission were appointed by the various organizations involved. The administration of the mission was the responsibility of the United Nations while the International Labour Office was in charge of technical direction.

207. To ensure that the planning mission would achieve its objectives the Technical Assistance Board laid down the general principles that should guide its work. Two of these principles deserve particular mention: (a) the programme was to be primarily regional and (b) the problems facing indigenous populations in the Andean Plateau could best be solved by intergovernmental co-operation. Nevertheless,

80/ See paras. 51 and 52 above.

81/ Some of the other resolutions are referred to in paras. 48-53 above.

82/ As quoted in Jef Rans, "The Andean Programme", loc. cit., p. 8.

it was emphasized that the programme should take into account existing national characteristics and difficulties. After consulting the various organizations concerned, the mission set off in the second half of 1952 for the Andean high plateau, visiting Mexico and Guatemala on its way, to acquaint itself with work being done by the Mexican and Guatemalan National Indigenist Institutes. The mission then moved to Bolivia, Ecuador and Peru to discharge its tasks.

208. The planning mission's report was submitted simultaneously to the United Nations Director of Technical Assistance and to the Director-General of the International Labour Office in a letter dated 16 January 1953, signed by the head of the mission. The report contained recommendations regarding the second stage of the initial programme.

209. Among the main recommendations made, the following should be singled out here: it was considered that the approach should be organic and comprehensive, that is, that experts should be organized into teams to tackle all the problems arising out of the living and working conditions of the indigenous peoples; each project should, so far as possible, be carried out with a view to the complete and comprehensive resolution of problems affecting the conditions of life and work of indigenous populations and with active participation of national experts; the programme should be regional, but it should comprise a number of localized projects appropriate to the countries in which they were to be carried out; projects should fit into a regional programme requiring active participation by the Governments concerned; due consideration should be given to the opinions and policies of the countries concerned; technical assistance provided should be thoroughly realistic; projects should be such that they could continue to be carried out after the withdrawal of international assistance.

210. As a result of its investigations on the spot in Bolivia, Ecuador and Peru, the planning mission proposed that a series of projects should be started in each of these countries. In Bolivia, the mission focused attention on the Jesús de Machaca-Tiahuanacu region and in the department of Cochabamba in the light of planned agrarian reforms; in Ecuador, it concentrated on the Otavalo region and in Peru it studied problems raised by migrations from Puno to the Arequipa region.

211. After consulting with the other organizations that had taken part in the mission, the Director-General of the International Labour Office drew up a detailed working plan, covering most of the recommendations made by the mission.

212. At its twenty-fourth session (Geneva, March 1953) the Technical Assistance Board approved the mission's report and the working plan containing the programme of action submitted by ILO. The Board further decided to entrust ILO with the co-ordination of projects to be carried out.

213. In August 1953 agreements on the provision of technical assistance were signed with the Governments of Bolivia and Peru; a similar agreement was concluded with the Government of Ecuador in January 1954. A regional field office to launch and direct a co-ordinated scheme in the three countries was opened in Lima in September 1953.

214. The Colombian Government joined AIP in 1960. In 1961 the Governments of Argentina and Chile asked ILO to extend the programme to certain parts of their countries. The Venezuelan Government joined in 1964.

215. From the outset, the United Nations and the specialized agencies have collaborated in a decisive way in the Andean Indian Programme, contributing, inter alia, many specialists in different fields. FAO has provided agricultural and animal breeding specialists; ILO, vocational training instructors, and handicrafts and co-operative experts; WHO, doctors and nurses; the United Nations, social welfare assistance; and UNESCO, teachers and anthropologists.

216. Since the inception of the Programme, the Governments of the countries receiving this assistance have contributed money, manpower and materials. The indigenous populations themselves have provided voluntary labour and surrendered land for the setting up of training centres and experimental farms. In each country pilot "action bases" were established.

3. Objectives

217. The main aim of the programme has been to improve the living and working conditions of the indigenous peoples of the Andes, so as to facilitate their integration into the economic, social and political fabric of their respective national communities. Action centres have been set up in appropriate sites, from which teachers, agronomists, doctors, veterinary surgeons, vocational training instructors, etc., have operated among various indigenous communities. The Programme's main activities have centred on the provision of vocational training, the establishment of communal workshops, the encouragement of handicrafts, the building and operation of schools, the diversification and improvement of agricultural production, the introduction of more modern techniques, the establishment of medical services, the expansion of agricultural credit and the co-operative movement, and home improvements. The Programme has also paid particular attention to the training of staff recruited from the countries concerned and especially to the training of indigenous social promoters and leaders.

4. Achievements

218. This multidisciplinary approach has been applied within prudent limits, since one of the main objectives has been to avoid, on the one hand, expensive schemes difficult to reproduce elsewhere and, on the other, any sudden impact that might upset the balance of the indigenous cultural setting by not allowing sufficient time for a gradual process of transition. A fair number of positive results, although individually not spectacular, have been achieved in the various fields of action. Specific achievements described in ILO reports are outlined below.

219. In Bolivia, Ecuador, Peru and Venezuela increases have been obtained in several types of agricultural production and new crops have been introduced for marketing; in Ecuador and Peru school gardens have been set up as part of an over-all effort to introduce better nutrition habits; in Argentina (Jujuy), Chile (Arica), Ecuador and Peru, programmes have been launched to improve stockbreeding methods, in some cases accompanied by schemes to produce better pasture land and fodder; in Argentina, Bolivia, Chile, Ecuador and Peru production, consumers' and agricultural credit co-operatives have been organized. Schools have been opened in areas where instruction had not been available previously and adult literacy courses have been arranged in a number of countries. Vocational training institutes or workshops have also been set up for training indigenous workers as carpenters, blacksmiths, mechanics, weavers, masons or potters. The Programme has helped many of the trainees to set up workshops of their own. As part of the Programme, home improvement activities have been undertaken in a number of countries, including Bolivia, Chile, Peru and Venezuela.

220. In the public health field, the institution of medical services in the Andean region has made it possible to launch health campaigns and improve environmental sanitation in Bolivia, Chile, Ecuador and Peru, thereby bringing the benefits of medical progress to the indigenous populations. In Bolivia, for example, the health centres opened at the "action bases" maintained by the Programme were the first centres of the kind to be established in rural areas. Encouraging results have been obtained from the training courses organized as part of the Andean Indian Programme for staff, community leaders and indigenous social promoters in Bolivia, Chile, Ecuador and Peru. The trainees, after attending theoretical and practical courses in farming, health, hygiene, community development, etc., have gone back to their native communities to put their new knowledge into practice. The increased activity observed in some communities has been attributed to the effective influence of the social promoters trained by the Programme.

221. Over the years considerable amounts have been invested in AIP integration plans. These investments have been made from national budgets, International Development Bank loans, the United States Agency for International Development, and the Andean Indian Programme through UNDP. In addition, contributions of manpower and materials have been made by the peoples themselves.

222. With international assistance, action bases were established in the late 1960s in the 31 areas of operation. They have been supplied with teams of agronomists, veterinarians, doctors, nurses, sanitary experts, social workers, education officers and vocational instructors, and with equipment and means of transport. In some, special facilities have been set up, such as the Centre for Personnel Training at Guaslán (Ecuador); the Vocational Training Centre at Guano (Ecuador); the National Instructor Training Institute at Huancayo (Peru); the centres for vocational and handicrafts training in Taraco, Chucuito and Camicachi (Puno, Peru); the School for Rural Development Auxiliary Training at Pillapi (Bolivia); the Rural Handicrafts Polytechnic "Bélgica" at Paracaya (Bolivia); the Abra Pampa Monotechnical School (Argentina); and the Vocational Training Centre at present being organized at Imbabura (Ecuador).

223. Since 1972 an ILO expert on indigenous populations has been assisting the Government of Venezuela. His activities cover the whole country.

224. There has also been a regional project, financed by the Special Fund, devoted to community development in the Andean region of Bolivia, Ecuador and Peru, which will be operational until February 1974. One of its purposes has been to ensure that national community development programmes effectively achieve the structural changes in the social groups, localities and regions that have traditionally remained marginal and dominated necessary to enable them to participate fully in the development process and enjoy the benefits that development implies.

225. Seen as a whole, the main value of the Programme has undoubtedly been to provide the Governments in the Andean region with a useful experimental tool with which they could determine more clearly the kind of action required for a sizable segment of their population. The projects undertaken as part of the Programme have served to demonstrate fairly conclusively that the indigenous peoples respond constructively to an outside stimulus that respects their individuality and cultural values. The Programme has furnished conclusive evidence that the alleged apathy and inertia of the inhabitants disappear and their attitude changes when they are convinced that the assistance offered them is useful and practical and does not serve as a cover for exploitation.

226. After a first phase consisting of direct action through international technical co-operation, the Governments set up various national institutions, such as the Andean Mission in Ecuador, to broaden the scope of action in their countries. Several Governments, including those of Bolivia, Ecuador and Peru, drew up national rural development and integration projects based on the principles of the Andean Indian Programme, with the object of extending the benefits of that Programme to an increasingly greater number of indigenous communities. This initiative by the Governments has been backed up by a new feeling of confidence among the populations concerned in their ability to make progress through their own efforts. They quickly understood the advantages and usefulness of such programmes and volunteered to take part in building roads, irrigation systems and schools and in other public works.

227. Apart from the Governments of the countries in the Andean region, several other Governments of the American continent (Mexico and the United States) and Europe (Belgium, Denmark, France, the Federal Republic of Germany, Norway, Sweden, Switzerland and the United Kingdom) have shown an interest in the Andean Indian Programme and have helped by contributing in cash or kind (for example, machinery, tools, equipment, teaching aids and medical supplies). Many non-governmental organizations, most of them employers' and workers' associations, have also provided financial assistance or donated schools, workshops and clinics with the necessary equipment.

228. The Andean Indian Programme has had the support of the World Food Programme in Chile, Colombia, Ecuador and Peru and that of UNICEF in Colombia, Ecuador and Venezuela.

229. Close co-operation has been maintained with other bodies, such as the Inter-American Indian Institute, the Organization of American States and the Inter-American Development Bank.

5. Assessment and future prospects 83/

230. The projects making up the Andean Indian Programme have constituted an entirely new approach to the problems involved. Difficulties were encountered on account of the lack of sufficiently detailed and realistic preparatory studies of the various local conditions, and this, in practice, resulted not only in imbalances and delays but also in failures fully to achieve the aims that had been set. The resources made available proved to be inadequate to cope with the magnitude of the problems encountered. An additional impediment, particularly at the outset, was that international action did not always coincide with parallel efforts on the part of Governments to provide the necessary counterpart funds and other facilities in their respective countries. The international staff also had some initial difficulty in establishing direct contact with the local population because they lacked knowledge of the vernacular languages.

231. International assistance, however, has been particularly useful in training a relatively large number of national personnel and imbuing them with a sense of purpose and a dedication to help resolve problems facing indigenous peoples and communities.

83/ This summary is based on material provided by ILO. The Special Rapporteur did not have access to other statements of assessment which might have confirmed or contradicted the ILO statements.

232. ILO, in its contribution to this report, states that a testimony to the success of the Programme lies in great measure in the fact that:

"The national agencies to which the field teams were attached generally had a higher morale and interest in their projects than most other government services and agencies. Furthermore, these agencies and their personnel, gained a stature in the eyes of politicians and among the communities in which they work to make them relatively secure even during periods of governmental instability and change."

233. Generally speaking, the experience gained through AIP has confirmed the need to select very carefully the international advisory staff having to deal with problems of this type. The main qualifications would seem to be a sound knowledge of the cultural background of the groups of people that are to be assisted and also an awareness of the possibilities afforded by the areas where such people live and by the resources of local, regional and national governments.

234. The activities of AIP, with its international and national staff, have resulted in direct or indirect benefit for many persons and for the community as a whole.

235. In round figures it may be said that 250,000 indigenous people have benefited directly from the various activities carried out by the integration plans. It is estimated that almost twice as many benefit indirectly.

236. There has been a considerable increase in the number of national personnel responsible for the realization of these plans in each of the countries.

237. Furthermore, in focusing attention on the problems of the indigenous communities, AIP has provided solid support for other programmes, policies and plans for national and rural development. The intimate relationship between the integration of indigenous populations and changes in the agrarian structure cannot be overlooked, and close links have therefore been maintained between AIP and plans for agrarian reform and agricultural development. The work of AIP in the development of handicrafts and small-scale industry ties in closely with plans for rural industrialization and over-all national development. Concern with the development of educational and social services for these populations has a national spillover as well.

238. Since the integration process is necessarily slow, the improvements that have been achieved in the living conditions of the people concerned have been gradual. The social and economic integration of the poorest sections of the population living in outlying areas is a gigantic and expensive undertaking that can only be brought to fruition over a span of many years, and even generations. Governments are obliged to establish an order of priorities and usually have to contend with a shortage of money and skilled staff to carry out their various regional development projects successfully.

239. The latest development in the matter has been the decision of UNDP in February 1973 to extend the execution in Ecuador of phase I of a project for the planning of zonal programmes for the modernization of rural life in the Andes. The object is to help the Government of Ecuador to identify, programme and plan the details of specific activities designed to increase output, introduce a system of marketing, encourage social participation and create jobs in one or more priority rural areas. This programming project - the implementation of which has been entrusted to ILO, in co-operation with the United Nations, FAO, UNESCO and WHO - may be followed by a phase II devoted to implementation of programmes formulated in phase I.

ANNEX I

INTERNATIONAL LABOUR ORGANISATION

Selected ILO conventions, recommendations, special technical meetings and publications concerning indigenous populations and rural workers ^{1/}

I. International Labour Conference

- Recruiting of Indigenous Workers Convention, No. 50, 1936
- Contracts of Employment (Indigenous Workers) Convention, No. 64, 1939
- Penal Sanctions (Indigenous Workers) Convention, No. 65, 1939
- Contracts of Employment (Indigenous Workers) Convention, No. 86, 1947
- Abolition of Penal Sanctions (Indigenous Workers) Convention, No. 104, 1955
- Indigenous and Tribal Populations Convention, No. 107, 1957
- Right of Association (Agriculture) Convention, No. 11, 1921
- Minimum Wage Fixing Machinery (Agriculture) Convention, No. 99, 1951
- Abolition of Forced Labour Convention, No. 105, 1957
- Plantations Convention, No. 110, 1958
- Rural Workers' Organisations Convention, No. 141, 1975
- Human Resources Development Convention, No. 142, 1975
- Elimination of Recruiting Recommendation, No. 46, 1936
- Contracts of Employment (Indigenous Workers) Recommendation, No. 58, 1939
- Labour Inspectorates (Indigenous Workers) Recommendation, No. 59, 1939
- Minimum Wage Fixing Machinery (Agriculture) Recommendation, No. 89, 1951
- Vocational Training (Agriculture) Recommendation, No. 101, 1956
- Indigenous and Tribal Populations Recommendation, No. 104, 1957
- Plantations Recommendation, No. 110, 1958
- Co-operatives (Developing Countries) Recommendation, No. 127, 1966
- Tenants and Share-croppers Recommendation, No. 132, 1968
- Labour Inspection (Agriculture) Recommendation, No. 133, 1969
- Organisation of Rural Workers Recommendation, No. 149, 1975

^{1/} Text furnished by ILO as an appendix to one of the documents submitted on 22 May 1981.

Resolution concerning agrarian reform, with particular reference to employment and social aspects, 1965

Resolution concerning Rural Development, 1975

II. Labour Conferences of American States Members of ILO

Resolution concerning the living and working conditions of native populations in American countries (Santiago 1936)

Resolution concerning the abolition of latifundism (Havana, 1939)

Resolution concerning the study of problems of indigenous populations (Mexico, 1946)

Resolution concerning the living and working conditions of native populations (Montevideo, 1949)

Resolution concerning land reform (Petrópolis, Brazil, 1952)

Resolution concerning co-operatives (Havana, 1956)

Resolution concerning native populations in independent countries (Havana, 1956)

Resolution concerning the integration of native populations (Buenos Aires, 1961)

Resolution concerning the working conditions of rural workers (Buenos Aires, 1961)

Conclusions and Recommendations concerning the Improvement of the Conditions of Life and Work of Peasants, Agricultural Workers and other comparable Groups (Mexico, 1974)

Resolution concerning Social Development and Employment in the Americas (Mexico, 1974)

III. Meetings of Experts

Committee of Experts on Indigenous Labour. First Meeting 1951, La Paz

Committee of Experts on Indigenous Labour. Second Meeting 1954, Geneva.

Panel of Consultants on Indigenous and Tribal Populations. 1962, Geneva

IV. Selected Bibliography

International Labour Conference

Living and Working Conditions of Indigenous Populations in Independent Countries. Report VIII, Geneva 1956.

Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries. Report VI, Geneva 1957.

Contribution of the International Labour Organisation to the Raising of Incomes and Living Conditions in Rural Communities with Particular Reference to Countries in Process of Development. Report VI, Geneva, 1960.

Agrarian Reform, with Particular Reference to Employment and Social Aspects.
Geneva, 1965

Organisations of Rural Workers and their Role in Economic and Social Development.
Report VI. Geneva, 1974

Organisations of Rural Workers and their Role in Economic and Social Development.
Report IV. Geneva, 1975.

Reports of regional conferences

Conditions of Employment of Agricultural Workers. Report III of the Regional
Conference, Montevideo, 1949.

Conditions of Life and Work of Indigenous Populations of Latin American Countries.
Report II of the Regional Conference, Montevideo, 1949.

Application and Supervision of Labour Legislation in Agriculture. Report I of
the Regional Conference, Petrópolis, Brazil, 1952.

Co-operatives. Report IV of the Regional Conference, Havana, 1956.

Conditions of Agricultural Workers (Wage-Earning, Semi-Independent and Independent).
Report IV, Mexico, 1961.

Improvement of the Conditions of Life and Work of Peasants, Agricultural Workers
and other Comparable Groups. Report II, Mexico, 1974.

ANNEX II

ILO

Convention No. 107, concerning the protection and integration of
indigenous and other tribal and semi-tribal populations
in independent countries

(Indigenous and Tribal Populations Convention, 1957) ^{1/}

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to the
protection and integration of indigenous and other tribal and semi-tribal
populations in independent countries, which is the sixth item on the agenda
of the session, and

Having determined that these proposals shall take the form of an international
Convention, and

Considering that the Declaration of Philadelphia affirms that all human
beings have the right to pursue both their material wellbeing and their spiritual
development in conditions of freedom and dignity, of economic security and equal
opportunity, and

Considering that there exist in various independent countries indigenous
and other tribal and semi-tribal populations which are not yet integrated into
the national community and whose social, economic or cultural situation hinders
them from benefiting fully from the rights and advantages enjoyed by other elements
of the population, and

Considering it desirable both for humanitarian reasons and in the interest
of the countries concerned to promote continued action to improve the living
and working conditions of these populations by simultaneous action in respect of
all the factors which have hitherto prevented them from sharing fully in the
progress of the national community of which they form part, and

Considering that the adoption of general international standards on the
subject will facilitate action to assure the protection of the populations
concerned, their progressive integration into their respective national
communities, and the improvement of their living and working conditions, and

^{1/} Adopted by the International Labour Conference at its Fortieth Session
at Geneva on 26 June 1957.

Noting that these standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Indigenous and Tribal Populations Convention, 1957:

PART I. GENERAL POLICY

Article 1

1. This Convention applies to:

(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

2. For the purposes of this Convention, the term "semi-tribal" includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

3. The indigenous and other tribal or semi-tribal populations mentioned in paragraphs 1 and 2 of this Article are referred to hereinafter as "the populations concerned".

Article 2

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

2. Such action shall include measures for:

(a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;

(b) promoting the social, economic and cultural development of these populations and raising their standard of living;

(c) creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations.

3. The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative.

4. Recourse to force or coercion as a means of promoting the integration of these populations into the national community shall be excluded.

Article 3

1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

2. Care shall be taken to ensure that such special measures of protection:

(a) are not used as a means of creating or prolonging a state of segregation; and

(b) will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

Article 4

In applying the provisions of this Convention relating to the integration of the populations concerned:

(a) due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;

(b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognized;

(c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

Article 5

In applying the provisions of this Convention relating to the protection and integration of the populations concerned, governments shall:

(a) seek the collaboration of these populations and of their representatives;

(b) provide these populations with opportunities for the full development of their initiative;

(c) stimulate by all possible means the development among these populations of civil liberties and the establishment of or participation in elective institutions.

Article 6

The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the over-all economic development of areas inhabited by these populations. Special projects for economic development of the areas in question shall also be so designed as to promote such improvement.

Article 7

1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.

2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.

3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties.

Article 8

To the extent consistent with the interests of the national community and with the national legal system:

(a) the methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these populations;

(b) where use of such methods of social control is not feasible, the customs of these populations in regard to penal matters shall be borne in mind by the authorities and courts dealing with such cases.

Article 9

Except in cases prescribed by law for all citizens the exaction from the members of the populations concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law.

Article 10

1. Persons belonging to the populations concerned shall be specially safeguarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights.

2. In imposing penalties laid down by general law on members of these populations account shall be taken of the degree of cultural development of the populations concerned.

3. Preference shall be given to methods of rehabilitation rather than confinement in prison.

PART II. LAND

Article 11

The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized.

Article 12

1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.
2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.
3. Persons thus removed shall be fully compensated for any resulting loss or injury.

Article 13

1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.
2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.

Article 14

National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to:

- (a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these populations already possess.

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 15

1. Each Member shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to the populations concerned so long as they are not in a position to enjoy the protection granted by law to workers in genera.
2. Each Member shall do everything possible to prevent all discrimination between workers belonging to the populations concerned and other workers, in particular as regards:
 - (a) admission to employment, including skilled employment;
 - (b) equal remuneration for work of equal value;
 - (c) medical and social assistance, the prevention of employment-injuries, workmen's compensation, industrial hygiene and housing;
 - (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organizations.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND
RURAL INDUSTRIES

Article 16

Persons belonging to the populations concerned shall enjoy the same opportunities as other citizens in respect of vocational training facilities.

Article 17

1. Whenever programmes of vocational training of general application do not meet the special needs of persons belonging to the populations concerned governments shall provide special training facilities for such persons.
2. These special training facilities shall be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations; they shall, in particular, enable the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude.
3. These special training facilities shall be provided only so long as the stage of cultural development of the populations concerned requires them; with the advance of the process of integration they shall be replaced by the facilities provided for other citizens.

Article 18

1. Handicrafts and rural industries shall be encouraged as factors in the economic development of the populations concerned in a manner which will enable these populations to raise their standard of living and adjust themselves to modern methods of production and marketing.

2. Handicrafts and rural industries shall be developed in a manner which preserves the cultural heritage of these populations and improves their artistic values and particular modes of cultural expression.

PART V. SOCIAL SECURITY AND HEALTH

Article 19

Existing social security schemes shall be extended progressively, where practicable, to cover:

- (a) wage earners belonging to the populations concerned;
- (b) other persons belonging to these populations.

Article 20

1. Governments shall assume the responsibility for providing adequate health services for the populations concerned.
2. The organization of such services shall be based on systematic studies of the social, economic and cultural conditions of the populations concerned.
3. The development of such services shall be co-ordinated with general measures of social, economic and cultural development.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 21

Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.

Article 22

1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and cultural integration into the national community.
2. The formulation of such programmes shall normally be preceded by ethnological surveys.

Article 23

1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.
2. Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country.
3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.

Article 24

The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned.

Article 25

Educational measures shall be taken among other sections of the national community and particularly among those that are in most direct contact with the populations concerned with the object of eliminating prejudices that they may harbour in respect of these populations.

Article 26

1. Governments shall adopt measures, appropriate to the social and cultural characteristics of the populations concerned, to make known to them their rights and duties, especially in regard to labour and social welfare.

2. If necessary this shall be done by means of written translations and through the use of media of mass communication in the languages of these populations.

PART VII. ADMINISTRATION

Article 27

1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.

2. These programmes shall include:

- (a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;
- (b) proposing of legislative and other measures to the competent authorities;
- (c) supervision of the application of these measures.

PART VIII. GENERAL PROVISIONS

Article 28

The nature and the scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 29

The application of the provisions of this Convention shall not affect benefits conferred on the populations concerned in pursuance of other Conventions and Recommendations.

Article 30

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 31

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 32

1. A Member which has ratified this Convention may denounce it after the expiration of 10 years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of 10 years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of 10 years and, thereafter, may denounce this Convention at the expiration of each period of 10 years under the terms provided for in this Article.

Article 33

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 34

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 35 .

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 36

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 32 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 37

The English and French versions of the text of this Convention are equally authoritative.

ANNEX III

ILO

Recommendation No. 104 concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries

(Indigenous and Tribal Populations Recommendation, 1957)^{1/}

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1975, and

Having decided upon the adoption of certain proposals with regard to the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, supplementing the Indigenous and Tribal Populations Convention, 1957, and

Noting that the following standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Recommendation, which may be cited as the Indigenous and Tribal Populations Recommendation, 1957:

The Conference recommends that each Member should apply the following provisions:

I. PRELIMINARY PROVISIONS

1. (1) This Recommendation applies to -

(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

^{1/} Adopted by the International Labour Conference at its Fortieth Session at Geneva on 26 June 1957.

(2) For the purposes of this Recommendation, the term "semi-tribal" includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

(3) The indigenous and other tribal or semi-tribal populations mentioned in subparagraphs (1) and (2) of this paragraph are referred to hereinafter as "the populations concerned".

II. LAND

2. Legislative or administrative measures should be adopted for the regulation of the conditions, de facto or de jure, in which the populations concerned use the land.

3. (1) The populations concerned should be assured of a land reserve adequate for the needs of shifting cultivation so long as no better system of cultivation can be introduced.

(2) Pending the attainment of the objectives of a settlement policy for semi-nomadic groups, zones should be established within which the livestock of such groups can graze without hindrance.

4. Members of the populations concerned should receive the same treatment as other members of the national population in relation to the ownership of underground wealth or to preference rights in the development of such wealth.

5. (1) Save in exceptional circumstances defined by law the direct or indirect lease of lands owned by members of the populations concerned to persons or bodies not belonging to these populations should be restricted.

(2) In cases in which such lease is allowed, arrangements should be made to ensure that the owners will be paid equitable rents. Rents paid in respect of collectively owned land should be used, under appropriate regulations, for the benefit of the group which owns it.

6. The mortgaging of land owned by members of the populations concerned to a person or body not belonging to these populations should be restricted.

7. Appropriate measures should be taken for the elimination of indebtedness among farmers belonging to the populations concerned. Co-operative systems of credit should be organized, and low-interest loans, technical aid and, where appropriate, subsidies, should be extended to these farmers to enable them to develop their lands.

8. Where appropriate, modern methods of co-operative production, supply and marketing should be adapted to the traditional forms of communal ownership and use of land and production implements among the populations concerned and to their traditional systems of community service and mutual aid.

III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

9. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, recruitment of workers belonging to these populations should be regulated by providing, in particular, for -

- (a) licensing of private recruiting agents and supervision of their activities;
- (b) safeguards against the disruptive influence of the recruitment of workers on their family and community life, including measures -
 - (i) prohibiting recruitment during specified periods and in specified areas;
 - (ii) enabling workers to maintain contact with, and participate in important tribal activities of, their communities of origin; and
 - (iii) ensuring protection of the dependants of recruited workers;
- (c) fixing the minimum age for recruitment and establishing special conditions for the recruitment of non-adult workers;
- (d) establishing health criteria to be fulfilled by workers at the time of recruitment;
- (e) establishing standards for the transport of recruited workers;
- (f) ensuring that the worker -
 - (i) understands the conditions of his employment, as a result of explanation in his mother tongue;
 - (ii) freely and knowingly accepts the conditions of his employment.

10. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, the wages and the personal liberty of workers belonging to these populations should be protected, in particular, by providing that -

- (a) wages shall normally be paid only in legal tender;
- (b) the payment of any part of wages in the form of alcohol or other spirituous beverages or noxious drugs shall be prohibited;
- (c) - the payment of wages in taverns or stores, except in the case of workers employed therein, shall be prohibited;
- (d) the maximum amounts and manner of repayment of advances on wages and the extent to which and conditions under which deductions from wages may be permitted shall be regulated;
- (e) work stores or similar services operated in connection with the undertakings shall be supervised;
- (f) the withholding or confiscation of effects and tools which workers commonly use, on the ground of debt or unfulfilled labour contract, without prior approval of the competent judicial or administrative authority shall be prohibited;
- (g) interference with the personal liberty of workers on the ground of debt shall be prohibited.

11. The right to repatriation to the community of origin, at the expense of the recruiter or the employer, should be ensured in all cases where the worker -

(a) becomes incapacitated by sickness or accident during the journey to the place of employment or in the course of employment;

(b) is found on medical examination to be unfit for employment;

(c) is not engaged, after having been sent forward for engagement, for a reason for which he is not responsible;

(d) is found by the competent authority to have been recruited by misrepresentation or mistake.

12. (1) Measures should be taken to facilitate the adaptation of workers belonging to the populations concerned to the concepts and methods of industrial relations in a modern society.

(2) Where necessary, standard contracts of employment should be drawn up in consultation with representatives of the workers and employers concerned. Such contracts should set out the respective rights and obligations of workers and employers, together with the conditions under which the contracts may be terminated. Adequate measures should be taken to ensure observance of these contracts.

13. (1) Measures should be adopted, in conformity with the law, to promote the stabilization of workers and their families in or near employment centres, where such stabilization is in the interests of the workers and of the economy of the countries concerned.

(2) In applying such measures, special attention should be paid to the problems involved in the adjustment of workers belonging to the populations concerned and their families to the forms of life and work of their new social and economic environment.

14. The migration of workers belonging to the populations concerned should, when considered to be contrary to the interests of these workers and of their communities, be discouraged by measures designed to raise the standards of living in the areas which they traditionally occupy.

15. (1) Governments should establish public employment services, stationary or mobile, in areas in which workers belonging to the populations concerned are recruited in large numbers.

(2) Such services should, in addition to assisting workers to find employment and assisting employers to find workers -

(a) determine the extent to which manpower shortages existing in other regions of the country could be met by manpower available in areas inhabited by the populations concerned without social or economic disturbance in these areas;

(b) advise workers and their employers on provisions concerning them contained in laws, regulations and contracts, relating to wages, housing, benefits for employment injuries, transportation and other conditions of employment;

(c) co-operate with the authorities responsible for the enforcement of laws or regulations ensuring the protection of the populations concerned and, where necessary, be entrusted with responsibility for the control of procedures connected with the recruitment and conditions of employment of workers belonging to these populations.

IV. VOCATIONAL TRAINING

16. Programmes for the vocational training of the populations concerned should include provision for the training of members of these populations as instructors. Instructors should be conversant with such techniques, including where possible an understanding of anthropological and psychological factors, as would enable them to adapt their teaching to the particular conditions and needs of these populations.

17. The vocational training of members of the populations concerned should, as far as practicable, be carried out near the place where they live or in the place where they work.

18. During the early stages of integration this training should be given, as far as possible, in the vernacular language of the group concerned.

19. Programmes for the vocational training of the populations concerned should be co-ordinated with measures of assistance enabling independent workers to acquire the necessary materials and equipment and assisting wage earners in finding employment appropriate to their qualifications.

20. Programmes and methods of vocational training for the populations concerned should be co-ordinated with programmes and methods of fundamental education.

21. During the period of vocational training of members of the populations concerned, they should be given all possible assistance to enable them to take advantage of the facilities provided, including, where feasible, scholarships.

V. HANDICRAFTS AND RURAL INDUSTRIES

22. Programmes for the promotion of handicrafts and rural industries among the populations concerned should, in particular, aim at -

- (a) improving techniques and methods of work as well as working conditions;
- (b) developing all aspects of production and marketing, including credit facilities, protection against monopoly controls and against exploitation by middlemen, provision of raw materials at equitable prices, establishment of standards of craftsmanship, and protection of designs and of special aesthetic features of products; and
- (c) encouraging the formation of co-operatives.

VI. SOCIAL SECURITY AND MEASURES OF ASSISTANCE

23. The extension of social security schemes to workers belonging to the populations concerned should be preceded or accompanied, as conditions may require, by measures to improve their general social and economic conditions.

24. In the case of independent primary producers provision should be made for -
- (a) instruction in modern methods of farming;
 - (b) supply of equipment, for example implements, stocks, seeds; and
 - (c) protection against the loss of livelihood resulting from natural hazards to crops or stock.

VII. HEALTH

25. The populations concerned should be encouraged to organize in their communities local health boards or committees to look after the health of their members. The formation of these bodies should be accompanied by a suitable educational effort to ensure that full advantage is taken of them.

26. (1) Special facilities should be provided for the training of members of the populations concerned as auxiliary health workers and professional medical and sanitary personnel, where these members are not in a position to acquire such training through the ordinary facilities of the country.

(2) Care should be taken to ensure that the provision of special facilities does not have the effect of depriving members of the populations concerned of the opportunity to obtain their training through the ordinary facilities.

27. The professional health personnel working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations.

VIII. EDUCATION

28. Scientific research should be organized and financed with a view to determining the most appropriate methods for the teaching of reading and writing to the children belonging to the populations concerned and for the utilization of the mother tongue or the vernacular language as a vehicle of instruction.

29. Teachers working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations. These teachers should, as far as possible, be recruited from among such populations.

30. Pre-vocational instruction, with emphasis on the teaching of subjects relating to agriculture, handicrafts, rural industries and home economics, should be introduced in the programmes of primary education intended for the populations concerned.

31. Elementary health instruction should be included in the programmes of primary education intended for the populations concerned.

32. The primary education of the populations concerned should be supplemented, as far as possible, by campaigns of fundamental education. These campaigns should be designed to help children and adults to understand the problems of their environment and their rights and duties as citizens and individuals, thereby enabling them to participate more effectively in the economic and social progress of their community.

IX. LANGUAGES AND OTHER MEANS OF COMMUNICATION

33. Where appropriate the integration of the populations concerned should be facilitated by -

- (a) enriching the technical and juridical vocabulary of their vernacular languages and dialects;
- (b) establishing alphabets for the writing of these languages and dialects;
- (c) publishing in these languages and dialects readers adapted to the educational and cultural level of the populations concerned; and
- (d) publishing bilingual dictionaries.

34. Methods of audio-visual communication should be employed as means of information among the populations concerned.

X. TRIBAL GROUPS IN FRONTIER ZONES

35. (1) Where appropriate and practicable, intergovernmental action should be taken, by means of agreements between the governments concerned, to protect semi-nomadic tribal groups whose traditional territories lie across international boundaries.

(2) Such action should aim in particular at -

- (a) ensuring that members of these groups who work in another country receive fair wages in accordance with the standards in operation in the region of employment;
- (b) assisting these workers to improve their conditions of life without discrimination on account of their nationality or of their semi-nomadic character.

XI. ADMINISTRATION

36. Administrative arrangements should be made, either through government agencies specially created for the purpose or through appropriate co-ordination of the activities of other government agencies, for -

- (a) ensuring enforcement of legislative and administrative provisions for the protection and integration of the populations concerned;
- (b) ensuring effective possession of land and use of other natural resources by members of these populations;
- (c) administering the property and income of these populations when necessary in their interests;
- (d) providing free legal aid for the members of the populations concerned that may need legal aid but cannot afford it;
- (e) establishing and maintaining educational and health services for the populations concerned;

(f) promoting research designed to facilitate understanding of the way of life of such populations and of the process of their integration into the national community;

(g) preventing the exploitation of workers belonging to the populations concerned on account of their unfamiliarity with the industrial environment to which they are introduced;

(h) where appropriate, supervising and co-ordinating, within the framework of the programmes of protection and integration, the activities, whether philanthropic or profit-making, carried out by individuals and corporate bodies, public or private, in regions inhabited by the populations concerned.

37. (1) National agencies specifically responsible for the protection and integration of the populations concerned should be provided with regional centres, situated in areas where these populations are numerous.

(2) These agencies should be staffed by officials selected and trained for the special tasks they have to perform. As far as possible, these officials should be recruited from among the members of the populations concerned.

ANNEX IV

UNESCO

DECLARATION ON RACE AND RACIAL PREJUDICE

Paris, 27 November 1978

Text taken from the leaflet published by UNESCO entitled "Declaration on Race and Racial Prejudice" adopted by the General Conference of UNESCO at its twentieth session, Paris, 27 November 1978". The leaflet also contains in an annex, the four declarations drafted in 1950, 1951, 1964 and 1967 by experts convened by UNESCO in their personal-capacity. Paris 1979, pp. 9-18.

DECLARATION ON RACE AND RACIAL PEEJUDICE

November 1978

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris at its twentieth session, on 27 November 1978 adopted unanimously and by acclamation the following Declaration:

Preamble

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting at Paris at its twentieth session, from 24 October to 29 November 1978,

Whereas it is stated in the Preamble to the Constitution of UNESCO, adopted on 16 November 1945, that "the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races", and whereas, according to Article I of the said Constitution, the purpose of UNESCO "is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms ... which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations",

Recognizing that, more than three decades after the founding of UNESCO, these principles are just as significant as they were when they were embodied in its Constitution,

Mindful of the process of decolonization and other historical changes which have led most of the peoples formerly under foreign rule to recover their sovereignty, making the international community a universal and diversified whole and creating new opportunities of eradicating the scourge of racism and of putting an end to its odious manifestations in all aspects of social and political life, both nationally and internationally,

Convinced that the essential unity of the human race and consequently the fundamental equality of all human beings and all peoples, recognized in the loftiest expressions of philosophy, morality and religion, reflect an ideal towards which ethics and science are converging today,

Convinced that all peoples and all human groups, whatever their composition or ethnic origin, contribute according to their own genius to the progress of the civilizations and cultures which, in their plurality and as a result of their interpenetration, constitute the common heritage of mankind,

Confirming its attachment to the principles proclaimed in the United Nations Charter and the Universal Declaration of Human Rights and its determination to promote the implementation of the International Covenants on Human Rights as well as the Declaration on the Establishment of a New International Economic Order,

Determined also to promote the implementation of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination,

Noting the International Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

Recalling also the international instruments already adopted by UNESCO, including in particular the Convention and Recommendation against Discrimination in Education, the Recommendation concerning the Status of Teachers, the Declaration of the Principles of International Cultural Co-operation, the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, the Recommendation on the Status of Scientific Researchers, and the Recommendation on participation by the people at large in cultural life and their contribution to it,

Bearing in mind the four statements on the race question adopted by experts convened by UNESCO,

Reaffirming its desire to play a vigorous and constructive part in the implementation of the programme of the Decade for Action to Combat Racism and Racial Discrimination, as defined by the General Assembly of the United Nations at its twenty-eighth session,

Noting with the gravest concern that racism, racial discrimination, colonialism and apartheid continue to afflict the world in ever-changing forms, as a result both of the continuation of legislative provisions and government and administrative practices contrary to the principles of human rights and also of the continued existence of political and social structures, and of relationships and attitudes, characterized by injustice and contempt for human beings and leading to the exclusion, humiliation and exploitation, or to the forced assimilation, of the members of disadvantaged groups,

Expressing its indignation at these offences against human dignity, deploring the obstacles they place in the way of mutual understanding between peoples and alarmed at the danger of their seriously disturbing international peace and security,

Adopts and solemnly proclaims this Declaration on Race and Racial Prejudice:

Article 1

1. All human beings belong to a single species and are descended from a common stock. They are born equal in dignity and rights and all form an integral part of humanity.

2. All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism.

3. Identity of origin in no way affects the fact that human beings can and may live differently, nor does it preclude the existence of differences based on cultural, environmental and historical diversity nor the right to maintain cultural identity.

4. All peoples of the world possess equal faculties for attaining the highest level in intellectual, technical, social, economic, cultural and political development.

5. The differences between the achievements of the different peoples are entirely attributable to geographical, historical, political, economic, social and cultural factors. Such differences can in no case serve as a pretext for any rank-ordered classification of nations or peoples.

Article 2

1. Any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity.

2. Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts; it hinders the development of its victims, perverts those who practice it, divides nations internally, impedes international co-operation and gives rise to political tensions between peoples; it is contrary to the fundamental principles of international law and, consequently, seriously disturbs international peace and security.

3. Racial prejudice, historically linked with inequalities in power, reinforced by economic and social differences between individuals and groups, and still seeking today to justify such inequalities, is totally without justification.

Article 3

Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development, is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide.

Article 4

1. Any restriction on the complete self-fulfilment of human beings and free communication between them which is based on racial or ethnic considerations is contrary to the principle of equality in dignity and rights; it cannot be admitted.

2. One of the most serious violations of this principle is represented by apartheid, which, like genocide, is a crime against humanity, and gravely disturbs international peace and security.

3. Other policies and practices of racial segregation and discrimination constitute crimes against the conscience and dignity of mankind and may lead to political tensions and gravely endanger international peace and security.

Article 5

1. Culture, as a product of all human beings and a common heritage of mankind, and education in its broadest sense, offer men and women increasingly effective means of adaptation, enabling them not only to affirm that they are born equal in dignity and rights, but also to recognize that they should respect the right of all groups to their own cultural identity and the development of their distinctive cultural life within the national and international context, it being understood that it rests with each group to decide in complete freedom on the maintenance and, if appropriate, the adaptation or enrichment of the values which it regards as essential to its identity.

2. States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no invidious distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children.

3. The mass media and those who control or serve them, as well as all organized groups within national communities, are urged - with due regard to the principles embodied in the Universal Declaration of Human Rights, particularly the principle of freedom of expression - to promote understanding, tolerance and friendship among individuals and groups and to contribute to the eradication of racism, racial discrimination and racial prejudice, in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups. Communication between racial and ethnic groups must be a reciprocal process, enabling them to express themselves and to be fully heard without let or hindrance. The mass media should therefore be freely receptive to ideas of individuals and groups which facilitate such communication.

Article 6

1. The State has prime responsibility for ensuring human rights and fundamental freedoms on an entirely equal footing in dignity and rights for all individuals and all groups.

2. So far as its competence extends and in accordance with its constitutional principles and procedures, the State should take all appropriate steps, inter alia by legislation, particularly in the spheres of education, culture and communication, to prevent prohibit and eradicate racism, racist propaganda, racial segregation and apartheid and to encourage the dissemination of knowledge and the findings of appropriate research in natural and social sciences on the causes and prevention of racial prejudice and racist attitudes with due regard to the principles embodied in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

3. Since laws proscribing racial discrimination are not in themselves sufficient, it is also incumbent on States to supplement them by administrative machinery for the systematic investigation of instances of racial discrimination, by a comprehensive framework of legal remedies against acts of racial discrimination, by broadly based education and research programmes designed to combat racial prejudice and racial discrimination and by programmes of positive political, social, educational and cultural measures calculated to promote genuine mutual respect among groups. Where circumstances warrant, special programmes should be undertaken to promote the advancement of disadvantaged groups and, in the case of nationals, to ensure their effective participation in the decision-making processes of the community.

Article 7

In addition to political, economic and social measures, law is one of the principal means of ensuring equality in dignity and rights among individuals, and of curbing any propaganda, any form of organization or any practice which is based on ideas or theories referring to the alleged superiority of racial or ethnic groups or which seeks to justify or encourage racial hatred and discrimination in any form. States should adopt such legislation as is appropriate to this end and see that it is given effect and applied by all their services, with due regard to the principles embodied in the Universal Declaration of Human Rights. Such legislation should form part of a political, economic and social framework conducive to its implementation. Individuals and other legal entities, both public and private, must conform with such legislation and use all appropriate means to help the population as a whole to understand and apply it.

Article 8

1. Individuals, being entitled to an economic, social, cultural and legal order, on the national and international planes, such as to allow them to exercise all their capabilities on a basis of entire equality of rights and opportunities, have corresponding duties towards their fellows, towards the society in which they live and towards the international community. They are accordingly under an obligation to promote harmony among the peoples, to combat racism and racial prejudice and to assist by every means available to them in eradicating racial discrimination in all its forms.

2. In the field of racial prejudice and racist attitudes and practices, specialists in natural and social sciences and cultural studies, as well as scientific organizations and associations, are called upon to undertake objective research on a wide interdisciplinary basis; all States should encourage them to this end.

3. It is, in particular, incumbent upon such specialists to ensure, by all means available to them, that their research findings are not misinterpreted, and also that they assist the public in understanding such findings.

Article 9

1. The principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practised by a State constitutes a violation of international law giving rise to its international responsibility.

2. Special measures must be taken to ensure equality in dignity and rights for individuals and groups wherever necessary, while ensuring that they are not such as to appear racially discriminatory. In this respect, particular attention should be paid to racial or ethnic groups which are socially or economically disadvantaged, so as to afford them, on a completely equal footing and without discrimination or restriction, the protection of the laws and regulations and the advantages of the social measures in force, in particular in regard to housing, employment and health; to respect the authenticity of their culture and values; and to facilitate their social and occupational advancement, especially through education.

3. Population groups of foreign origin, particularly migrant workers and their families who contribute to the development of the host country, should benefit from appropriate measures designed to afford them security and respect for their dignity and cultural values and to facilitate their adaptation to the host environment and their professional advancement with a view to their subsequent reintegration in their country of origin and their contribution to its development; steps should be taken to make it possible for their children to be taught their mother tongue.

4. Existing disequilibria in international economic relations contribute to the exacerbation of racism and racial prejudice; all States should consequently endeavour to contribute to the restructuring of the international economy on a more equitable basis.

Article 10

International organizations, whether universal or regional, governmental or non-governmental, are called upon to co-operate and assist, so far as their respective fields of competence and means allow, in the full and complete implementation of the principles set out in this Declaration, thus contributing to the legitimate struggle of all men, born equal in dignity and rights, against the tyranny and oppression of racism, racial segregation, apartheid and genocide, so that all the peoples of the world may be forever delivered from these scourges.

ANNEX V

UNESCO 1/

Resolution for implementation of the Declaration
on Race and Racial Prejudice, 1978

The General Conference, at its twentieth session,

Considering that UNESCO, by reason of the responsibilities devolving upon it under its Constitution in the fields of education, science, culture and communication, is required to call the attention of States and peoples to the problems related to all aspects of the question of race and racial prejudice,

Having regard to the UNESCO Declaration on Race and Racial Prejudice adopted this twenty-seventh day of November 1978;

1. Urges Member States

(a) to consider the possibility of ratifying, if they have not yet done so, the international instruments designed to aid in countering and eliminating racial discrimination, and in particular the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Unesco Convention against Discrimination in Education;

(b) to take appropriate measures, including the passing of laws, guided by the provisions of Articles 4 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, with a view to preventing and punishing acts of racial discrimination and ensuring that fair and adequate reparation is made to the victims of racial discrimination;

(c) to communicate to the Director-General all necessary information concerning the steps they have taken to give effect to the principles set forth in the Declaration;

2. Invites the Director-General:

(a) to prepare a comprehensive report on the world situation in the fields covered by the Declaration, on the basis of the information supplied by Member States and of any other information supported by trustworthy evidence which he may have gathered by such methods as he may think fit, and to enlist for this purpose, if he deems it advisable, the help of one or more independent experts of recognized competence in these fields;

(b) to take due account, when preparing his report, which should be accompanied by any observations he may deem appropriate, of the work of the various international bodies set up to give effect to the legal instruments concerning the struggle against racialism and racial discrimination, or contributing to that struggle through their activities in the general field of human rights;

1/ Text taken from the leaflet referred to in Annex IV above, published in Paris, 1979, pp. 18 and 19.

(c) to present his report to the General Conference and to submit to it for decision, on the basis of the said report and of the discussion it will then have held, with due priority, on the problems of race and racial prejudice, any general comments and any recommendations deemed necessary to promote the implementation of the Declaration;

(d) to ensure the widest possible dissemination of the text of the Declaration and, to that end, to publish and arrange for the distribution of the text not only in the official languages but also in as many languages as is possible with the resources available to him;

(e) to communicate the Declaration to the Secretary-General of the United Nations with a request that he place before the United Nations General Assembly appropriate proposals for strengthening the methods of peaceful settlement of disputes concerning the elimination of racial discrimination.

ANNEX VI

UNESCO

San José Declaration, 1981 ^{1/}

The problem of the loss of cultural identity by the Indian peoples of Latin America has come under increasingly adverse comment in recent years at various international gatherings. This complex process, which has historical, social, political and economic origins, has been termed ethnocide.

Ethnocide means that an ethnic group, collectively or individually, is denied its right to enjoy, develop and disseminate its own culture and language. It represents an extreme form of massive human rights violation, in particular that of the right of ethnic groups to respect for their cultural identity, as contained in numerous declarations, agreements and conventions of the United Nations and its specialized agencies, and as proclaimed by various regional intergovernmental organizations and non-governmental organizations.

Increasing stress has been laid by organizations representing various indigenous groups in Latin America and by specialists in the field on the need to counter ethnocide and to initiate a process of genuine ethnodevelopment, i.e. the formulation and implementation of policies aimed at guaranteeing ethnic groups the right to freely pursue their own culture.

In response to this demand, UNESCO convened an international conference on ethnocide and ethnodevelopment in Latin America which, in collaboration with FLACSO, was held in December 1981 at San José, Costa Rica.

We, the participants in the Conference, Indians and other specialists, thus:

Declare that ethnocide, i.e. cultural genocide, is a crime against international law, as is genocide, the subject of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

We affirm that ethnodevelopment is an inalienable right of Indian groups.

By ethnodevelopment we mean strengthening and consolidating a culturally distinct society's own culture, by increasing its independent decision-making capacity to govern its own development and the exercise of self-determination, at any level, considered and implying an equitable and just power structure. This means that the ethnic group forms a political and administrative entity, with authority over its own territory and decision-making powers in areas constituting its own development from within processes of expanding autonomy and self-management.

Since the European invasion the history of the Indian peoples of America has been suppressed or distorted, in spite of their major contributions to the progress of mankind, which has amounted to a negation of their existence. We reject this unacceptable falsification.

^{1/} Text adopted by acclamation on Friday, 11 December 1981, as a result of the work of the Conference of Specialists on Ethnocide and Ethnodevelopment in Latin America, convened by UNESCO and the Latin American School of Social Sciences (FLACSO) and held at La Catalina, Santa Barbara de Heredia, Costa Rica (6-13 December 1981).

As creators, transmitters and disseminators of their own civilization, as unique and specific representatives of the heritage of mankind, the Indian peoples, nations and ethnic groups of the Americas are, collectively and individually, entitled to all the civil, political, economic, social and cultural rights which are today threatened. We, the participants in this conference, demand universal recognition for all these rights.

For the Indian peoples the land is not merely an object of possession and production. It is the whole basis of their physical and spiritual existence as an autonomous entity. Territorial space is the fundamental reason for their relationship with the universe and for the maintenance of their cosmic vision.

These Indian peoples have a natural and inalienable right to keep the territories they possess and to claim the lands which have been taken from them. In other words, they are entitled to the natural and cultural patrimony contained in the territory and to determine freely how to use it and benefit from it.

The philosophy of life of these peoples, their experience, their knowledge and their accumulated historical achievements in the cultural, social, political, juridical, scientific and technological fields are an essential part of their cultural patrimony. Hence they are entitled to enjoy access to, utilization, dissemination and transmission of this entire patrimony.

Respect for the forms of autonomy required by these peoples is an essential pre-requisite for guaranteeing and implementing these rights.

Moreover, the specific forms of internal organization of these peoples are part of their cultural and juridical heritage, which has contributed to their cohesion and the maintenance of their socio-cultural tradition.

Disregard for these principles constitutes a flagrant violation of the rights of all individuals and peoples to be different, and to consider themselves as different and to be considered as such, a right recognized in the Declaration on Race and Racial Prejudice adopted by the General Conference of UNESCO in 1978 and hence must be condemned, especially when it creates a risk of ethnocide.

Moreover, it creates a disequilibrium and a lack of harmony within society and may induce these people, as a last resort, to rebel against tyranny and oppression and thus endanger world peace and, consequently, is contrary to the Charter of the United Nations and the Constitution of UNESCO.

As a result of their reflections, the participants appeal to the United Nations, UNESCO, ILO, WHO and FAO, as well as the Organization of American States and the Inter-American Indian Institute, to take the necessary measures to ensure the full implementation of the above principles.

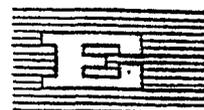
The participants address this appeal to States Members of the United Nations and of the above-mentioned specialized agencies and request them to pay special attention to the implementation of these principles and, at the same time, to co-operate with international, intergovernmental and non-governmental organizations, of a universal and regional character, including in particular indigenous organizations, so as to facilitate the achievement of the fundamental rights of the Indian peoples of America.

This appeal is also extended to the responsible authorities in the legislative, executive, administrative and judicial fields and to all pertinent officials of the American countries to ensure that in their daily lives they conduct themselves always in conformity with these principles.

The participants appeal to the conscience of the scientific community and to the individuals of which it is composed and stress their moral responsibility to ensure that their research, practical work and conclusions cannot be used as a pretext for falsifications and interpretations which prejudice Indian peoples, nations and ethnic groups.

Finally, the participants emphasize the need to ensure that the authentic representatives of Indian peoples, nations and ethnic groups participate duly in all matters which may affect their destiny.

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Thirty-fifth session
Item 12 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

Final Report (Supplementary Part) submitted by the
Special Rapporteur, Mr. José R. Martínez Cobo

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EXPLANATORY NOTE

In the early 1940s, the organization of American States officially translated "Instituto indigenista interamericano" "Congresos indigenistas interamericanos" and "política indigenista" into English as "Inter-American Indian Institute", "Inter-American Indian Conferences" and "Indianist policy", respectively. For this reason this official OAS terminology has been kept here in the English version of this part of the report. Attention is drawn to the fact that today Spanish speaking indigenous representatives and organizations, as well as support organizations and groups, are using the words "indianista", "indianismo" and "indio" in contrast to and to repudiate the terms "indigenista", "indigenismo" and "indígena", which they reject as being associated with indiscriminate assimilationist policies and attitudes that have prevailed in the American countries from 1940 to 1980.

Although this causes very serious terminological difficulties in reflecting these differences when rendering these terms into the English language in the light of what has been explained above, this problem does not seem to pose any difficulties in the French language, as may be gathered from the article by Marie Chantal Barre "De l'indigenisme a l'indianisme" in Le Monde Diplomatique, March 1982.

Chapter III

ACTION TAKEN BY THE ORGANIZATION OF AMERICAN STATES

A. Preliminary Remarks

1. This chapter contains references to the principal documents of the OAS which are pertinent to this study and describes the measures taken by the organs of the OAS whose functions are most directly related to indigenous affairs: the Inter-American Commission on Human Rights, the Inter-American Indian Institute, and the Inter-American Indian Conferences. Emphasis is placed on action by these bodies and of these Conferences during the period 1970 to 1981. The General Secretariat of the OAS was invited to submit a summary of the Organization's activities or to provide the necessary documentation. 1/ Unfortunately that information had not been received at the time this chapter was prepared: consequently, the Special Rapporteur has provided the following summary on the basis of those sources otherwise available to him.

B. Basic Provisions

2. The Charter of the Organization of American States of 1948, as amended by the Protocol of Buenos Aires in 1967, contains several provisions of particular relevance for the indigenous populations of the American countries: 2/ 3/

1/ The most recent invitation to the Secretary-General of the OAS in this respect was made in a Note Verbale of 7 April 1981. Similar invitations were sent to the Director of the Inter-American Indian Institute most recently in a Note of 27 March 1981. The Executive Secretary of the Inter-American Commission on Human Rights, also received a similar invitation contained in a cablegram of 20 November 1981.

2/ Pan American Union, General Secretariat, Organization of American States. Charter of the Organization of American States, as amended by the Protocol of Buenos Aires in 1967. Treaty Series No. 1-C OAS Official Records OEA/SER.A/2 (English) Rev., pp. 3 et seq.

The Charter of the Organization of American States was adopted in 1948 at the Ninth International Conference of American States held in Bogotá 58 years after the American regional organization was established, for the purpose of giving that organization a permanent legal structure.

In 1964 the American governments resolved to hold a special conference in accordance with the Charter of Bogotá in order to strengthen the Inter-American system. To that end the Second Special Inter-American Conference was held in Rio de Janeiro in 1965. This conference declared in the "Act of Rio de Janeiro" that it was "essential to forge a new dynamism for the Inter-American system" and that, for such purposes, it was "essential to modify the working structure of the Organization of American States as defined in the Charter".

To achieve those objectives, the Second Special Inter-American Conference decided to convoke the Third Special Inter-American Conference and named the city of Buenos Aires as the site of that meeting.

After some preparatory work in Panama City (25 February-1 April 1966) carried out by a special committee, the Council of the Organization, made its observations and

- (a) Among the provisions included under "Principles":

"Article 3

"The American States reaffirm the following principles:

"...

- "h) Social justice and social security are bases of lasting peace;
- "i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;
- "j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;
- "k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;
- "l) The education of peoples should be directed toward justice, freedom, and peace."

- (b) Provisions under "Fundamental Rights and Duties of States" include:

"Article 16

"Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality."

also acted upon a revision by the Inter-American Economical Social Council at special meeting in Washington D.C. (6-18 July 1966) of a text of draft amendments prepared by the Special Committee at Panama City, which dealt with Inter-American Co-operation in the Economic and Social Fields.

The Third Special Inter-American Conference met in Buenos Aires 15 to 27 February 1967 and, on the basis of the aforementioned proposals, approved a "Protocol of Amendment to the Charter of the Organization of American States", which it agreed to designate as the "Protocol of Buenos Aires". This Protocol was signed on 27 February 1967.

3/ The following countries have ratified the Charter of OAS as amended by the Protocol of Buenos Aires: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Commonwealth of Dominica, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela.

(c) Provisions under "Economic Standards" include:

"Article 31

"To accelerate their economic and social development, in accordance with their own methods and procedures and within the framework of the democratic principles and the institutions of the inter-American system, the member States agree to dedicate every effort to achieve the following basic goals:

"...

- "c) Adequate and equitable systems of taxation;
- "d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity, expanded use of undeveloped land, diversification of production, and improved processing and marketing systems for agricultural products, and the strengthening and expansion of facilities to attain these ends;
- "e) Accelerated and diversified industrialization, especially of capital and intermediate goods;
- "f) Stability in the domestic price levels, compatible with sustained economic development and the attainment of social justice;
- "g) Fair wages, employment opportunities, and acceptable working conditions for all;
- "h) Rapid eradication of illiteracy and expansion of educational opportunities for all;
- "i) Protection of man's potential through the extension and application of modern medical science;
- "j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;
- "k) Adequate housing for all sectors of the population;
- "l) Urban conditions that offer the opportunity for a healthful, productive, and full life;
- "m) Promotion of private initiative and investment in harmony with action in the public sector; and
- "n) Expansion and diversification of exports."

(d) Provisions under "Economic Standards" include:

"Article 43

"The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

- "a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;
- "b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;
- "c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;
- "d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for safeguarding the interests of the entire society;
- "e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, and harmony with the private sector, as to meet the requirements and interests of the community;
- "f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;
- "g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;
- "h) Development of an efficient social security policy; and
- "i) Adequate provision for all persons to have due legal aid in order to secure their rights."

"Article 44

"The Member States recognize that, in order to facilitate the process of Latin American regional integration, it is necessary to harmonize the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal."

(e) Among the Inter-American Organs foreseen in Article 51 and the corresponding articles of the Charter quoted below, are the Economic and Social Council, the Council for Education, Science and Culture, the Juridical Committee and the Commission on Human Rights. The Charter provides, inter alia:

i. On the Inter-American Economic and Social Council:

"Article 93

"The Inter-American Economic and Social Council is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

"Article 94

"The purpose of the Inter-American Economic and Social Council is to promote cooperation among the American countries in order to attain accelerated economic and social development, in accordance with the standards set forth in Chapters VII and VIII."

ii. On the American Council for Education, Science and Culture:

"Article 99

"The Inter-American Council for Education, Science, and Culture is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

"Article 100

"The purpose of the Inter-American Council for Education, Science, and Culture is to promote friendly relations and mutual understanding between the peoples of the Americas through educational, scientific, and cultural cooperation and exchange between Member States, in order to raise the cultural level of the peoples, reaffirm their dignity as individuals, prepare them fully for the tasks of progress, and strengthen the devotion to peace, democracy, and social justice that has characterized their evolution.

"Article 101

"To accomplish its purpose the Inter-American Council for Education, Science, and Culture shall:

- "a) Promote and coordinate the educational, scientific, and cultural activities of the Organization; ..
- "b) Adopt or recommend pertinent measures to give effect to the standards contained in Chapter IX of the Charter;
- "c) Support individual or collective efforts of the Member States to improve and extend education at all levels, giving special attention to efforts directed toward community development;
- "d) Recommend and encourage the adoption of special educational programs directed toward integrating all sectors of the population into their respective national cultures;

"...

- "g) Promote the education of the American peoples with a view to harmonious international relations and a better understanding of the historical and cultural origins of the Americas, in order to stress and preserve their common values and destiny;
- "h) Systematically encourage intellectual and artistic creativity, the exchange of cultural works and folklore, as well as the interrelationships of the different cultural regions of the Americas;
- "i) Foster cooperation and technical assistance for protecting, preserving, and increasing the cultural heritage of the Hemisphere;

"...

- "l) Strengthen the civic conscience of the American peoples, as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;
- "m) Recommend appropriate procedures for intensifying integration of the developing countries of the Hemisphere by means of efforts and programs in the fields of education, science, and culture; and
- "n) Study and evaluate periodically the efforts made by the Member States in the fields of education, science, and culture."

iii. On the Inter-American Juridical Committee:

"Article 105

"The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters: to promote the progressive development and the codification of international law; and to study juridical problems related to the integration of the developing countries of the Hemisphere and, insofar as may appear desirable, the possibility of attaining uniformity in their legislation."

iv. On the Inter-American Commission on Human Rights:

"Article 112

"There shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

"An inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those of other organs responsible for these matters."

C. International Declarations, Recommendations or Conventions
Adopted under OAS Auspices

3. The American Declaration of the Rights and Duties of Man, adopted as resolution XXX of the Ninth International Conference of American States (Bogotá, 30 March - 2 May 1948), sets forth the principles of equality before the law and non-discrimination:

"Article 11. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

"...

"Article XVII. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights." 4/

4. Specific reference to the duties of States with regard to indigenous populations is made in The Inter-American Charter of Social Guarantees which was adopted as resolution XXIX at the Bogotá Conference:

"Article 39. In countries where the problem of an indigenous population exists, the necessary measures shall be adopted to give protection and assistance to the Indians, safeguarding their life, liberty and property, preventing their extermination, shielding them from oppression and exploitation, protecting them from want and furnishing them an adequate education.

"The State shall exercise its guardianship in order to preserve, maintain and develop the patrimony of the Indians or their tribes; and it shall foster the exploitation of the natural, industrial or extractive resources or any other sources of income proceeding from or related to the aforesaid patrimony, in order to ensure in due time the economic emancipation of the indigenous groups.

"Institutions or agencies shall be created for the protection of Indians, particularly in order to ensure respect for their lands, to legalize their possession thereof, and to prevent encroachment upon such lands by outsiders." 5/

5. The Tenth Inter-American Conference (Caracas, 1-28 March, 1954) recommended that the member States of OAS take measures to abolish racial discrimination (Resolution XCIV):

Whereas:

The danger to the security of our countries and to continental solidarity represented by the action communism demands that the authorities of each State adopt a series of measures designed to enforce the principles of the American Declaration of the Rights and Duties of Man and eliminate the causes that may be favourably exploited in attacking democracy;

4/ The International Conferences of American States, op. cit., Second Supplement (1942-1954), pp. 263-270.

5/ The International Conferences of American States, op. cit., Second Supplement (1942-1954), pp. 254-263. Article 39 appears on page 262.

The existence of discriminatory practices by reason of race not only weakens the most basic norms supporting democratic doctrine, but also promotes the continuation of a favourable climate for the action of communist propaganda; and

Racial discrimination is contrary to what is declared and stipulated in the Charter of the United Nations, the Charter of the Organization of American States, the Universal Declaration of Human Rights, and the American Declaration of the Rights and Duties of Man.

The Tenth Inter-American Conference

Recommends:

That the American States adopt or strengthen, wherever it is deemed necessary, legal and educational measures to make effective the abolition of racial discrimination, thus fulfilling the American concept of the rights of man and as one of the ways to fight international communism. 6/

6. The American Convention on Human Rights, which entered into force on 18 July 1978, and which has been ratified by 16 member States of the OAS, 7/ imposes on States parties the duty to respect the principles of non-discrimination and equality before the law: 8/

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

6/ The International Conferences of American States, op. cit., Second Supplement, (1942-1954), p. 435.

7/ The following member States of the OAS are States parties to the American Convention on Human Rights: Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru and Venezuela.

8/ The full text of the declaration is to be found in: General Secretariat of the Organization of American States. Inter-American Specialized Conference on Human Rights. San José, Costa Rica, 7-22 November 1966, Acts and Documents, reprinted in 1978, pp. 480-506.

D. Action by the Inter-American Commission on Human Rights

7. The Inter-American Commission on Human Rights (IACHR) is an organ of the Organization of American States which was established to promote the observance and defence of human rights and to serve as a consultative organ of OAS. ^{9/} For the purposes of the Commission's work, human rights are defined in its Statute as those set forth in the American Convention on Human Rights and those included in the American Declaration of the Rights and Duties of Man. In carrying out its functions, the Commission is empowered, inter alia, to make recommendations to the Governments of Member States of OAS, to prepare studies and reports, and to act upon petitions and other communications concerning alleged violations of human rights. ^{10/}

8. In response to United Nations Economic and Social Council resolution 1589 (L), inviting the Organization of American States and, particularly, its specialized organs and bodies, such as the Inter-American Commission on Human Rights and the Inter-American Indian Institute, to assist in the eradication of any kind of discrimination against indigenous populations (para. 5), the Commission adopted the following decisions at its twenty-sixth session (October-November 1971):

"1. To instruct the Secretariat to prepare a document compiling all claims received by the Commission denouncing events that violate the human rights of indigenous populations.

"2. To request State members to make known to the rapporteur their observations or comments, as well as legislation on indigenous populations in their respective countries.

"3. To appoint Dr. Gabino Fraga as rapporteur for this topic so that, with the co-operation of the Inter-American Indian Institute, located in Mexico and taking into consideration the document the Secretariat will prepare, and information provided by the members, he can present a report with conclusions and recommendations on this topic, and thus allow the Commission to continue its study of the topic on the 'special protection for indigenous populations and the struggle against racism and racial discrimination' in future sessions." ^{11/}

9. At its twenty-seventh session (February-March 1972) the Commission noted that the Secretariat had addressed a letter to the Director of the Inter-American Institute in relation to resolution 1589 (L) of the United Nations Economic and Social Council, in order to report the decision adopted in this matter. At that session, however, because of the absence of the Rapporteur owing to reasons beyond his control, the Commission decided to postpone consideration of this matter until its next regular session.

^{9/} See articles 51(e) and 112 of the Charter of the OAS as amended by the Protocol of Buenos Aires.

^{10/} For a more complete description of the functions and powers of the IACHR, see articles 18-20 of its Statute, OEA/Ser.P. AG/doc. 1180, 30 October 1979.

^{11/} Paragraphs 8-12 are based upon the Annual Report of the IACHR to the General Assembly, OAS Doc. No. OEA/Ser.P-AG/doc.305/73/Rev.1, 14 March 1973.

10. In accordance with paragraph 1 of the decision adopted at the twenty-sixth session, the Secretariat of the Commission prepared a document reporting on communications received regarding violations of human rights committed against indigenous populations (doc. 9-29) which compiles the pertinent denunciations and refers to the processing of such cases. The document is supplemented by appendices pertaining to each case, which are included in the respective dossiers.

11. The Commission considered this topic at its twenty-ninth session (October 1972) on the basis of the document prepared by the Secretariat. In addition, the Rapporteur of this topic, Dr. Gabino Fraga, reported that he was preparing an initial study of this subject, which he would submit to the Commission at its next session.

12. Taking into account the statement of the Rapporteur, the Commission decided to continue its study of the topic at its next regular session, after presentation of Dr. Gabino Fraga's preliminary report.

13. At its thirty-second regular session (April 1974) the Commission heard Mr. Fraga's report ^{12/} regarding his efforts in this matter and decided to continue its study of this topic.

14. At its twenty-ninth session, the Commission also considered a draft resolution^{13/} on the Indian populations submitted as a contribution to the study of this topic (doc. 38-29) which was approved, with amendments, in the following terms:

"The Inter-American Commission on Human Rights,

"Considering:

"That, for historical reasons and because of moral and humanitarian principles, special protection for indigenous populations constitutes a sacred commitment of the States;

"That on various occasions this Commission has had to take cognizance of cases in which it has been verified that abuses of power committed by government officials responsible for administrative work in connection with indigenous communities have caused very serious injury to the human rights of their members;

"That these offences against human rights are all the more reprehensible considering that they are committed by agents of the public power and have as their victims persons or groups for whom the effective exercise of the means of defence established by the laws of the respective states is particularly difficult: and

^{12/} Organization of American States. Inter-American Commission on Human Rights. Press Release No. 16, (19 April 1974), p. 2.

^{13/} *Ibid.*, OEA/SER.L/V/II.29, doc. 38 of 27 October 1972, twenty-ninth session. Resolution approved by the Commission at its 10th meeting held on 27 October 1972.

"That Article 9 of the Statute of this Commission empowers it to make recommendations for the purpose of attaining higher levels of protection of human rights and that, without prejudice to the recommendations made at earlier sessions and to the supplementation of the works it is carrying out with respect to protection of indigenous populations, it is considered essential to do so now

"Recommends:

"1. That all the States pay very special attention to the suitable training of the officials who are to perform their work in contact with the aforementioned populations, awakening in those officials an awareness of their duty to act with the greatest zeal in defence of the human rights of indigenous persons, who should not be the object of discrimination of any kind.

"2. That the action of such officials be adequately controlled and, in cases in which the commission of abuse of power to the detriment of the indigenous population are verified, that the necessary corrective measures be applied to prevent repetition of such acts.

15. At its thirty-second regular session the Commission decided to make preparations for a seminar that, in conjunction with the Inter-American Indian Institute would be held with the purpose of "contributing to the defence of the American aboriginal races and the eradication of racial discrimination in the hemisphere.

16. In its Annual Report for 1973, the Inter-American Commission informed the OAS General Assembly of the threat to the right to life of indigenous communities posed by the invasion of their lands and noted the failure of the laws of some countries to guarantee to the indigenous population equal benefits and protection in matters of health, education and housing. Consequently, the IACHR made the following recommendation:

"That efforts should be redoubled with a view to ensuring adequate protection of indigenous populations and, in general, of social groups which, by reason of their low cultural level are hardly capable of defending themselves, and guaranteeing them peaceful enjoyment of the fundamental human rights". 14/

17. In its Report on the Situation of Human Rights in Colombia (1981), the IACHR found that military operations against subversive elements, carried out in rural areas, had led to excesses committed against rural inhabitants and, to a lesser degree, against indigenous communities. It cited abuses of authority giving rise to mass detentions and the flight of citizens in rural areas. On the other hand, it was of the opinion that the Government had adopted measures that would tend to benefit indigenous communities. 15/ With regard to the need to protect rural inhabitants and indigenous communities from excesses associated with military operations, the Commission recommended the following:

14/ IACHR. Annual Report for 1973 of the Inter-American Commission on Human Rights. OAS Doc. No. OEA/Ser.P. AG/doc. 109/74, 5 March 1974, (translated from original Spanish, pp. 27-30).

15/ IACHR. Report on the Situation of Human Rights in the Republic of Colombia, OAS Doc. No. OEA/Ser.L/V/II. 53, doc. 22, 30 June 1981, (translated from original Spanish, p. 220).

"(a) That, in carrying out the said operations, the necessary steps should be taken to protect all persons unconnected with the activities, especially the peasants and indigenous persons residing in the areas that are the subject of the operations;

(b) That, in the rural areas, special arrangements should be made for dealing with the claims of persons affected by such operations with a view to ensuring that they are effectively protected; and

(c) That special priority should be given to the Plan for Indigenous Development that is in the course of implementation; that the norms of Convention No. 107 of 1957 of the International Labour Organisation in the matter should be respected and that the approval of legislative measures designed to promote better living conditions and development for the indigenous communities, that are compatible with human dignity, should be expedited." 16/

18. The Commission's Report on the Situation of Human Rights in Guatemala (1981) contained the following observations with respect to the situation of the Indian population:

"2. Economically and socially, the poorer half of the Guatemalan population consists of indigenous persons. Guatemala's economy is sharply divided into a non-indigenous urban population and an indigenous rural population. The latter people are exceedingly poor and are socially and culturally isolated from the more modern urban centres. They live on the high plateaux as subsistence farmers on smallholdings. They are so remote from any cultural facilities that they do not even learn Spanish; they speak a dialect of one of the 17 Indian languages that have originated from Kelchí, Quiché, Mam or Cakchiquel. Life expectancy and literacy rates are disproportionately low, as are their land and income ratios. Since the high plateaux are not generally suitable for the intensive cultivation of corn, beans and other basic cereals that provide their main diet, most of the indigenous people eke out a living by emigrating seasonally to work on the large commercial holdings." 17/

19. On June 28, 1981, the Inter-American Commission held hearings at its seat in Washington in relation to allegations that the Government of Brazil is violating the rights of the Yanomani Indians. Inasmuch as the case is still under consideration, no comments are available from the Commission itself, but one source has made the following observations with regard to the hearings:

" ... Four representatives from the five complainant organizations presented testimony before the Commission: Dr. William Sturtevant, President of the American Anthropological Association; Joseph Ryan of the Indian Law Resource Center; Dr. Shelton Davis of the Anthropology Resource Center; and Dr. Ken Taylor of Survival International USA in Washington. The witnesses alleged violations of the Yanomami's rights in a number of areas: equality before the law; basic civil rights; residence; property ownership; preservation of health and well-being; life and liberty."

16/ Ibid., p. 222.

17/ IACHR. Report on the Situation of Human Rights in Guatemala, CAS Doc. No. OEA/Ser.L/V/II. 59, doc. 12, 13 October 1981, (translated from original Spanish, p. 128).

"The Inter-American Commission responded very favorably to the testimony presented, declaring that the case of the Yanomami was one of the best-documented cases of human rights violations they had received ...

.... The Brazilian government is now expected to respond the rejoinder, and the interchange will continue in this way until the Commission has received all of the evidence it requires. At that time, it will write its report on the case and take the actions it considers appropriate." 18/

E. Action by the Inter-American Indian Institute (III)

20. Attention is focused here on the most recent activities (1971-1981) of this specialized organization of OAS located in Mexico City, as reported in the latest documents available to the Special Rapporteur.

21. Before doing so, it is deemed important to give a very brief indication of the Institute's legal basis and main functions, without prejudice to including a more adequate summary thereof in a future report in connection with the study.

22. The Institute was founded by and is based on the International Convention relating to the Inter-American Indian Conferences and the Inter-American Indian Institute, which was signed in December 1940. 19/ As of April 1972, this convention had been ratified by 17 countries. 20/ An agreement was signed with OAS in 1953 whereby the Institute was formally recognized as a specialized organization of OAS (fourth preambular paragraph). 21/

23. The Institute has acted as permanent committee of the Inter-American Indian conferences and has initiated, directed and co-ordinated action in this field. An Anthropological Investigation Department has been established for the study and evaluation of methods and techniques presently used in particular countries. The Programme for Training in Indian Community Development Techniques has established centres for this purpose. When requested by Governments to do so, the Institute renders advisory services and technical assistance. It has three periodical publications: the quarterly América Indígena, the yearly Anuario Indigenista and, since 1978, a bulletin entitled Noticias Indigenistas. The Institute is publishing a series of compilations on Legislación Indigenista and several series of books including one on La Antropología Social en América Latina and another on Legado Cultural de la América Indígena.

18/ Human Rights Internet Reporter, 7:1, Sept.-Oct. 1981, pp. 24-25.

19/ Final Acts of the first three Inter-American Indian Congresses. Publications of the Organizing Committee of the Fourth Inter-American Indian Congress, Guatemala City, Guatemala, pp. 187-205.

20/ Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States and Venezuela.

21/ Final Acts of the first three Inter-American Indian Congresses, ... op. cit., pp. 181-186.

24. The holding of seminars for the purpose of training indigenous and non-indigenous professionals who work in indigenous affairs has been one of the most important activities of the Institute. In the period 1971-1973 it sponsored or co-sponsored 40 seminars, the duration of which varied from 15 to 60 days, on subjects relating to: Anthropology, Indigenismo and Development; Education, Indigenismo and Development; and Agrarian Reform, Anthropology and Indigenismo. These seminars were held in 10 different countries and involved more than 1,500 participants who received some form of fellowship or subsidy. 22/

25. Owing to a lack of funds, only a few fellowships for academic study were offered by the Institute itself. However, the Institute was active in encouraging other Institutions, governments and international organizations to grant fellowships in areas related to indigenous affairs. At the same time, it played an important role in providing orientation to numerous persons who were seeking financial support for specialized studies.

26. Plans were drawn up by the Institute for a Training Centre for Personnel who would work in Indian and rural development. According to the Director of the Institute, the Government of Ecuador had offered its full support for the establishment of the training centre in that country.

27. Some 40 research projects were planned and initiated or carried out in the period 1971-1980 with the support of the Institute and resulted in publications on indigenous medicine, internal migration, demography, interethnic relations, rural education and various anthropological topics.

28. The Institute has also maintained contact with and acted in an advisory capacity to the national Indian Institutes and government offices such as FUNAI (Brazil), OCAI (Venezuela), CONAI (Costa Rica) and SINAMOS (Perú).

29. With the support of Canada's International Center for Developmental Research, the Institute had carried out feasibility studies for the establishment of SEDIAL (Servicio de Documentación Indigenista para América Latina), 23/ an information network for the collection, classification and diffusion of information related to indigenous studies in the Americas.

30. In response to the Institute's call for concrete action on behalf of the indigenous communities of the Americas, the Seventh Regular General Assembly of the OAS (St. George's, Grenada, July 1977) approved resolution 270; "Inter-American Indian Action", which charged the Institute with preparing a Five Year Inter-American Indian Action Plan. This plan, which proposes some 22 programmes to be undertaken by the Member States of OAS, for the purpose of raising the standard of living of the Indian population and overcoming discrimination, was approved by the Eighth Regular General Assembly (Washington D.C., November 1980). The same resolution

22/ Paragraphs 24 to 29 are based on information contained in the report submitted to the Institute by Gonzalo Rubio Orbe, who was its Director from June 1971 to June 1977. (See "Informe Final de Labores", Anuario Indigenista, Vol. XXXVII, December 1977, 165-282) and the report which Dr. Oscar Arze Quintanilla, Director of the Inter-American Indian Institute, submitted to the Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17 to 21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8, CII/doc. 29, 16 November 1980.

23/ See para. 51, below, the reference to Forum III, VIII Inter-American Indian Congress (17-21 November 1980).

(AG/RES. 422) requests the Governments to take urgent action to carry out the plan and recommends that they make an annual report to the Institute, which will inform the OAS General Assembly of the progress made. In complementary resolutions the Eighth Regular General Assembly instructed the General Secretariat to convoke a meeting to co-ordinate international action in this area (AG/RES. 423) and recommended that III establish a multilateral fund to support the Plan (AG/RES. 424).

31. The co-ordinating meeting was held at the seat of the General Secretariat of the OAS on August 21-22, 1980. Representatives of the following entities offered their co-operation with the Plan: the Inter-American Commission of Women, ILO, the Inter-American Institute of Agricultural Sciences, AID, the Pan-American Development Foundation, IBRD, ECLA, UNESCO, IDB, the Canadian International Development Agency and International Development Research Center, PAHO, and FAO. The participants resolved to keep the Institute informed of their activities and programmes relevant to the Plan and requested the Institute to prepare an inventory of such activities and to continue its bilateral contacts with international organs as a basis for future joint action. 24/

F. Action by the Inter-American Indian Conferences

32. These Conferences are organs of the Organization of American States.^{25/} The Inter-American Indian Conferences are contemplated in the third preambular paragraph and in articles I (1) and II of the International Convention relating to the Inter-American Indian Conferences and the Inter-American Indian Institute (1940), and in articles II, IV, V, and VI of the Agreement signed by the Organization of American States and the Inter-American Indian Institute (1953).

33. Up to 1981, eight of these Conferences had been held, as follows: I - at Patzcuaro, Mexico (1940); II - at Cuzco, Peru (1949); III - at La Paz, Bolivia (1954); IV - at Guatemala City (1959); V - at Quito, Ecuador (1964); VI - at Patzcuaro, Mexico (1968); VII - at Brasilia, Brazil (1972), and VIII - at Mérida, Yucatán, Mexico (1980).

34. The resolutions taken at these conferences concern indianist policy, greater use of specialized or Indian personnel, law, the agrarian problem, public health, economy, education, applied anthropology, social services and the Indian family.

24/ (Informe sobre la Reunión de Coordinación con Organismos Internacionales para Apoyo a las Actividades del Plan Quinquenal de Acción Indigenista Interamericana)
(Report on the Co-ordinating Meeting with International Organizations for Support for Activities of the Five-Year Plan of Inter-American Indigenous Action), Inter-American Indian Conference No. VIII (Mérida, Yucatán, Mexico), 17-21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc. 15, 12 November 1980, pp. 12-13.

^{25/} In accordance with the Charter of OAS as amended by the Protocol of Buenos Aires (1967), the Inter-American system includes the Specialized Conferences (article 51-g), which meet when purely technical matters are under discussion or when special aspects of Inter-American co-operation are to be dealt with. Specialized Conferences are held when the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs call for such meetings, or when treaties or agreements require them (articles 128 and 129).

35. In so far as indianist policy (política indigenista) these conferences have recommended the re-districting of political-administrative divisions in cases where Indian populations are arbitrarily divided; the establishment of offices of Indian Affairs as co-ordinating bodies for the better utilization of government resources; norms the colonization projects involving Indians; the election of local authorities by popular vote with the participation of illiterates; recognition of the juridical personality of Indian communities; recognition of the special health and economic conditions of the Indians in decisions regarding military service; provisions for universal suffrage; special attention and assistance to Indians in frontier areas, and guarantees to Indian immigrants equal to those of nationals of the host country.

36. In the area of social change the recommendations include norms for the preservation and respect of indigenous culture and institutions, general guidelines for community development, economic programmes, and the work of the national indigenist institutes.

37. Several conferences have made recommendations that special training be given to government representatives who work with Indian communities and that more Indian personnel be utilized in those positions.

38. Legislation has been recommended which would allow judges to take Indian customs and circumstances into account, provide for equal civil rights for the Indian woman, guarantee Indian property rights - private as well as communal, assure equal social services, regulate the conditions of agricultural labour, recognize Indian marriages or common-law marriages, create free legal services and promote the formation of co-operatives.

39. Agrarian reform has been a special area of emphasis. The recommendations underline the importance of an agrarian reform which would not only distribute land to the Indian but would guarantee the necessary credit and assistance for its exploitation.

40. Measures proposed for the improvement of public health include special training in rural medicine, the establishment of rural health centres, research into the effects of alcohol and the use of toxic drugs among Indian communities, health education programmes and the utilization of indigenous personnel in health programmes.

41. Recommendations for economic measures refer to protection of folk art, agricultural credit, the opening of roads into isolated areas populated by indigenous peoples, the creation of organs to control salaries and contracts in rural areas, the improvement of communications, guidelines for developmental planning, particularly those which consider local characteristics.

42. In the area of education, proposals focus upon the need to preserve the Indian languages and culture, to involve the community, to give appropriate emphasis to practical training and to make education more readily available to Indians, both adults and children.

43. The following types of academic studies have been recommended: applied anthropology, traditional plants and medicine, indigenous pathology, statistical studies of the Indian reality, the effect of drugs and alcohol, dietary patterns, historical demography, internal migration, and social structures.

44. In the realm of social services, the establishment of "popular" restaurants and school breakfast programmes has been suggested, along with other measures to improve nutrition. In particular, the extension of social security and social services has been stressed.

45. In so far as Indian family life is concerned, the conferences have recommended that matrimony be promoted, that special care be provided to mothers and infants, and that the status of the Indian woman be improved.

46. Inter-American Indian Conference held its eighth session at Mérida, Yucatán, 17-21 November 1980. The Conference established four Committees to deal with specific aspects of its deliberations. Committee I - Current Indianist Policies: Evaluation and Perspectives; Committee II - Development in Indian Areas; Committee III - Five-Year Indian Action Plan; and Committee IV - Indian Groups in Frontier Areas.

47. Committee I recommended a new approach to the Indian question, based upon a recognition of ethnic identity and of the economic exploitation to which Indians had been subjected historically. This approach would require an abandonment of paternalism on the part of Governments and responsiveness to what Indians and their representatives are demanding. It also called for the defence of Indian lands through new legislation which would protect the various forms of indigenous ownership, the right of Indian organizations to participate in the formulation of public policy, the promotion of Indian languages through legislation, education and literacy programmes. And finally it asked the Governments to force the withdrawal of national or foreign entities that tend to destroy Indian cultures and to support the founding of an Indian University of the Americas. 26/

48. Two areas were the concern of Committee II - Indian participation in development and land titles. The best means of promoting progress among Indian groups was deemed to be the location of development projects in Indian areas but with the full participation of, and in consultation with, those groups affected. In so far as landholding was concerned, the Committee suggested a programme that would not only legalize tenuous possession in certain cases, but also provide for restitution of lands traditionally held by Indian communities or for additions to the holdings of Indian communities in order to allow for economic progress. These measures would be carried out as part of an integral land reform which would include programmes to guarantee minimum standards of well-being. In addition Committee II made a special recommendation to the plenary in favour of a motion requesting the investigation of the activities of the Summer Institute of Linguistics in various countries. 27/

26/ Políticas approved by the Committee (Recomendaciones de la Comisión I "Políticas Indigenistas Actuales, Evaluación y Perspectivas" aprobadas por la Comisión de Iniciativas y Coordinación). Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17-21 November 1981, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc.16/Rev.1, 20 November 1980.

27/ Informe y Recomendaciones presentadas por la Comisión 2 "Programas de Desarrollo en Áreas Indígenas. Participación, Coordinación, Organización, Producción y Patrimonio Cultural", aprobadas por la Comisión de Iniciativas y Coordinación. Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17-21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc. 48/Rev.1, 20 November 1980, pp. 1-4.

49. With regard to the Five-Year Indian Action Plan, Committee III recommended that each project should provide for the maximum of community control and participation and assure property rights, land use and access to natural resources of those communities affected. It also suggested that Indian administrators and lawyers be trained and utilized in the planning and administration of those projects. In response to the disastrous results of rapid expansion into the Amazon region, it expressed support for the establishment of an Amazon Commission (originally recommended by the Inter-American Indian Conference at its fifth session) which would protect the Indian communities by co-ordinating and regulating the development of that region. 28/

50. Committee IV expressed the concern that national frontiers are disruptive of the cultural, political and social unity of ethnic groups who live along those frontiers and who have particular problems related to national identity, education, the availability of social services, military service, religion, freedom of transit and trade. In two recommendations directed at this problem, the Committee made specific proposals based upon the concept of bilateral agreements between the frontier States which would take into account international human rights instruments. Specific cases of ethnic groups in frontier areas were mentioned. 29/

51. Concurrently with the activities of the VIII Inter-American Indian Congress, three discussion forums were held on topics related to the Five-Year Indian Action Plan. Forum I was devoted to the consideration of how indigenous technology and non-conventional means of transportation might be developed and better utilized. Forum II explored the future development of Indianist movements. Among the measures it suggested to the VIII Congress were (a) a resolution against the repression of Indianist groups; (b) a resolution which would provide for more recognition of Indianist movements at the national and international levels; (c) a request that Governments supporting genocide or ethnocide be expelled from the Inter-American Indian Institute; (d) a resolution in support of bilingual and bicultural education; (e) support for the training of Indian ethnolinguists; (f) the publication of proposals by Indian groups in the organ of the Inter-American Indian Institute; and (g) the expulsion of the Summer Institute of Linguistics from Indian areas where it is working. Forum III discussed the organization and objectives of the Servicio de Documentación Indigenista para América Latina (SEDIAL). 30/

28/ Informe y Recomendaciones Presentadas por la Comisión 3 "El Plan Quinquenal de Acción Indigenista Interamericana Acciones para su Ejecución. Actividades de Apoyo Nacional e Internacional", aprobadas por la Comisión de Iniciativas y Coordinación. Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17-21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc. 47/Rev.II, 20 November 1980, pp. 2-9.

29/ Recomendaciones de la Comisión 4 "Problemas de Grupos Indígenas en Áreas Fronterizas", aprobadas por la Comisión de Iniciativa y Coordinación. Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17-21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc. 49/Rev.1, 20 November 1980, pp. 1-7.

30/ For further information, see Foros Paralelos al VIII Congreso Indigenista Interamericano, Inter-American Indian Conference No. VIII (Mérida, Yucatán), 17-21 November 1980, OAS Doc. No. OEA/Ser.K/XXV.1.8,CII/doc. 36, 17 November 1980, pp. 1-4.

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of Minorities
Thirty-fourth session
Item 10 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST
INDIGENOUS POPULATIONS

Final report (First part) submitted by
the Special Rapporteur, Mr. José R. Martínez Cobo

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Chapter IV. OTHER INTERNATIONAL ACTION

A. International conferences of indigenous peoples

1. The Inuit Circumpolar Conference

1. This Conference was hosted by the Environmental Protection Office, Office of the Mayor, North Slope Borough, Alaska, United States of America, and was held in Barrow, Alaska, from 13 to 17 June 1977. ^{1/}

2. The purpose of the Conference has been officially stated in the following terms:

"The Arctic is a unique environment. Indigenous peoples who live in the Arctic have demonstrated to mankind over tens of thousands of years their successful survival as a distinct people. Arctic cultures have evolved in isolation - not only from other geographical areas of the world - but in isolation from each other. While individual Arctic cultures may differ to some degree, they are all autochthonous: integrally a part of, and possessing the skills to live in total harmony with, the environment.

"Within this lifetime, the possibility of extensive damage to the fragile environment of the Arctic has become a real threat. To those living in the Arctic, this possibility becomes a threat to the very foundation of Inuit society. As the quest for resources leads the dominant cultures to one of the most promising, unexplored areas of the world, the Arctic Polar region, exchange among Inuit (Inupiat/people) becomes not only important but essential.

"Thus, the primary focus of the first Inuit Circumpolar Conference at Barrow was Arctic conservation and environmental protection, with a view toward developing an international Arctic policy. However, a comprehensive range of additional issues, as they pertain to the Arctic policy, were also considered: land claims, language, mutual exchange, health, education and village technology." ^{2/}

3. The background of the Conference lies in the fact that the Inupiat have long desired a reunion of their peoples. The International Arctic Conference held at Copenhagen in 1973 provided great impetus, as did the efforts of Inupiat leaders. It was not, however, until 1976 that these efforts succeeded in developing formal plans for the Conference. A pre-Conference meeting was held in Barrow in March 1976 by Inuit leaders from Alaska, Greenland and Canada. ^{3/} Many months of hard work culminated in the Conference.

4. Inuit from Alaska, Canada and Greenland attended and served as delegates. In addition, several countries were represented by academic, private and government experts in the various Arctic issue areas (see para. 5 below).

^{1/} Inuit Circumpolar Conference, June 1977. A 20-page publication containing the report on the First Inuit Circumpolar Conference held in Barrow, Alaska in June 1977. The present summary relating to this Conference is based on the contents of this publication, hereinafter referred to as "Report on the Inuit Circumpolar Conference, or simply as "Report on the Conference".

^{2/} Report on the Conference, p. 1.

^{3/} Ibid., p. 2.

5. Participants in the Conference included 54 delegates and two alternate delegates: 13 delegates and two alternate delegates from Alaska, 13 delegates from Canada and 18 delegates from Greenland. There were more than 290 observers from different countries: Canada (43), Denmark (9), Finland (2), France (1), Greenland (9), Japan (1), Norway (2), Sweden (2), the United Kingdom of Great Britain and Northern Ireland (6) and the United States of America (23).

6. The Conference held plenary meetings on 13, 14 and 17 June. On 15 June the Conference held a full session to discuss and adopt resolution 77-01 and for the nomination and confirmation of the members of the Interim Inuit Circumpolar Committee. 4/ On the same day, delegation caucuses were held. On 16 June "Issue Area Workshops" were held on: Arctic Policy and Land Claims, Environmental Protection, Language Commission, Mutual Exchange, and Education Village Technology. At the plenary meeting on 17 June, resolutions 77-02 to 77-17 were formally introduced, discussed and passed.

7. The Conference heard remarks by the delegations from Canada and Greenland and by various participants. There was an address by the Deputy Director of the Environmental Protection Agency. The Mayor of Barrow welcomed and addressed the Conference.

8. Action resulting from the Conference is reflected in the 17 resolutions adopted, of which resolution ICC 77-01 mandated the creation of "an international organization of Inuit to study, discuss, represent, lobby and protect" the interests of Inupiat on an international level. An Interim Inuit Circumpolar Committee was charged by the Conference with establishing the authorities and providing the legal framework for a continuing organization. 5/

9. The major and compelling theme reflected by the Conference is, beyond doubt, the imperative need for international recognition of Inupiat in terms of the implementation of viable Arctic environmental protection policies. The Inuit Circumpolar Conference has marked the growing commitment to the protection of the delicate Arctic environment. It has underscored the need for international co-operation in conserving the Arctic; it has also marked the beginning of continued cultural exchange among the Inuit.

10. These and other matters that are the subject of formal resolutions by the Conference are outlined later in this summary.

11. Before proceeding to the discussion of the content of the formal resolutions of the Conference, however, it is deemed useful to outline briefly the structure of the report on the Conference, which is being used as the source of the information here summarized.

12. After brief notes on the hosts, purpose and background of the Conference, the participants and observers are listed. The agenda of the Conference follows, and a list of elected officials plus a graphic presentation of the structure of the Conference.

13. The main part of the report is taken up by the "Formal Conference Actions" containing the 17 resolutions adopted, which are presented in the order of adoption, numbered from 77-01 to 77-17.

4/ See para. 24 (a) (ii) below, and annex I.

5/ See para. 24 (a) (ii) and (iii) below, and annex I.

14. The final part of the report is formed by transcriptions of a speech in support of the resolution on whaling, the text of a resolution in support of the Conference ^{6/} and a brief note on "The Future", making reference to action entrusted to the Interim Inuit Circumpolar Committee created in resolution 77-01 to establish the authorities and provide the legal framework for a continuing organization. A map of the Arctic region closes the report.

15. The resolutions are addressed to the delegates to the Conference, to the Inuit people and to countries having the capability of acting in the Arctic region, or to the Governments of Canada, ^{7/} Denmark and the United States of America, in an explicit manner. Resolution 77 is addressed, in the ultimate analysis, to the International Whaling Commission.

16. The content of the resolutions will be discussed from two points of view: the body to which they are addressed and the substantive content of the operative part. The preambular paragraphs are not quoted and are referred to only in exceptional circumstances. ^{8/} The operative provisions discussed are not quoted verbatim, except when used in quotation marks. ^{9/}

17. All 17 resolutions are reproduced in annex I below, to enable the reader to become acquainted with their respective texts, which contain important supporting facts and arguments.

(i) Bodies to which the resolutions are addressed

18. With the exception of resolutions ICC 77-01, 77-04, 77-06, 77-08, 77-10, 77-11 and 77-16, which are of a general character, the resolutions adopted by the Inuit Circumpolar Conference are directly or indirectly addressed to one or more Governments.

19. Resolutions ICC 77-03, 77-05, 77-07, 77-09, 77-12, 77-13, 77-15 and 77-17 are addressed to or affect the Government of Canada, either alone or together with other Governments.

20. Resolutions ICC 77-02, 77-09, 77-12 and 77-13 are addressed to or affect the Government of Denmark, either alone or together with other Governments.

21. Resolutions ICC 77-09, 77-12, 77-13, 77-14, 77-15 and 77-17 are addressed to or affect the Government of the United States of America, either alone or together with other Governments.

^{6/} A resolution in support of the Conference was passed by the eight officially invited observers from churches. Report on the Conference, p. 15.

^{7/} In resolution 77-07 (paras. 22 and 24, below, q.v.), the Governments of the Provinces of Newfoundland and of Quebec are mentioned in addition to the Government of Canada.

^{8/} See, for example, resolution 77-15 under "Traditional subsistence hunting rights - Defence of the Inuit right to hunt the whale", para. 24 (e) (i) below.

^{9/} See, for example, resolution 77-14 under "Land questions - Expeditious conveyance of land to the Alaska Native Regional and Village Corporations, in para. 24 (d) (ii), below.

22. The following chart will show these aspects and give an indication of the subject of the respective resolutions:

Number	Subject	General	Canada	Denmark	United States
77-01	Permanent organization formed; Interim Committee appointed to draft Charter for Conference	X			
77-02	Recognition of aboriginal right of Greenlandic ownership of all surface and sub-surface estate			X	
77-03	Inclusion of Inuit in revising Constitution		X		
77-04	Inuit language, culture, education and history. Inuit language official for future meetings	X			
77-05	Support for Committee for Original Peoples' Entitlement (COPE)		X		
77-06	Environmental policy	X			
77-07	Support for the Inuit of Labrador		X ^{a/}		
77-08	The health of the Inuit	X			
77-09	Access to government information regarding the Arctic and sub-Arctic regions		X	X	X
77-10	Village technology	X			
77-11	Peaceful and safe uses of Arctic circumpolar zone	X			
77-12	Special Arctic mutual exchange programme		X	X	X
77-13	Free, unrestricted movement for all Inuit across their Arctic homeland		X	X	X
77-14	Expeditions conveyance of land to Alaska Native Regional and Village Corporations				X
77-15	International Whaling Commission to defend Inuit rights to hunt the whale		X		X
77-16	Urging wise and full use of subsistence resources	X			
77-17	Revision of Migratory Birds Treaty to decriminalize spring subsistence hunting in Arctic for Natives		X		X

^{a/} The Provinces of Newfoundland and of Quebec are also specifically mentioned.

(ii) Type of action taken or recommended:

23. In this presentation of the substantive content of the resolutions adopted by the Conference, they have been grouped under the following headings:

(a) Organizational questions; (b) Inuit participation; (c) Support for Inuit claims; (d) Land questions; (e) Traditional subsistence hunting rights; (f) Ecological and environmental questions; (g) Cultural, linguistic and educational aspects; (h) The health of the Inuit; (i) Village technology, and (j) Free and unrestricted movement for all Inuit across their Arctic Homeland. Subtitles to indicate more precisely the main substantive content of these resolutions have also been inserted whenever they were called for.

24. The content of the resolutions is, therefore, discussed in those terms in the following paragraphs:

(a) Organizational questions

(i) The Inuit Circumpolar Conference was formed as an international organization of Inuits to study, discuss, represent, lobby and protect Inuit interests on the international level (resolution 77-01, last preambular paragraph and operative para. 1).

(ii) An Interim Inuit Circumpolar Committee was provided for, to be appointed and made up of 12 representatives - 4 from Alaska, 4 from Canada and 4 from Greenland. They will be responsible to all Inuit representatives and delegates to the Inuit Circumpolar Conference (resolution 77-01, operative paras. 1 and 4).

(iii) The Interim Inuit Circumpolar Committee was given the following tasks:

- to draft the Charter of the Inuit Circumpolar Conference, a task that it is directed to complete by July 1978 (resolution 77-01, operative paras. 1 and 5);
- to take all steps necessary for the development of the Charter and to establish fair and adequate procedures for the ratification of the Charter by Inuits from Alaska, Canada and Greenland (resolution 77-01, operative paras. 1, 2 and 6);
- to carry out the objective, directives and resolutions of the first Inuit Circumpolar Conference (resolution 77-01, operative para. 5);
- to report regularly on progress attained in its work (resolution 77-01, operative para. 4);
- to consider seriously the creation of an International Committee for Inuit Education, Culture and Language as part of the permanent Inuit organization (resolution 77-04, first paragraph of the operative part). 10/

10/ The operative part of resolution 77-04 is more fully discussed under "Cultural, linguistic and educational aspects - Inuit language, culture, education and history", in para. 24 (g) (1) below.

- (iv) The areas of concern to be included in the Charter, but not in a limitative manner, are described in letters (a) to (h) in paragraph 3 of the operative part of resolution 77-01.
- (b) Inuit participation
 - (i) Inclusion of Inuit of Canada when revising the Constitution
 - Support should be given to the Inuit of Canada in seeking and ensuring their rightful role in any present or future discussions on or revision of the Constitution of Canada (resolution 77-03, sole operative paragraph).
 - (ii) Access to Government information regarding Arctic and sub-Arctic regions
 - All necessary steps should be taken to ensure, if necessary through legislation in the respective States and provinces involved, that the Inuit of Greenland, Alaska and Canada have access to all relevant government information concerning the Arctic and sub-Arctic regions which is their homeland (resolution 77-09, sole operative paragraph).
- (c) Support for Inuit claims
 - (i) For the Committee for Original Peoples' Entitlement (COPE)
 - All Inuits were requested to support efforts by the Committee for Original Peoples' Entitlement (COPE) to achieve a fair and expeditious settlement of Inuvialuit claims and, further, to support COPE's efforts to protect Inuvialuit rights prior to achievement of a just settlement of those rights (resolution 77-05, sole operative paragraph).
 - (ii) For the Inuit of Labrador
 - The Governments of Canada, Newfoundland and Quebec were called upon to acknowledge their responsibility to uphold the aboriginal rights of the Labrador Inuit and to indicate their willingness to enter into negotiations with the Labrador Inuit for a just settlement of their claims (resolution 77-07, sole operative paragraph).
- (d) Land questions
 - (i) Recognition of the Aboriginal right of Greenlandic ownership of all surface and sub-surface estate of Greenland as a condition of Greenlandic Home Rule
 - The delegates assembled at the first Inuit Circumpolar Conference in Barrow, Alaska, were requested to call upon the Government of Denmark to recognize the claims of the Greenlandic Inuit to all the surface and sub-surface estates of Greenland (resolution 77-02, sole operative paragraph).

(ii) Expeditious conveyance of land to the Alaska Native Regional and Village Corporations

- The Inuit Circumpolar Conference called upon the Government of the United States of America "to expedite the conveyance of all appropriate land title to the Alaska Native Regional and Village Corporations" (resolution 77-14, sole operative paragraph).

(e) Traditional subsistence hunting rights

(i) Defence of Inuit rights to hunt the whale

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon the United States and Canadian delegates to attend the forthcoming meeting of the International Whaling Commission in Australia to defend the Inuits' aboriginal right to hunt the whale in the Arctic (resolution 77-15, sole operative paragraph). 11/ 12/

(ii) Wise and full use of subsistence resources

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon all Inuit to behave as hunters and in no way that will create scandal and endanger Inuit subsistence hunting rights, and to conserve Inuit game as they would conserve their homeland, and protect the future generations of Inuit people (resolution 77-16, sole operative paragraph).

(iii) Revision of Migratory Birds Treaty with respect to subsistence hunting

The Governments of Canada and of the United States of America were called upon to revise their Migratory Birds Treaty to decriminalize spring hunting in Alaska and Canada for all Native people (resolution 77-17, sole operative paragraph). 13/

11/ Inuit whaling is subsistence whaling, a necessary part of Inuit cultural identity and social organization and in no way similar to commercial whaling which is endangering the whale species and with which it should never be confused (ideas presented in the preambular part of resolution 77-15, see annex I).

12/ See, in para. 80 (1) (ii)-(iv) below, World Council of Indigenous Peoples' resolution 12 on "Inuit whaling rights" adopted at the Second General Assembly of that Organization held at Kiruna, Samiland, Sweden (24-27 August 1977) wherein the International Whaling Commission was called upon to protect and defend Inuit Subsistence Whaling Rights and the Government of the United States of America to object to the bowhead moratorium, which does not have scientific justification and would violate Inuit aboriginal subsistence hunting rights and to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic.

13/ Pursuant to the preamble of resolution 77-17, making spring duck and goose hunting a crime is not based on need and only resulted from lack of understanding by those who negotiated a Treaty on Migrant Birds between Mexico, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Duck and goose spring hunting is subsistence hunting for the Inuit and does not endanger the species. This was understood by those who negotiated a similar Treaty between the Union of Soviet Socialist Republics and the United States of America, which protects subsistence hunting rights. The operative part of resolution 77-17 would have the first Treaty revised to bring it into line with the second Treaty.

(f) Ecological and environmental questions

(i) Environmental policy

- Each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and [the principle] that the Inuit community has a right to participate in this rule-making (resolution 77-06, first operative paragraph).
- The rules for Arctic resource development should specifically provide for an Inuit-controlled technology assessment programme (resolution 77-06, second operative paragraph) and for:
 - the determination of safe technology;
 - an Arctic population policy;
 - locally controlled wildlife management and Arctic military-use policy;
 - conservation of traditional use values;
 - access to Government information concerning the Inuit homeland; 14/
 - development of an Arctic coastal zone management programme and a co-operative environmental impact assessment protocol detailing participation of the Inuit.

(Resolution 77-06, third operative paragraph.)

(ii) Peaceful and safe uses of the Arctic circumpolar zone

- The operative part of resolution 77-11 contains the following provisions:
 - a. The Arctic shall be used for peaceful and environmentally safe purposes only;
 - b. There shall be prohibited any measure of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres and the testing of any type of weapon and/or the disposition of any type of chemical, biological or nuclear waste;
 - c. A moratorium shall be called on the emplacement of nuclear weapons; and
 - d. All steps shall be taken to promote the objectives mentioned in a, b and c above.

(Resolution 77-11, operative part.)

14/ Resolution 77-09 provides for Inuit access to all relevant Government information concerning the Arctic and sub-Arctic regions which is their homeland. See under Inuit participation - Access to Government information regarding Arctic and sub-Arctic regions, in para. 24 (b) (ii) above.

(g) Cultural, linguistic and educational aspects

(i) Inuit language, culture, education and history

- The Inuit Interim Committee is requested seriously to consider the creation of an Inuit Humaanni Hinniartulirijit (International Committee for Inuit Education, Culture and Language) as a part of the permanent Inuit organization (resolution 77-04, first operative paragraph, first provision).

- This Committee should be responsible for the following areas of concern:

1. to develop and implement the Inuit philosophy of education into the educational system;
2. to explore the possibility for an Inuit University;
3. to establish Inuit student and teacher exchanges;
4. to establish exchanges of educational and cultural and media materials;
5. to explore the possibility of an Inuit common writing system;
6. to develop mutual exchange of artists and cultural workers;
7. to establish Inuit cultural history;
8. to create contact among religious groups in the Inuit homeland;
9. to establish Inuit Olympics."

(Resolution 77-04, first operative paragraph.)

- The Inuit language shall be the official language in future meetings of the Conference (resolution 77-04, second operative paragraph, second provision). 15/

(ii) Special Arctic mutual exchange programme

- The delegates assembled at the first Inuit Circumpolar Conference in Barrow were requested to call upon the Governments of Canada, the United States and Denmark to co-operate with the Inuit Circumpolar Conference to establish mutual exchange programmes in such fields as education, communications, language, game management, municipal administration, health care, the arts and economic trade (resolution 77-12, sole operative paragraph).

15/- There is an evident close relationship between resolutions 77-04 and 77-12 grouped under this title. Resolution 77-12 seems to develop and supplement resolution 77-04 as far as exchange programmes are concerned.

(h) The health of the Inuit

- Resolution 77-08 provides that:

1. the Inuit should have participation and a voice in health planning and care;
2. A centre of information on health care should be established to give information on how Inuit health problems are solved; and
3. the best possible medical care should be made available to all Inuit (resolution 77-08, operative part.) 16/ 17/

(i) Village technology

- Resolution 77-10 makes provision for:

1. monies for housing to be distributed to the Inuit themselves for housing design, materials and labour;
2. control and planning of utilities and communications to be given to Inuit users;
3. Inuit to have control of monies for the management and maintenance of utilities to determine priorities in their villages;
4. all necessary resources to be made available to Inuit to solve high fuel cost and transportation problems; and
5. transportation to and from Inuit villages to be made adequate to serve the needs of the Inuit.

(Resolution 77-10, operative part.)

(j) Free and unrestricted movement for all Inuit across their Arctic Homeland

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon the Governments of Canada, the United States and Denmark to negotiate an agreement that will protect as between those countries and for all Inuit, the right to unrestricted trade and travel as envisaged between Canada and the United States by the Jay Treaty (resolution 77-15, sole operative paragraph).

16/ This resolution was based on considerations that the Inuit have similar health problems and recognize the importance of rural village health, and have a right to determine and participate in their own health care and to make decisions concerning sterilization and family size: preamble containing four paragraphs. (See annex I.)

17/ See, a reference to health care under "Cultural, linguistic and educational aspects - Special Arctic mutual exchange programme" (resolution 77-12) in para. 24 (g) (ii) above.

2. Barbados II

25. This meeting was held at the University of the West Indies in Bridgetown, Barbados, from 18 to 28 July 1977. ^{1/} There were 34 participants (20 American Indians and 12 non-Indians) from 13 countries; Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, the United States of America and Venezuela.

26. The point of departure for this meeting goes back to the symposium held six years earlier by 20 anthropologists at the same University, in Bridgetown, Barbados, a symposium known as Barbados I, which was sponsored by the University of Bern (Switzerland) and by the Programme to Combat Racism organized by the World Council of Churches. The symposium produced the "Declaration of Barbados I" and a report on "The Situation of the Indians of South America". These documents challenged anthropologists, missionary societies and Governments to take a critical look at the work they had undertaken amongst the Indians. In view of the fact that the situation of the Indians had changed in the meanwhile, that dynamic emancipation movements had emerged in some countries, that meetings had been held at the local, national, regional and world levels, and that interest had been displayed by some Governments and by elements in the Roman Catholic Church in Latin America, it was felt that the time had come to arrange a second meeting in Barbados.

27. The organizers of Barbados II ^{2/} had planned a meeting of anthropologists, with the participation of a number of Indians. The response of the Indians who were invited was so great that the meeting became one of Indians, with the participation of a number of anthropologists.

28. In the early stages of the meeting, the Indians and the anthropologists started out by making each other's acquaintance. The Indians felt the need for a clear understanding of their differences, since they came from different countries with very different systems of government.

29. It was then decided to allow the Indians time to meet separately. It was these meetings among the Indians that provided the mainspring for Barbados II. While for example, following Barbados I, the anthropologists addressed themselves to their colleagues, to the missionary societies and to Governments, the Declaration of Barbados II is a document drawn up by Indians and addressed to their fellow Indians. In the document the Indians proclaim to the world that they are masters of their own destiny. They state that they must first fight to survive as a group, pointing out that, for that purpose, ownership of land is of paramount importance. Secondly, they affirm that they must free themselves from the two-fold domination to which they are subjected: physical domination and cultural domination. They also emphasize that they must strive to achieve unity among themselves, both inside and outside the frontiers of their countries.

^{1/} The present summary is based on a text prepared by the World Council of Churches (Programme to Combat Racism) which contains the Declaration of Barbados, preceded by four introductory paragraphs.

^{2/} Some of the participants in the 1971 symposium and the World Council of Churches: information supplied by the World Council of Churches on 29 June 1978.

30. The Declaration of Barbados II was adopted by acclamation by the participants at a meeting held on 28 July 1977. ^{3/} The following paragraphs contain a brief description of the contents of this important Declaration.

31. Before a brief analysis of the substance of the Declaration of Barbados II is attempted, a few details will be given of its form.

32. From the standpoint of form, the Declaration consists of a total of 16 paragraphs, as described below.

33. The two aspects of the domination to which the Indians are subjected in the Americas are mentioned in the first paragraph. The second to the thirteenth paragraphs inclusive analyse these two aspects.

34. Four paragraphs (second to fifth) are concerned with physical domination, i.e., the second paragraph points to the plundering of land and resources and the splitting up of peoples and territories; the third examines the economic, labour and commercial aspects of such domination; the fourth mentions the local, national and international aspects, whilst the fifth states that it is based on the use of force and violence against Indians.

35. Cultural domination is analysed in seven paragraphs (sixth to twelfth): the sixth paragraph describes the purpose of this type of domination; the seventh declares that it does not allow Indian culture any forms of expression or misinterprets and distorts them; the eighth describes the methods that are used - Indian policies, the system of formal education and the mass media; the ninth mentions the groups and sectors into which the indigenous population has consequently been divided and contains three subparagraphs numbered (1) to (3); the tenth, eleventh and twelfth paragraphs describe the problems and needs of these groups.

36. The conclusions reached with regard to the problems confronting the indigenous peoples of the Americas are set out in the thirteenth paragraph. ^{4/}

37. The objective of the struggle for liberation is stated in the fourteenth paragraph.

38. The strategies to be followed in achieving the proposed objective are set out in the fifteenth paragraph, which includes six subparagraphs, (A) to (F).

39. Examples of the means that can be used to implement the strategies and achieve the objective are listed in the sixteenth paragraph, which includes four subparagraphs, (A) to (D).

40. As to the substance of the Declaration, the chief points are summarized below, beginning with identification of the basic problem of the indigenous peoples of the Americas as they themselves define it.

41. The text of the Declaration of Barbados II summarizes the problem in the following terms:

"(1) A situation of cultural and physical domination, ranging from subjection to a white or Creole minority to a danger of extinction in countries where [the American Indians] account for only a small percentage of the population;

^{3/} Information supplied on 29 June 1978 by the World Council of Churches.

^{4/} See paragraph 41 below setting out these conclusions. See also annex II.

"(2) The American Indian peoples are divided among themselves as a result of integration, education and development policies, western religious systems, economic classes and national frontiers."

42. The description, contained in the Declaration, of the domination to which the indigenous peoples are subjected can be summarized as follows:

(a) economic domination - the use of violence and force to deprive them of their lands and resources after splitting up peoples and territories in order to exploit them. Mention is also made of labour exploitation (poor pay when they work for non-Indians) and commercial exploitation (buying up their products cheaply and selling them what they need at high prices);

(b) cultural domination - by processes of cultural assimilation through the Indian policies, the system of formal education and the mass media. The aim is to instill in the Indians the idea that the only culture is that of the overlords, which is highly developed and must be "aspired to" by the Indians through education, whereas the indigenous culture does not exist as such and signifies only backwardness and under-development.

43. As a result of this domination, which occurs locally, nationally and internationally - and at the latter level it includes the operations of transnational corporations which are supported by powerful and privileged non-Indian groups - three elements have emerged among the indigenous population:

(a) Groups which have remained relatively isolated and have preserved their own cultural patterns; these are facing the immediate problem of surviving as a group and, to that end, must be guaranteed their lands;

(b) groups which have preserved a large part of their culture but are directly dominated, physically and economically, by the capitalist system; first and foremost, they need to regain control of their land and resources; and

(c) a section of the population which has been "de-Indianized" by integrationist forces and has forfeited its cultural patterns in return for limited economic advantages. Their immediate problem is to free themselves from cultural domination and recover their own identity and culture.

44. The objective, strategies and means enumerated below have been suggested in order to give shape to the struggle for liberation.

45. The objective is to achieve the unity of the indigenous population on the basis of their historical and territorial position in relation to the social structures in which they participate wholly or partly and in relation to the systems of government of national States, in order to resume the historical process and endeavour to put an end to the period of colonization.

46. The strategies to achieve this objective and the possible means include the following: 5/

(a) a genuine political organization in connexion with the liberation movement; it may be based on traditional and on newer, more modern organizations;

5/ As stated in describing the form of the Declaration (see paras. 38-39 above), the strategies are mentioned in the fifteenth paragraph and the means in the sixteenth paragraph. Here they have been combined, first indicating the strategy and then the corresponding means. See also annex II.

(b) a clear and consistent ideology understood by the entire population; it must be based on historical analysis;

(c) An approach which can be used to mobilize a large section of the population; the initial method may be a study of history in order to place and explain the situation of domination;

(d) A unifying element in the liberation movement from start to finish; it must be indigenous culture, basically to create an awareness of belonging to the American Indian ethnic group and people;

(e) action to preserve and reinforce forms of internal communication, the language of each group, at the same time creating a means of communication between peoples of different languages, and preserving basic cultural patterns, especially in the education of each group;

(f) consideration and outlining of forms of support at the international level.

47. In addition to the Declaration of Barbados II, which was formally discussed and adopted, three other documents, mentioned below, were also issued. 6/

48. The document entitled "Summary of the discussion on the problems of Indian women" contains six paragraphs, from which the following points have been selected.

49. Processes of acculturation tend to deprive indigenous women of the important role they have been accustomed to in the field of production and in other aspects of social life. A variety of coercive mass sterilization programmes and western-style family-planning programmes and the transfer of children to non-indigenous families are attempts to downgrade indigenous women and oppose the historical survival and the plans for liberation of the American Indian peoples.

50. Women, who account for more than half the indigenous population in the Americas and have always made major contributions to resistance by the indigenous peoples, must now take up a fundamental position alongside men, in their basic and leading organizations, and they must preserve their role in creating and transmitting the historical identity, collective memory and basic values of the American Indian peoples.

51. The document entitled "No to racist invasion" consists of seven paragraphs; the chief statements, summarized below, contain an emphatic rejection of projects to resettle immigrants from Zimbabwe, Namibia and Azania in Bolivia, and any other project of that kind.

52. In this connexion it is pointed out that the people in question are mainly European racists who are leaving the countries they are living in in Africa because they are unable to overcome the process of revolution now taking place in southern Africa. The aim, says the document, is to create artificial racist enclaves, a long-standing phenomenon of colonialism, in which these enclaves are used to curb the advance of the struggles for liberation.

53. An attempt is made to justify these repressive policies by racist ideologies expressed in such mottos as "a purer race; the natives are politically incapable of taking part in proper development processes".

6/ Mimeographed texts issued at Barbados II.

54. The document concludes with the following statement:

"The presence of racist peoples in southern Africa is the result of the policy of European colonial expansion, and it is for Europe to solve it within its own frontiers. These people must return to the countries they came from. We reject having them brought to South America and condemn the Governments which collaborate in this policy of recolonizing South America."

55. The document entitled "The Colonialist Policy of the Summer Institute of Linguistics" includes a categorical rejection of the activities of that Institute. It contains 11 paragraphs which discuss basic considerations regarding the important functions of language and then set out the reasons for this rejection, reasons which include some of those mentioned below.

56. The majority of the States in the Americas, instead of frankly acknowledging the existence and validity of indigenous languages and giving them official status at either the regional or the national level, entrust their language policy to pseudo-scientific fundamentalist organizations from the United States, an important body of this kind at the world-wide level being the Summer Institute of Linguistics (SIL).

57. The document states that, as regards the languages themselves, the Summer Institute of linguistics: (a) presents a deliberately distorted picture of extreme fragmentation in languages and dialects, in an attempt to demonstrate that the formation of standardized linguistic units is inevitable, and (b) denies the indigenous languages the possibility of a genuine interpretation, both conceptual and linguistic, of social dynamics and of nature.

58. Another facet of the activities of the Institute is coercive fundamentalist evangelization of the American Indian peoples. This evangelism, says the document, attacks the key points in the social and cultural system and is reflected in a gradual suppression of group customs. It is therefore aimed at irreversible disintegration of the American Indian peoples and their cultures and, failing to observe human dignity and the most fundamental human rights, it contributes to the plan for accelerated recolonization of the continent.

3. Second General Assembly of the World Council of Indigenous Peoples

59. This Second General Assembly was organized by the Executive Committee of the World Council of Indigenous Peoples and was held at Kiruna, Samiland, Sweden, from 24 to 27 August 1977. 1/

60. The World Council of Indigenous Peoples (WCIP) is an organization of indigenous people from 24 countries, which has consultative status with the Economic and Social Council of the United Nations. 2/ It was formed at the First International Conference of Indigenous Peoples, to which reference is made below (para. 61). The background of this Council lies in the long cherished idea of bringing together indigenous people from as many countries as possible to represent their communities at a conference that they had to host, organize and control themselves. 3/ In 1972 this idea was formally taken up, and after two preparatory meetings 4/ the First International Conference of Indigenous Peoples finally materialized, and it created the World Council of Indigenous Peoples. 5/

1/ Report of the World Council of Indigenous Peoples' Second General Assembly, Kiruna, Samiland, Sweden (24-27 August 1977).

2/ In August 1972, the General Assembly of the National Indian Brotherhood (NIB) endorsed the idea of an International Conference on Indigenous Peoples and authorized NIB to apply for consultative status as a non-governmental organization at the United Nations, which it obtained two years later. In 1974 the National Indian Brotherhood of Canada was recognized as a non-governmental organization in consultative status with the Economic and Social Council of the United Nations. This status was granted on the basis that there was not yet an international organization of indigenous peoples. It was understood that the National Indian Brotherhood (NIB) would transfer its NGO consultative status to an international organization of indigenous peoples if one should come into existence. On 16 June 1975 at the beginning of the second organizational meeting held in Copenhagen (see foot-note 4, in fine) Mr. Sam Deloria reported that status had been granted to the NIB and that he had received credentials from the Economic and Social Council attesting to the NGO status of the NIB "on behalf of the indigenous people of the world". At the Fort Alberni meeting (discussed in this summary), it was resolved that the WCIP that had been created by that Conference would take over the NGO status obtained by the NIB: Douglas E. Sanders, The Formation of the World Council of Indigenous Peoples, Document 29 of the International Work Group on Indigenous Affairs, Copenhagen, Denmark, 1977, pp. 11-14 and 13.

3/ A working relationship had been established on that basis and with that very purpose between the National Congress of American Indians and the National Indian Brotherhood, at the initiative of the then NIB president, Mr. George Manuel: Sanders, op.cit., p. 11.

4/ The First Preparatory Meeting for the World Conference was held in Georgetown, Guyana, from 8 to 11 April 1974, with the participation of representatives from Australia, Canada, Colombia, Greenland (Denmark), Guyana, New Zealand, Norway (also representing indigenous peoples from Finland and Sweden) and the United States of America. It was agreed to proceed with the idea of the National Indian Brotherhood to hold the International Conference and NIB's proposal to hold the initial conference in Canada was accepted. The Second Organizational Meeting for the International Conference was held in Copenhagen, Denmark, from 16 to 18 June 1975: Sanders, op.cit., pp. 11-14.

5/ See para. 62 below.

61. The First International Conference was hosted by the Sheshah Band of the Nootka Indians and was held at their community near Port Alberni, British Columbia, Canada, from 27 to 31 October 1975. Fifty-two delegates from the following 19 countries took part in the Conference: Argentina, Australia, Bolivia, Canada, Colombia, Ecuador, Finland, Greenland (Denmark), Guatemala, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, the United States of America and Venezuela. One hundred and thirty-five observers were also among the total of 260 people attending the Conference. 6/

62. That Conference approved the Charter of WCIP, elected the Chairman, the Secretary-General and a four-person Board to represent indigenous peoples from Central America, South America, Europe-Greenland and the South Pacific areas, respectively. It is to be noted that this conference decided, among other things, to make a study of the problems of discrimination against indigenous peoples for submission to the United Nations in connexion with the study entrusted to this Special Rapporteur. It resolved that the WCIP would take over the NGO status obtained by the National Indian Brotherhood (NIB). Resolutions were adopted dealing with social, economic, cultural, and political rights and with the retention of lands and natural resources. 7/

63. The Executive Council of WCIP, meeting in Panama City on 29 and 30 January 1977, decided to accept the invitation of the Sami People of the Nordic Sami Council from Samiland, to hold the Second General Assembly of the WCIP in Sweden in the fall of 1977. The Nordic Sami Council, as host, co-ordinated all preparations for the Assembly. 8/

64. The Second General Assembly of WCIP held plenary meetings on 24, 26 and 27 August. On 25, 26 and 27 August meetings were also held by the three workshops that had been established on 24 August, as follows: Workshop A, to discuss "United Nations agreements pertinent to protection of indigenous peoples' right to their life, liberty and land"; Workshop B, to examine "United Nations non-governmental organization agreements pertinent to protection of indigenous peoples' life, liberty and land", and Workshop C, to discuss matters pertaining to the "World Council of Indigenous Peoples' study of the problems of discrimination against indigenous peoples and World Council of Indigenous Peoples' status and influence in the international community for the benefit of all indigenous peoples". Each one of these workshops submitted a report to the plenary Assembly as well as texts of proposed resolutions, grouped as resolutions A, resolutions B and resolutions C. 9/

65. Eighteen countries were represented at the Assembly, out of 24 countries that are members of the Council. Thirty-eight delegates were present and took part in the work of the Assembly. There were individual participants from Argentina (four), Australia (four), Bolivia (four, plus three alternates), Canada (four), Costa Rica (three), Chile (two), Dominica (one), Finland (Samiland) (one), Greenland (two), Honduras (one), Mexico (one), Nicaragua (three), Norway (Samiland) (one),

6/ Sanders, *op.cit.*, pp. 14 and 15.

7/ *Ibid.*, pp. 16-18.

8/ WCIP: Descriptive materials issued for the Second General Assembly.

9/ WCIP: Programme and Agenda for the Second General Assembly.

Panama (two), Peru (one) and Sweden (Samiland) (one). El Salvador and Guatemala were represented by their Regional Council. 10/ Absent were Colombia, Ecuador, Paraguay and Venezuela, 11/ as well as New Zealand and the United States of America. 12/

66. The Special Rapporteur for the present study, who had been formally invited to attend the General Assembly, took part in and made a statement on this same study at the plenary meeting held in the afternoon of 24 August 1977 and answered questions posed by participants in connexion therewith. The Special Rapporteur's activities were tied in with the work assigned to workshop A. However, he did not take part in the activities of the workshop as he had to rejoin the other members of the Sub-Commission during its thirtieth session which was being held in Geneva (Palais des Nations, August-September 1977) and from which he had temporarily absented himself in order to attend this very important meeting.

67. The Assembly adopted resolutions A.1 and A.2, B.1 to B.3 and C.1 to C.7. It gave full support to resolutions marked 2 to 9 and 12, dealing respectively with proposals made by delegations and marked as follows: 2. Argentina, 3. Australia (A, B, C, D and E), 4. Bolivia, 5. Canada (1, 2, 3, 4 and 5), 6. Chile, 7. Dominica (1, 2, 3 and 4), 8. Nicaragua (1, 2, 3 and 4), 9. Peru (1 to 10), and 12. Inuit whaling rights (proposed by the Inuit Circumpolar Conference, which is affiliated with the WCIP). In resolution 10, it also gave full support to "Recommendation 5, Protection of traditional ways of life", adopted by the 12th General Assembly of IUCN, Kinshasa, Zaire, 1975, containing three preambular paragraphs and six recommendations numbered 1 to 6; and, in resolution 11, to the "Declaration of the United Nations Conference on the Human Environment" adopted by the United Nations Conference on the Human Environment at its 21st plenary meeting on 16 June 1972. 13/

68. The report is structured as follows: lists of delegations and delegates present; list of delegates not present with indication of the reasons, 14/ the text of the Declaration on Human Rights issued by the Conference, Conference resolutions A-1 and A-2; resolutions B-1, B-2 and B-3, and resolutions proposed by participating delegations to which the Assembly had given full support, numbered 2 to 12 as described in paragraph 67 above, q.v., followed by resolutions C-1, C-2, C-3, C-4, C-5-1, C-5-2, C-6 and C-7. 15/

10/ The delegates from El Salvador arrived after the General Assembly had finished its work, and the delegates from Guatemala did not arrive at all owing to non-issuance of their air travel tickets (Report of the Second General Assembly (WCIP), p. 4.).

11/ One delegate from Colombia, three from Ecuador, two from Paraguay and two from Venezuela were absent due to difficulties with their air travel tickets (ibid.).

12/ Three delegates from New Zealand and three delegates from the United States were absent, with no reason stated (ibid.).

13/ World Council of Indigenous Peoples: Report of the WCIP's Second General Assembly, pp. 10-34. Resolutions 10 and 11 appear on pages 24-31.

14/ Except as regards the delegates from New Zealand and from the United States. See para. 65 and foot-note 12, above.

15/ Resolutions C-4, C-5(1) and C-5(2), deal with questions of the internal organization of the World Council of Indigenous Peoples and will, therefore, not be discussed.

69. It is also deemed useful to make a brief reference to the structure of the "Declaration on Human Rights" so as to indicate how its different parts are identified later in this summary. The Declaration has a total of 16 paragraphs, the first of which will be simply called "initial statement". The remaining 15 paragraphs are placed under the sub-title "Declaration". Eight of these paragraphs appear before a sub-title "Fundamental Principle", the eighth of these paragraphs being divided into 1, 2 and 3. These eight paragraphs will be called "preambular paragraphs" in this summary. After the sub-title "Fundamental Principle", there are seven paragraphs containing conclusions, declarative or operative provisions; they will be termed "operative paragraphs" one through seven. The first of these contains a principle; the second is marked with the Roman number "I"; the third is marked with the Roman number "II" and contains an introductory sentence and fourteen provisions numbered 1 through 14. Four more paragraphs without special numbers conclude the Declaration.

70. In the discussion of the substantive content of the Declaration, reference will be made to the absolute number of the paragraph in question, excluding the initial statement, and in the case of the last seven paragraphs, this will be followed by an indication of its placement in the "operative part". The wording of the paragraphs and provisions of the Declaration or provisions of the resolutions are not necessarily quoted verbatim, except when used in quotation marks. The full texts of the Declaration and the resolutions are reproduced in annex III to the present document.

71. The theme of the Second General Assembly was: "The situation for indigenous peoples in relation to the international agreements for the protection of man's right to his life, liberty and land".

72. The tenth paragraph of the Declaration (i.e., second operative paragraph) which is marked with a Roman number "I" contains the following statement of conclusions in this respect:

"I. ... Conventions and Declarations on Human Rights ... approved in the United Nations or in other international bodies by the representatives of the National Governments, are not adhered to because the United Nations has no mandatory power nor are the member states particularly keen on realising them in practice. These conventions, furthermore, do not take account of the true situation and rights of the Indigenous Peoples."

73. Paragraph 11 of the Declaration (i.e., third operative paragraph) which is marked with a Roman number "II" contains fourteen provisions marked with arabic numbers, from 1 to 14. The text of the introductory sentence applicable to all these 14 provisions reads:

"II. We, therefore, wish to make clear those irrevocable and inborn rights which are due to us in our capacity as Aborigines:"

74. In the examination of the Declaration from a substantive point of view, reference will be made first to the content of the initial statement and the preambular paragraphs and later to the "operative" part of that text, which will be examined together with the corresponding parts of the resolutions also adopted or supported at the Second General Assembly.

75. In the initial statement, it is said that the indigenous delegations present at the Second General Assembly of the World Council of Indigenous Peoples gathered at Kiruna, Samiland, Sweden, having studied the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948 and international agreements on human rights and having analysed their present situation as aboriginals, have adopted the text of a declaration on human rights which they have decided to submit to the opinion of the world.

76. The preambular paragraphs may be summed up as follows. The lands that were rightfully owned by indigenous peoples have been occupied through direct or indirect violence, fraud and manipulation. These infamous conditions subsist today, despite fundamental declarations on human rights by the United Nations, such as the Universal Declaration on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (first and second preambular paragraphs). As a result, going beyond ordinary political persecution made possible by the complicity of land owners, multinational companies and governments, medieval methods are being used to encroach upon and exterminate indigenous peoples and take over their land (third preambular paragraph). There are daily violations against indigenous groups and individuals, which have been amply documented by international gatherings and organizations and by the World Council of Indigenous Peoples at its first and second general assemblies. They involve the denial of the most elementary needs and human rights, as defined by the United Nations family of organizations. It is added that this applies in particular to the greater part of South America, where conditions have been described as especially severe, involving imprisonment without legal cause, torture, murder and even outright massacres. Violations of almost every article of the Universal Declaration on Human Rights have taken place. It is pointed out that even participation in WCIP has constituted grounds for imprisonment, torture, loss of civil rights and expulsion from countries (fifth, sixth and seventh preambular paragraphs). It is further added that in certain States there is an inclination to deny to the indigenous populations, in groups or as individuals, the right to land and water, which are fundamental resources necessary for human life and prerequisites to any indigenous development of their own institutions, culture and language. It is noted that this violates principles embodied in the International Covenants on Human Rights as well as in the ILO Indigenous and Tribal Populations Convention, 1957 (No. 107) (eighth preambular paragraph).

77. The texts of the "operative paragraphs" of the Declaration and of the resolutions are discussed in the following paragraphs, grouped by substantive content. Attention will be given to the body to which they are addressed and then to the type of action taken or recommended.

(1) Bodies to which the Declaration and resolutions are addressed

78. The Declaration and the resolutions are addressed to:

"The opinion of the world" - The Declaration as a whole.

"All peoples of the world, individuals and nations" - Declaration (12-op.4), 16/ containing an urgent appeal for the immediate bringing to an end of all violence against indigenous people.

16/ The reference "12-op.4" means: twelfth paragraph, i.e. fourth operative paragraph. In this section, the paragraphs of the Declaration will be identified in this manner.

"United Nations"

- Declaration (12-op.4), with substantive content as above;
- Declaration (14-op.6), to establish a special fund to support indigenous groups or individuals to enable them to bring their cases to national or international courts, as well as to develop their areas, economies and culture;
- B.3, WCIP to get representation at the United Nations, any representatives to be appointed freely by the indigenous peoples themselves;
- C.3, WCIP to request the United Nations to develop a special budget for establishing headquarters.

"International Whaling Commission" 12. Inuit whaling rights (first operative para.), to protect and defend Inuit subsistence whaling rights.

"Government of Chile" - 6. Chile, Respect for the human rights of Mapuches.

"Government of Nicaragua" - 8. Nicaragua, (1) Recognition of indigenous organizations; (2) Respect for land and resources on indigenous reservations.

"Government of Peru" - 9. Peru (1,2,3,4,5,6,7,9), 17/ respect for human rights of nationalities of the jungle and of the mountain areas.

"Government of the United States of America" - 12. Inuit whaling rights:

- Second operative para.: to object to whaling moratorium as not scientifically justified and a violation of Inuit subsistence whaling rights;
- Third operative para.: to enter into co-operative bowhead stock management with Inuit whale hunters of the Arctic.

All Governments of countries where the Summer Institute of Linguistics (SIL) operates - 9. Peru (5), to expel SIL and all similar institutions for ethnocide of indigenous populations of the jungle.

Summer Institute of Linguistics - A.2, Condemnation of SIL together with similar pseudo-religious and pseudo-scientific organizations guilty of forcing foreign cultural patterns on indigenous peoples.

World Council of Indigenous Peoples, itself

- Declaration (15-op.7) to work for the establishment of an indigenous University, possibly in the capital of Kollasuyo (Bolivia);
- A.1, WCIP to distance itself from religious and ideological tendencies or movements alien to indigenous philosophy;

17/ Resolution 9. Peru contains (in Nos. 8 and 10) certain proposals not clearly concerning indigenous people in particular. They deal with the restoration of civil and syndicalist rights throughout the country (8) and with the immediate release of peasants, workers, students and intellectuals who have been imprisoned for their political activity under the pretence that they have committed common crimes (10).

- C.1, WCIP to seek funds for five years;
- C.2, WCIP to leave door open to all States and organizations for obtaining funds;
- C.4, WCIP to continue to have headquarters in Canada (initially in Alberta, later in Ottawa and ultimately on Indian land);
- C.5 (1), WCIP Secretariat's functions defined; Executive Council is the policy-making body;
- C.5 (2), WCIP Secretariat to assume functions as directed by Executive Council and to call general assemblies upon petition of five members;
- C.6, WCIP to create special Permanent Committee to assist indigenous persons who are imprisoned or exiled or are refugees; and to study their situation for further action;
- C.7, WCIP to take part in NGO Conference at Geneva in September 1977; to appoint at least one official representative. Regional Council members invited are to participate in Conference as WCIP members.

"All members of WCIP" - Declaration (13-op.5), WCIP members to exert pressure on Governments.

- In general
- B.1: Total rejection of ILO Convention No. 107 (1957) (affects ILO also).
 - B.2: WCIP must be totally involved when international instruments are being drafted, agreements made or studies conducted.
2. Argentina: Definition of indigenous populations.
 3. Australia: Different matters discussed when examining substantive content of resolutions (some explicitly addressed to Federal Government of Australia, government of Queensland).
 5. Canada: (1) Indigenous communities as nations; (2) no extinction of Aboriginal titles to land; (3) definition of indigenous populations, only by indigenous populations themselves; (4) no policies of integration or assimilation, right to preserve their own modes of expression; (5) no official culture should exist in countries; policies based on pluricultural approach.
 6. Chile: Human rights of the Mapuches (explicitly also addressed to the Chilean Government).
 7. Dominica: Carib land questions: Carib representation (also addressed to Government, although not explicitly mentioned).
 8. Nicaragua: (3) Hunting and fishing rights of Miskitos and Sumus; (4) landless indigenous communities to get land, with title to it.

(ii) Type of action taken or recommended in the Declaration
and in the resolutions

79. In this preliminary presentation of the substantive content of the Declaration and of the resolutions adopted by the Second General Assembly, they have been grouped under the following headings: 18/ 1. Self-determination; autonomy; 2. Recognition of the organizations of indigenous populations; 3. Recognition of indigenous representation and participation; 4. Policies towards indigenous populations; 5. Land questions; 6. Elimination of unacceptable conditions, practices and institutions; 7. Decision to keep away from non-indigenous religious or ideological tendencies or movements; 8. Right to maintain culture, language and tradition; 9. Right to appropriate indigenous education; 10. Fundamental human rights of particular indigenous populations; 11. Arrangements for the representation and defence of indigenous prisoners, exiles and refugees, in general; 12. Hunting and fishing rights; 13. Definition of indigenous populations; 14. Right to funding and decisions on funding for different purposes. Sub-titles, indicating more precisely the main substantive content of these resolutions, have also been inserted whenever they were called for.

80. The content of the Declaration and the resolutions is, therefore, discussed in those terms as follows:

(a) Self-determination; autonomy

- (i) The Declaration includes the right to self-determination (II, No. 1). 19/
- (ii) Self-determination should exist in all aspects of life, education, employment, health, housing and culture (res. 3. Australia, E (1)).
- (iii) The United Nations should recognize that indigenous peoples are a distinct nation within a political state and should not be referred to as "tribes" in the colonialist interpretation of the word, meaning primitive (res. 5. Canada (1)).
- (iv) Laws should be passed granting the indigenous populations of the jungle and mountain areas political, economic and religious autonomy (res. 9. Peru (7)).

(b) Recognition of the organizations of indigenous populations

- (i) The National Aboriginal Congress should be made a statutory body immediately the ALP [Australian Labour Party] gains office. Its policy-making power should be recognized (res. 3. Australia (D.11)).

18/ Included are paragraphs 9 to 15 of the Declaration, Resolutions A, Resolutions B, Resolutions C (except C-4, C-5(1) and C-5(2), which deal with questions of the organization of WCIP) and resolutions 2 to 9 proposed by the national delegations and resolution 12 proposed by the Inuit Circumpolar Conference. Resolutions 10 and 11 will, on the contrary, not be discussed, as they merely reproduce texts adopted by other bodies, but which were fully supported by the Assembly. (See paras. 67 and 68 above.)

19/ Section II is contained in paragraph 10 of the Declaration, which is also the third operative paragraph.

- (ii) AFROMISU. The Government of Nicaragua should acknowledge the status of AFROMISU [Association for the Promotion of the Sumu Indians] as a Corporate Body, enabling the Aborigines to work for the development of the Miskitos and Sumus peoples without being discriminated against (res. 8. Nicaragua (1)).
- (c) Recognition of indigenous representation and participation
- (i) The right to have the World Council of Indigenous Peoples as a United Nations member, representing indigenous people, was included in the Declaration (II, No. 3).
- (ii) The WCIP should get representation at the United Nations and any representatives should be appointed by the indigenous peoples themselves without any governmental or official interference (directly or indirectly) (res. B.3).
- (iii) Representation of indigenous populations in particular countries
- The Carib chief should be the representative in the House of Parliament (res. 7. Dominica (2)).
 - The Carib Reserve is to be a constituency by itself (res. 7. Dominica (4)).
- (iv) Representation of WCIP
- It was decided that WCIP should participate in the NGO conference in Geneva in September 1977 and that WCIP should appoint at least one official representative to participate and speak on its behalf and to clarify the role and objectives of WCIP in the international community; and that those members of Regional Councils who had been invited to participate should participate as members of the World Council of Indigenous Peoples to show solidarity (res. C.7).
 - It was further decided that WCIP should be totally involved at all levels when international instruments are to be drafted, agreements to be made or studies to be conducted (res. B.2).
- (d) Policies towards indigenous populations
- Full support was given to resolutions deciding:
- (i) that under no circumstances should indigenous people be subjected to policies of integration and assimilation into the dominant group, but that they should be guaranteed the fundamental right to pursue their own cultural, linguistic, social, political, religious and economic modes of expression (res. 5. Canada (4)).
- (ii) that since all states are multi-ethnic in composition, the indigenous peoples should pursue a policy that is genuinely multicultural in nature to ensure that no one culture dominates the others or becomes the official culture of that state (res. 5. Canada (5)).
- (iii) that WCIP totally rejects the International Labour Organisation Convention No. 107 and Recommendation No. 104, noting that said agreements did not involve indigenous peoples and in fact would continue oppression of indigenous peoples wherever concerned (res. B.1).

(e) Land questions

- (i) The Declaration on Human Rights contains, in paragraph 8 (which also constitutes the first operative paragraph), 20/ the following "Fundamental Principle":

"The World Council of Indigenous Peoples upholds, as a fundamental principle, that the Indigenous Peoples are the rightful owners of the land, whether they hold formal title deeds, issued by the colonists and usurpers, or not. It is, anyway, up to the colonists, usurpers, and intruders to submit evidence to their title, and this should be required on the part of the aboriginals. This principle should be considered as a fundamental element of legal justice."

- (ii) The Declaration also includes the following among the rights listed in section II:

- "4. Right to recover the land which rightfully and according to millenary tradition belongs to us, but has been robbed from us by the foreign intruders [II, No.4];
5. Right to occupy land collectively with sole rights as something irrevocable and non-transferable [II, No. 5];
6. Right to organize ourselves and administer our land and natural resources [II, No. 6];
7. Right to demand from the governments of the countries sufficient land to improve the conditions of the indigenous communities and promote their development under their own tutorship [II, No. 7];
8. Right to make use of the natural resources existant in the areas of the indigenous peoples, such as forests, rivers, ore deposits and the riches of the sea, and a right for the indigenous people to take part in the project and construction work and the use of it [II, No. 8];
9. Right to demand the states that such laws are passed that will be of benefit to the indigenous people, particularly for the protection of their right to land ownership, recognizing representative aboriginal organizations and their full involvement in the process of making laws [II, No. 9]."

- (iii) Land Councils and related matters are contemplated in resolution 3. Australia, section A, as follows:

1. The North Queensland Land Council should be recognized in terms of the Woodward report and funded by the Federal Government to the level that Land Councils in the territory have been funded.
2. The Federal Government should appoint a Commission of Inquiry into how Aboriginal land rights could be granted in Queensland. This Commission should be set up under Mr. Justice Woodward in the Northern Territory.

20/ See para. 70 above.

3. The Federal Government should appoint an Interim Land Commissioner to hear claims for Aboriginal land. This Commissioner should have powers similar to those that Mr. Justice Woodward originally had in the Northern Territory.
4. Federal Government assistance should be made available for the setting up of Land Councils in Southern and Central Queensland.

(iv) Resolution 3. Australia includes in its section B the following provisions relating to land rights:

1. Immediate ownership of tribal land should be vested in the respective tribal groups.
2. All Aboriginal reserves should be handed over to the respective Aboriginal groups. Land should be effectively controlled and owned by the Aboriginals in the area that is under their law and customs.
3. Ownership of Aboriginal lands should include total right to all natural resources. Present mining and prospecting should be suspended until negotiations are held with Aboriginals.
4. Land ownership and control should be legally protected and regarded as inviolable.
5. Aboriginal people should be compensated for the loss of all Aboriginal designated reserves, tribal lands, and other lands revoked by the Commonwealth and State Governments.
6. Before compensation is decided, negotiations should be held to acquire those lands plus any other lands deemed necessary by the respective Aboriginal groups and tribal groups for their survival and benefit.
7. Any "Crown Land" which is of traditional or sacred significance to Aboriginals should be ceded to them in perpetuity.
8. All sites of an anthropological or traditional significance to Aboriginals other than those on reserves or crown land should be opened to the use of Aboriginals without fees or constraints.
9. Substantial money should be allocated to the Aboriginals Land Fund Commission to enable land to be purchased for Aboriginal Communities.
10. Legislation should be enacted for all states of Australia granting land rights. Legislation should be such that the rights of Land Councils should be protected from encroachment by State Governments and the powers of the Northern Territory Legislative Assembly should be reduced accordingly.

- (v) In resolution 3. Australia, section A, the Aboriginal and Islander Commission is rejected as being a play by the Queensland State Government to use powers that should be in the hands of Land Councils and Land Trusts in Queensland; this Commission should be abolished and Aboriginal and Island Affairs in Queensland should be taken over by the Federal Government in accordance with the 1967 referendum. (Relevant part only. See the rest under "Elimination of unacceptable conditions, practices and institutions", para. 80 (f)(v) below.)
 - (vi) Each community which has no title to any land should be given a land area with title right for its generation (res. 8. Nicaragua (4)).
 - (vii) The Institute of Industrial Forestry of Nicaragua (INFONAC) should respect the lands of the aborigine communities and allow trees within the area of these communities to be used in the best interest of the aborigine population (res. 8. Nicaragua (2)).
 - (viii) The Carib Reserve Lands should be vested in the Carib Reserve Government Council (res. 7. Dominica (1)).
 - (ix) The Carib Reserve Land must be originated from the 1764 arrangement made by Queen Charlotte (Aboriginal Title) (res. 7. Dominica (3)).
 - (x) Under no circumstances should or can indigenous peoples extinguish their aboriginal title to the land (res. 5. Canada (2)).
 - (xi) WCIP, at the Second General Assembly, decides to submit to the United Nations and, through the good offices of this organization, to the governments of countries having an indigenous majority, a demand that the indigenous populations, with or without ownership title, should be accorded an absolute right to the lands in order to establish, thus, legally organized communities (res. 4. Bolivia).
 - (xii) Respect of the territorial integrity, due to the different nationalities in the Jungle and Mountain Range of Peru (res. 9. Peru (1)).
- (f) Elimination of unacceptable conditions, practices and institutions
- (i) The Second General Assembly of WCIP addresses itself to all the peoples of the world, to individuals and to nations, to the United Nations and all its agencies, and to other international organizations, with an urgent appeal that all the violent actions and measures against indigenous peoples, as related above, should be immediately brought to an end. (Declaration, eleventh para., i.e. fourth operative para.).
 - (ii) WCIP requests all its members to exert strong pressure wherever possible on the agencies in their respective countries, to make those agencies co-operate with international organizations to ensure the abolition of the inhuman conditions under which Aborigines are living today (Declaration, twelfth para., i.e., fifth operative para.).
 - (iii) Members of the indigenous populations of the jungle should be exempted from mandatory military service (res. 9. Peru (6)).

(iv) Resolution 3. Australia contains in section C the following in connexion with the Queensland Aborigines and Torres Strait Islanders Act, 1971, and related matters:

- "1. The Queensland Aborigines and Torres Strait Islanders Acts and their Regulations and Bylaws should be abolished immediately.
2. The State Department of Aboriginal and Island Advancement, Queensland, should be abolished and absorbed into the Federal Department of Aboriginal Affairs. Senior Officials such as Mr. P. Killoran, who have been responsible for initiating State Government policy, should be retired or placed in another Department.
3. Aboriginal and Island Affairs in Queensland should be the responsibility of the Federal Government under powers given by the Australian people in the Referendum of 1967. Queensland is the only state not to hand over this responsibility.
4. Aboriginal and Island Reserves in Queensland should be self-governed by their respective Councils. The Councils should be able to hire and fire whatever white expertise they may want. The Federal Government should make finance available to train Aborigines and Islanders to progressively take over responsible positions on reserves.
5. Provisions of the Aborigines and Torres Strait Islanders (Queensland Discriminatory Laws) Act and the Racial Discrimination Act should be enforced.

(v) In Section A of the same resolution the following was decided:

"Non-recognition of the Aboriginal and Islander Commission set up in Queensland by Bjelki-Petersen and the takeover of Aboriginal and Island Affairs in Queensland by the Federal Government in accordance with the 1967 Referendum. (The Aboriginal and Islander Commission as set up in June 1977 is not a true independent Commission but a form of Advisory Council without statutory body status. The Commissioners were appointed and will use staff of the DAIA - Department of Aboriginal and Island Affairs. They will be responsible to the Minister and not to the Parliament). This body is a play by the State Government to use up powers which should be in the hands of Land Councils and Land Trusts in Queensland." (Res. 3. Australia, A(5))

(vi) Condemnation of certain organizations which are to be expelled from countries in which they have been active

"An official condemning statement is made against several international pseudo-religious and pseudo-scientific organizations, such as "Instituto Linguístico de Verano" (the Summer Institute of [Linguistics]), which under the pretext of aid activities blur the character of the peoples and annul our culture only to force upon us foreign patterns of culture which will serve other interests." (Res. A.2.)

A call was made for the expulsion of the various religions "missions", such as the Instituto Lingüístico de Verano (the Summer Institute of Linguistics) which "has systematically been committing cultural genocide on the indigenous populations of the jungle, in order to complete the overriding task of imperialism to suppress our peoples" (Res. 9. Peru (5)).

- (g) Decision to keep away from non-indigenous religious or ideological tendencies or movements

It was decided that WCIP "should distance itself from all ideological or religious tendencies or movements which are alien to the philosophy of the indigenous peoples" (Res. A.1).

- (h) Right to maintain culture, language and tradition

The Declaration includes:

- (i) The right to maintain indigenous culture, language and traditions in freedom (II, No. 2);
- (ii) The right to respect for indigenous culture in all its modes of expression, for the protection of which appropriate bylaws should be passed (II, No. 13).

- (i) Right to appropriate indigenous education

- (i) The Declaration provides for the right to "an appropriate education in accordance with our culture and our traditions, without any foreign elements and within the framework of an educational system which recognizes the values of our culture and acknowledges an official status to our language at all educational levels" (II, No. 14).
- (ii) The Declaration also provides that WCIP should work for the establishment of an international university for indigenous peoples having its seat in, for instance, the capital of Collasuyo (Bolivia) (Declaration, fourteenth paragraph, i.e. seventh operative paragraph).

- (j) Fundamental human rights of particular indigenous populations

- (i) "The World Council of Indigenous Peoples wants to express, by way of this official declaration, its full solidarity with the Mapuche people in Chile. On account of the violations to and the lack of respect for their basic rights, we join with the Mapuche people in their struggle to regain those democratic freedoms which today are so widely encroached upon. It is our sincere hope; that this appeal from the World Council of Indigenous Peoples shall reach the Chilean Government" (Res. 6. Chile).
- (ii) Respect of the political, economic and cultural rights of the nationalities in the Jungle and Mountain Range of Peru (Res. 9. Peru (2)).
- (iii) That the leaders of said communities be guaranteed possibilities to pursue their political and cultural activities (Res. 9. Peru (3)).

- (iv) To issue guarantees for those commissions that investigate the crimes committed by certain Civil Service Officers against the physical and cultural integrity of the indigenous populations of the jungle and mountain areas (Res. 9, Peru (4)).

- (k) Arrangements for the representation and defence of indigenous prisoners, exiles and refugees in general

A permanent Committee is to be set up for the purposes of representing and defending indigenous prisoners and refugees on an individual or family basis. The members of the Committee could be any members of WCIP. This Special Committee is to carry out the necessary study to see in what way exiles or refugees may be represented in the WCIP and their conclusions should be submitted to the Executive Council of WCIP (Res. C.6).

- (l) Hunting and fishing rights

- (i) The Miskitos and Sumus peoples should have the hunting and fishing rights within their reservation, enabling them to preserve their culture (Res. 8, Nicaragua (3)).
- (ii) WCIP should call upon the International Whaling Commission to protect and defend Inuit subsistence whaling rights (Res. 12, first operative para.).
- (iii) The World Council of Indigenous Peoples should call upon the United States Government to object to the bowhead subsistence whaling moratorium on the grounds that such a moratorium has no scientific justification and would violate an aboriginal subsistence hunting right of the Inuit (Res. 12, second operative para.).
- (iv) The United States Government is called upon to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic (Res. 12, third operative para.).

- (m) Definition of indigenous populations

- (i) Only indigenous populations are to decide upon definition:

"... the right to define what is an indigenous person be reserved for the indigenous people themselves. Under no circumstances should we let artificial definitions such as the Indian Act in Canada, the Queensland Aboriginal Act 1971 in Australia, etc. tell us who we are" (Res. 5, Canada (3)).

- (ii) General definition (concept) proposed

"The World Council of Indigenous Peoples declares that indigenous peoples are such population groups as we are, who from old-age time have inhabited the lands where we live, who are aware of having a character of our own, with social traditions and means of expression that are linked to the country inherited from our ancestors, with a language of our own, and having certain essential and unique characteristics which confer upon us the strong conviction of belonging to a people, who have an identity in ourselves and should be thus regarded by others."
(Res. 2, Argentina).

(n) Right to funding and decisions on funding for different purposes

- (i) The Declaration includes the following among the rights listed in section II:

"10. Right to secure requisite funds for the Indigenous Peoples from the individual countries to be used for agrarian and natural resources development [II, No. 10];

11. Right to acquire a share in the funds accruing from the member states to the United Nations, either through a project or directly, and right to exchange technical and scientific information between the Indigenous Populations of different countries [II, No. 11];

12. Right to subsidies from governmental or international economic institutions through the granting of long term credit at low interest. [II, No. 12]"

WCIP urges the United Nations to establish a special fund for the support of groups or individual Aborigines, so that they may be able to bring their cases to national or international courts and that they may be able to develop their areas, economies and culture (Declaration, thirteenth para., i.e. sixth operative para.).

- (ii) The World Council of Indigenous Peoples is to seek funds for a minimum time of operation of five years to include administrative costs, cost of meetings and Executive Council fund raising purposes, and any programmes and projects the WCIP wishes to undertake (res. C.1).

- (iii) The World Council of Indigenous Peoples is to leave the door open to all states and organizations for the purpose of obtaining funds (res. C.2).

- (iv) The World Council of Indigenous Peoples is to request the United Nations to develop a special budget for establishing a general headquarters and other headquarters for WCIP members (res. C.3).

- (v) Resolution 3. Australia, calls for

- aboriginal control of Federal funds for Aboriginal Affairs (sect. E (2));
- a substantial increase in funding for housing, medical and legal services, education and training programmes, cultural and sporting activities (sect. E (3)).

- (vi) Resolution 9. Peru, states in paragraph 9 that indigenous populations should share in the revenues emanating from the concessions on the natural resources, such as oil, timber, ore deposits, etc.

4. International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas

81. This Conference was organized by the Geneva NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization of the Special NGO Committee on Human Rights (Geneva), and was held at the Palais des Nations, Geneva, from 20 to 23 September 1977. 1/, 2/

82. The Sub-Committee, established by the Committee in 1973 in pursuance of the decision by the United Nations declaring 1973-1982 as the Decade for Action to Combat Racism and Racial Discrimination, was given the task of initiating and organizing activities to further the objectives of the United Nations Decade. 3/

83. With this mandate, the Sub-Committee has conducted a variety of activities, of which the most important has been the organization of a series of international NGO conferences dealing with different areas of racism and racial discrimination and their manifestations.

84. The International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas is the fourth in this series and the first on discrimination against indigenous peoples. 4/

1/ Report of the International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas. 20-23 September 1977. Palais des Nations, Geneva (68 pages) (hereinafter referred to as "Report of the Conference").

2/ Other reports on the Conference are contained in: (1) Treaty Council News, Special issue, October 1977, vol. 1, No. 7, International Indian Treaty Council, American Indian Treaty Council Information Center, San Francisco, California, USA (35 pages); and (2) Journal of the Institute for the Development of Indian Law, Special issue, October 1977.

3/ In implementation of resolutions adopted by the Human Rights Commission of the 12th General Assembly of the Conference of NGOs in Consultative Status with the Economic and Social Council (26-28 June 1972, resolutions II, V and VII) the Special NGO Committee on Human Rights (Geneva) established a Sub-Committee with the mandate to propose and plan NGO actions for the elimination of racism, racial discrimination, apartheid and colonialism, in support of the United Nations Decade for Action to Combat Racism and Racial Discrimination: Minutes of the Special NGO Committee's meetings of 30 January 1973, 14/15 May 1973. See also Minutes of the first and second meetings of the Sub-Committee, 13 March and 17 May 1973.

4/ It has been stated that "Because of the vastness and complexities of the subject of discrimination against indigenous populations, on the one hand, and the limited available resources on the other, the Sub-committee decided to deal with the problem on a regional basis. It is therefore proposed to hold other conferences on this theme: one dealing with East and South Asia, possibly in 1979, and subsequently another dealing with the other parts of Asia." Letter dated 14 March 1977 from Mrs. Edith Ballantyne, Chairwoman of this Conference, to Mr. V. Winspeare Guicciardi, Director General, Office of the United Nations at Geneva.

85. Previous conferences, all organized within the framework of the United Nations Decade for Action to Combat Racism and Racial Discrimination, have taken place in 1974, against apartheid and colonialism in Africa; 5/ in 1975, on discrimination against migrant workers in Europe; 6/ in 1976, on the situation of political prisoners in southern Africa. 7/

86. The fourth conference, held in 1977, sought to gather first-hand information about the situation of the indigenous populations in all countries in the Western hemisphere and, on that basis, to recommend such action as would help eliminate discrimination against them. It brought together more than 250 delegates, observers and guests. 8/

87. The indigenous participants included representatives of more than 60 nations and peoples from the following countries: Argentina, Bolivia, Canada, Chile, Costa Rica, Guatemala, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, United States of America, Venezuela. In the Final Resolution regret was expressed that "some delegates ... [had been] prevented by their governments from attending". 9/

88. Representatives of more than 50 international non-governmental organizations attended the Conference and took part in its work. 10/

89. Representatives of the United Nations, the International Labour Organization and UNESCO addressed the Conference and/or took part in its work. Observers from 27 Member States of the United Nations followed the proceedings. A representative of the Conseil d'Etat of the Canton of Geneva welcomed and addressed the participants in the Conference. 11/

90. Representatives of the indigenous peoples took an active part in all facets of the Conference as well as in its preparation. 12/ - They submitted many documents

5/ Final Reports of the Commissions (25 pages) and the Final Resolutions of the International NGO Conference against Apartheid and Colonialism in Africa, 2-5 September 1974 (7 pages).

6/ Report of the International NGO Conference on Discrimination against Migrant Workers in Europe, 16-19 September 1975 (99 pages).

7/ Communiqué of the NGO Symposium on the Situation of Political Prisoners in Southern Africa, 5-6 July 1976 (4 pages).

8/ Report of the Conference, p.1.

9/ Ibid.

10/ Ibid.

11/ Ibid.

12/ Ibid. At its meeting on 13 October 1976 the Working Group established by the Sub-Committee designated Mr. J. Durham of the International Indian Treaty Council as co-ordinator of indigenous peoples delegations to the conference and of the preparatory work for the conference by indigenous groups: (Minutes of the meeting of the working group, 13 October 1976). The International Indian Treaty Council was founded at the First International Indian Treaty Conference on the Standing Rock Sioux Reservation, cosponsored by the Standing Rock Tribal Council and the American Indian Movement in June 1974. Four thousand delegates from 97 nations directed the Treaty Council to work for international recognition of the sovereignty of Indian Nations. The International Indian Treaty Council has consultative status with the Economic and Social Council of the United Nations. The Treaty Council News is the official bulletin of the International Indian Treaty Council and is published by the American Indian Treaty Council Information Center, San Francisco, California, USA (Treaty Council News, vol.1, No.6, p.2).

that have been listed in a preliminary manner in the report on the Conference 13/ and are now available for consultation. 14/ These representatives also assisted in the drafting of the commission reports and the "Programme of Actions" contained in the final resolution. 15/

91. Regarding the information furnished by the indigenous participants, the final resolution of the Conference contains the following statements:

"The representatives of the indigenous peoples gave evidence to the international community of the ways in which discrimination, genocide and ethnocide operated. While the situation may vary from country to country, the roots are common to all: they include the brutal colonization to open the way for the plunder of their land and resources by commercial interests seeking maximum profits; the massacres of millions of native peoples for centuries and the continuous grabbing of their land which deprives them of the possibility of developing their own resources and means of livelihood; the denial of self-determination of indigenous nations and peoples destroying their traditional value system and their social and cultural fabric. The evidence pointed to the continuation of this oppression resulting in the further destruction of the indigenous nations." 16/

92. It is also recorded in the final resolution of the Conference that many non-indigenous participants "expressed support for and solidarity with the indigenous nations and peoples". 17/

93. The Conference held plenary meetings on 20 and 23 September. 18/ On 21 and on 22 September three commissions dealt with the legal, economic, and social and cultural aspects of discrimination against indigenous populations and each one of them issued a separate report containing conclusions and recommendations proposing courses of action in support of indigenous peoples. 19/ On the basis of the above mentioned commission reports, the Conference established a programme of action to be carried out by non-governmental organizations in accordance with their mandates and possibilities, which was included in a "Final Resolution" of the Conference. 20/

94. The reports of the commissions were adopted by consensus by the respective commissions and received by the plenary. The final resolution was adopted by acclamation of the Conference at its last plenary meeting, on 23 September 1977. 21/

13/ Report of the Conference, pp.25 - 42 A.

14/ At the Henry Dunant Institute, Geneva, which has agreed to hold them, at least initially.

15/ Report of the Conference, p.1.

16/ Ibid.

17/ Ibid.

18/ Mimeographed text containing the "Conference time table".

19/ Ibid.; and Report of the Conference, pp. 7-12, 13-16 and 21-24.

20/ Report of the Conference, p.2.

21/ Information furnished by the Chairwoman of the Conference, Mrs. Edith Ballantyne, by letter of 4 July 1978.

95. In addition to a foreword by the Chairwoman of the Conference and lists of officers, documents and participants, the report on the Conference contains the final documents of the Conference with some attachments, as well as addresses or excerpts from addresses by participants, both in plenary meetings and in the commissions, and reproduces statements submitted on behalf of the Governments of Bolivia and the United States of America.

96. The following paragraphs contain a preliminary examination of the conclusions and recommendations contained in the four final documents of the Conference, which are: (a) the "Final Resolution"; (b) the report of the Legal Commission; (c) the report of the Economic Commission; (d) the report of the Social and Cultural Commission.

97. It is deemed useful, however, before examining the substantive content of the conclusions and recommendations, to discuss in a brief and succinct manner the structure of the documents in which they are contained. Though the contents of the conclusions and recommendations will be grouped by subject, regardless of the document in which they appear, when they are outlined below, the structure of each of the documents will first be described.

(a) Final resolution

98. The final resolution 22/ is organized in two main parts: eight paragraphs are devoted to a general description of and introduction to the "Programme of actions", which constitutes the remainder.

99. The programme of actions has an introductory phrase, "The Conference recommends" and four main sections of recommendations. The first section is composed of five recommendations which may be termed "general recommendations"; ten recommendations are grouped under the title "In the legal field", five recommendations appear under the title "In the economic field", two recommendations are placed under the title "In the social and cultural field" and there are two further recommendations that may be termed "concluding recommendations".

100. The three titles included in the programme for actions contained in the final resolution may be seen mainly as indicating the origin of these recommendations in those adopted by the corresponding commissions rather than as a strict reference to the content of the recommendations. Indeed, though the recommendations grouped under the titles "In the legal field" and "In the social and cultural field" fall squarely under those titles, those grouped under the title "In the economic field" clearly transcend mere economic aspects. This flows from the subject of the first (publicizing the results of the Conference), second (organization of conferences, seminars and colloquia) and third (promotion of the establishment of a working group on indigenous populations). The fourth and fifth recommendations are drafted in broad and comprehensive terms referring to "all issues affecting indigenous populations" (fourth) and, among other things, to the "exploitation of indigenous peoples" (fifth), which cannot be deemed to be strictly economic issues.

22/ Report of the Conference, pp. 1-3.

101. A text containing a "Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere" 23/ is appended to the final resolution. This text appears in annex IV, A, to this report. 24/

(b) Report of the Legal Commission

102. The report of the Legal Commission 25/ contains introductory paragraphs, followed by summaries of "the wishes, opinions and requests expressed by the representatives of the indigenous peoples", grouped as follows: I. "Legal status of indigenous peoples", also containing a conclusion and two recommendations; II. "The land question", concluding with recommendations numbered 1 to 7; III. "Indigenous laws and courts", also containing a recommendation on the subject; IV. "Legal discrimination", concluding with one recommendation concerning the placement of indigenous children with indigenous families whenever possible, rather than with non-indigenous families, and three additional recommendations numbered 1, 2 and 3, the last one being divided into (i) to (vi).

103. Three documents were appended to that report: (1) Recommendations of the Representatives of the Hau' de No Sau Nee (Iroquois Confederation), hereinafter referred to as the "Six Nations"; 26/ (2) Recommendations of the Representatives of the Lakota Nation, 27/ and (3) Proposals submitted by the Liberation Front of Tahuantinsuyo. 28/ These texts appear in annex IV, B, C and D, respectively.

(c) Report of the Economic Commission

104. The report of the Economic Commission 29/ is organized as follows: "Preamble", with ten paragraphs concluding with a listing of "Preamble documentation"; Part I. "Multinational corporations", seven paragraphs concluding with a listing of "Multinationals documentation"; II. "The land question", thirteen paragraphs concluding with a listing of "Land question documentation"; and a "Plan of Action" containing recommendations numbered 1 to 7 and recommendations indicating issues on which action should be focussed, grouped under the number 8 and including specific recommendations marked A to M. Letter N transmits recommendations made by the Lakota Nation and by the Six Nations and the Draft Declaration of Principles referred to in paragraphs 21 and 23 above.

23/ Ibid., pp. 4 and 5.

24/ See also paras. 108 and 109 below.

25/ Report of the Conference, pp. 13-18.

26/ Ibid., p.19

27/ Ibid.

28/ Ibid., p.20.

29/ Ibid., pp. 7-12.

(d) Report of the Social and Cultural Commission

105. The report of the Social and Cultural Commission 30/ contains an "Introduction" containing four unnumbered paragraphs and nine paragraphs numbered I to IX; "Conclusions", containing six conclusions of which the sixth is further divided into 1, 2 and 3, and four "Recommendations" numbered 1 to 4.

106. The substantive content of the conclusions and recommendations will be discussed from two points of view: first, the bodies to which the recommendations are addressed will be listed and then the type of action recommended will be outlined, focusing on the recommendations of the Conference contained in the Final Resolution and on those of the Commissions of the Conference as included in their respective reports.

107. Reference will also be made to the recommendations put forward of their own accord by the Six Nations, the Lakota Nation and the Liberation Front of the Tahuantinsuyo, as contained in the documents attached to the report of the Legal Commission. 31/

108. The provisions of the Draft Declaration of Principles for the Defense of the Indian Nations and Peoples of the Western Hemisphere, adopted by the consensus of the indigenous participants in the Conference and appended to the Final Resolution of the Conference, are mentioned in the pertinent places, stress being laid on what appears to be the main thrust of their position.

109. The text of these recommendations and of the Draft Declaration of Principles will, however, also be reproduced in annex IV, as explained above 32/, so that they may also be readily available, in toto and as submitted to the Conference.

(i) Bodies to which the recommendations are addressed

110. In principle, all recommendations made by the Conference are addressed, for action, to the "non-governmental organizations in accordance with their mandates and possibilities" (Final Resolution, sentence of introduction to the "Programme of Actions").

111. It should be noted that, because of their substantive content and be it only implicitly, a great number of the recommendations and proposals made would also be addressed to the Governments of countries in the Western Hemisphere where indigenous populations live.

112. In addition, some recommendations included in the programme of actions are explicitly addressed to other bodies which may be listed as follows:

"All governments" are mentioned in the Final Resolution, ninth recommendation under "In the legal field", and in the report of the Legal Commission, recommendation 7, under "The land question", dealing with the recognition of indigenous organizations and meaningful negotiations therewith, to resolve their land problems;

30/ Ibid., pp. 21-24.

31/ See paras. 103 and 104 above.

32/ See paras. 101 and 104 above.

"All Governments of the Western Hemisphere" are mentioned in the Final Resolution, tenth recommendation under "In the legal field", and in the Report of the Legal Commission, additional recommendation 3, under "Legal discrimination", dealing with ratification and application of several human rights international instruments therein specified;

"Local and National Governments" are mentioned in the Final Resolution, first recommendation under "In the social and cultural field", and in the report of the Social and Cultural Commission, recommendation 2, together with "appropriate intergovernmental organizations", in connexion with the promotion among them of respect for the cultural and social integrity of indigenous populations of the Americas;

"Intergovernmental bodies on all levels" are mentioned, in addition to a specific reference to NGOs, in the Final Resolution, second recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 1, concerning the organization of regional, national and global conferences, seminars and colloquia on relevant issues, with the participation of indigenous people;

"Appropriate intergovernmental organizations" are mentioned, together with "local and national governments" (see preceding point) in connexion with the promotion among them of respect for the cultural and social integrity of indigenous populations;

"The Intergovernmental Committee for European Migration (ICEM)" is mentioned in connexion with the expression of concern about continued settlement of immigrants on land of indigenous peoples in the Americas as well as with the use of its resources in support of such immigrants, which it is urged strongly not to use for such purposes, particularly when they come from the racist régimes of southern Africa. 33/

"The officers of the Geneva NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization" of the Special NGO Committee on Human Rights (Geneva) are mentioned in the Final Resolution, last recommendation, in connexion with the request that they should promote all decisions of the Conference and receive and circulate information from NGOs about the implementation of those decisions.

"The General Assembly of the United Nations" is mentioned in the report of the Economic Commission, recommendation 7, in connexion with the presentation to the Assembly of the documents of the Conference, which it is supposed to receive;

"The Secretary-General of the United Nations" (lit. "the United Nations Secretary General") is mentioned in the Final Resolution, first general recommendation, in connexion with the presentation, to him, of the documents of the Conference, which he is supposed to receive;

33/ See para. 113 (n) (i) below and foot-note 55, relating to a communication from ICEM received by the Chairwoman of the Conference, denying involvement in any such project.

"The appropriate organs of the United Nations", in general terms, are mentioned in the Final Resolution, same first general recommendation, in connexion with the submission to them of the conclusions and recommendations of the Conference, and in the report of the Economic Commission, recommendation 7, in connexion with the presentation to them of all documentation from the Conference, which documents, conclusions and recommendations they are supposed to receive;

"The United Nations Special Committee on Decolonization" is mentioned in the Final Resolution, fourth recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 5, in connexion with the request that it should hold hearings on all issues affecting indigenous populations;

"The United Nations Committee on Trans-National Corporations" is mentioned in the Final Resolution, fifth recommendation under "In the economic field" and in the report of the Economic Commission, recommendation 6, in connexion with a request that it should conduct investigations into the role of multinational corporations in the plunder and exploitation of Native lands, resources and peoples in the Americas;

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights" is mentioned in the Final Resolution, third recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 3, in connexion with the promotion of the establishment, under it, of a working group on indigenous populations.

(ii) Type of action recommended

113. The type of action sought in the different recommendations made can be listed as follows:

- (a) Hearings on all relevant issues affecting indigenous populations - by the United Nations Special Committee on Decolonization (Final Resolution, fourth recommendation under "In the economic field"; report of the Economic Commission, recommendation 5). ^{34/}
- (b) Investigations on exploitation of indigenous lands, resources and people - by the United Nations Committee on Trans-National Corporations (Final Resolution, fifth recommendation under "In the economic field"; report of the Economic Commission, recommendation 6).
- (c) Promotion of the establishment of a working group on indigenous populations under the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Final Resolution, third recommendation under "In the economic field"; report of the Economic Commission, recommendation 3).

^{34/} See also recommendation 1 of the Lakota Nation calling for a hearing before the Committee on: (a) legal status of American Indians under international law; (b) violations of United Nations covenants and agreements; (c) treaty recognition by the United Nations; (d) land reform, autonomy and increased land base. (See annex IV, C.).

(d) Promotion of the decisions of the Conference and receiving and circulating information from NGOs about the implementation of these decisions, by the officers of the UCO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization (Final Resolution, last recommendation).

(e) The ratification and application of several international instruments on human rights (an appeal explicitly addressed to all Governments of the western Hemisphere). The instruments listed include:

(i) The Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948), 35/ which entered into force on 12 December 1951 (Final Resolution, tenth recommendation (1) under "In the legal field"; report of the Legal Commission, recommendation 3 (i)). 36/

(ii) The Slavery Convention (25 September 1926), as amended by the Protocol (23 October 1953) amending the Slavery Convention. The amended Convention entered into force on 7 December 1953. (Final Resolution, tenth recommendation (ii) under "In the legal field"; report of the Legal Commission, recommendation 3 (ii);

and

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (30 April 1956), which entered into force on 30 April 1957 (Final Resolution, tenth recommendation (ii) under "In the legal field"; report of the Legal Commission, recommendation 3 (ii).

It should be noted in this connexion that Economic Commission recommendation 8-B calls for "steps by the United Nations to effect the immediate enforcement of the United Nations Convention and Supplementary Convention on Slavery with particular regard to the forced labour and the induced indebtedness of indigenous peoples".

(iii) The International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965), which entered into force on 4 January 1969 (Final Resolution, tenth recommendation (iii) under "In the legal field"; report of the Legal Commission, recommendation 3 (iii)).

(iv) The International Covenant on Civil and Political Rights (16 December 1966) which entered into force on 23 March 1976 (Final Resolution, tenth recommendation (iv) under "In the legal field"; report of the Legal Commission, recommendation 3 (iv)).

35/ Commonly known as the "Genocide Convention".

36/ See also recommendation 2 of the Lakota Nation calling for censure of violators of this convention and pressure to be brought upon the United States of America to ratify the 1948 Genocide Convention. (See annex IV, C.)

- (v) The International Covenant on Economic, Social and Cultural Rights (16 December 1966), which entered into force on 3 January 1976 (Final Resolution, tenth recommendation (v) under "In the legal field"; report of the Legal Commission, recommendation 3 (v)).
- (vi) The American Convention on Human Rights (22 November 1969), which entered into force on 18 July 1978 (Final Resolution, tenth recommendation (vi), under "In the legal field"; report of the Legal Commission, recommendation 3 (vi)).
- (f) The revision of international instruments to reinforce certain provisions and de-emphasize others, proposing "that international instruments, particularly ILO Convention 107, be revised to remove the emphasis on integration as the main approach to indigenous problems and to reinforce the provisions in the Convention for special measures in favour of indigenous peoples (Final Resolution, first recommendation under "In the legal field"). 37/
- (g) Recognition of the existence of discrimination against indigenous populations and of the need for its elimination through special measures was deemed to form the basis for a United Nations Convention on this subject, in the following terms:
- "A clear need was expressed by the Economic Commission for a United Nations Convention on Discrimination against Indigenous Populations." (Report of the Economic Commission, recommendation 4.) 38/
- (h) Action to overcome inequitable labour practices, exploitation of labour and slavery-like practices:
- Investigation of the inhumane and exploitative use of the labour of indigenous peoples in Latin America (report of the Economic Commission, part of recommendation 8-B, which also calls for enforcement of the United Nations Convention and the Supplementary Convention on Slavery, as stated above. 39/

37/ Up to the word "problems" this recommendation is a verbatim reproduction of Legal Commission recommendation in connexion with "Legal status of indigenous peoples": Report of the Legal Commission, last paragraph under that issue.

38/ A "convention" is mentioned in point 4 of the Recommendations of the Lakota Nation, but it is clear that a gathering is what is meant by the words "to convene an international convention ..." (See annex IV, C.)

39/ See para. 113 (e) (ii), above.

(i) Support for self-determination of indigenous nations and peoples, proposing that action should focus on: 40/ 41/

- (i) Support for the right of self-determination of aboriginal people in the development of their land and resources according to their own values and social structures and laws (Report of the Economic Commission, recommendation 8-L). 42/
- (ii) Support for the Dene Nation in their struggle for recognition of their rights and self-determination for a Dene Territory and a Dene government (Report of the Economic Commission, recommendation 8-D). 43/
- (iii) Support for the Inuit of Canada in their struggle for recognition of their rights and self-determination for an Inuit Territory, and that no pipeline be built on Inuit territory (Report of the Economic Commission, recommendation 8-E). 44/

40/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes provision to the effect that: 1. "Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely: a. Having a permanent population, b. Having a defined territory, c. Having a government, d. Having the ability to enter into relations with other states." 2. "Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity." 3. "No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reason that the nation or group has not entered into recorded treaties or agreements with any state." 4. "Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law." (Emphasis added.)

41/ Proposals 1 and 2 of the Liberation Front of Tahuantinsuyo read: "1. Support should be given to the struggle of the indigenous peoples of South America to rebuild the nation of Tahuantinsuyo, with its own territory, population and government". "2. The United Nations should admit a representative of Tahuantinsuyo to submit this question to the United Nations Organization."

42/ See also (1) (ii) below, and point 4 of the recommendations of the Six Nations, in annex IV, B.

43/ See also (1) (ix) below.

44/ See also (1) (viii) below.

- (j) Recognition and enforcement of treaties between States and Indigenous Nations proposing that action should focus on: 45/
- (i) Recognition of United States treaties with Native Nations (Report of the Economic Commission, recommendation 8-C, first sentence). 46/
 - (ii) Support for the claims of the Great Sioux Nation to gain the territory defined by the Fort Laramie Treaty of 1868, as well as all other properly executed treaties (Report of the Economic Commission, recommendation 8-C, second sentence). 47/ 48/

45/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes provisions to the effect that:

5. "Treaties and other agreements entered into by indigenous nations or groups with other states, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other states." 6. "Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal law of any state serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred." 7. "No state shall assert or claim or exercise any right of jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any state which derogate from the indigenous nations' or groups' right to exercise self-determination shall be the proper concern of existing international bodies." 8. "No state shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cession freely made." 9. "All states in the Western Hemisphere shall establish through negotiation or other appropriate means a procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned, shall be ended, and new procedures shall be instituted consistent with this Declaration." (Emphasis added)

46/ See also (1) (vi) below.

47/ Ibid. Recommendation 3 of the Lakota Nation calls for "Recognition by individual Nations of the multi-national 1868 Fort Laramie Treaty with the United States of America as a valid international instrument". (See annex IV, C.)

48/ Recommendation 1 of the Six Nations calls for "individual NGOs committing themselves to aid us in attaining full and formal recognition in the United Nations as the true nations of the Western Hemisphere". (See annex IV, B.)

- (k) Support for indigenous nations and peoples in their struggle for recognition of their aboriginal rights, explicitly: 49/
- (i) as regards the Dene Nation (Report of the Economic Commission, recommendation 8-D); 50/
 - (ii) as regards the Inuit of Canada (Report of the Economic Commission, recommendation 8-E). 51/
- (l) Diversified action on land questions to bring about understanding, recognition and protection of the land rights of indigenous peoples and their needs in this respect, and for the rejection and elimination of undesired practices and institutions. Investigation of land claims and of the consequences of certain practices. The following aspects are explicitly mentioned:
- (i) Understanding and recognition of the special relationship of indigenous peoples to their land as basic to all their beliefs, customs, traditions and culture (Final Resolution, third recommendation under "In the legal field"; report of the Legal Commission, recommendation 1, under "The land question").
 - (ii) Support for the right of self-determination of aboriginal people in the development of their land and resources according to their own values and social structures and laws (Report of the Economic Commission, recommendation 8-L, quoted above in connexion with "self-determination", q.v.).
 - (iii) International and national recognition and full protection by law of the right of indigenous peoples to own their land communally and to manage it in accordance with their own traditions and culture (Final Resolution, sixth recommendation under "In the legal field"; report of the Legal Commission, recommendation 4 under "The land question").
 - (iv) Recognition of the principle that the ownership of land by indigenous peoples should be unrestricted, and should include the ownership and control of all natural resources. The lands, land rights and natural resources of indigenous peoples should not be taken, and their land rights should not be terminated or extinguished without their full and informed consent. (Final Resolution, fifth recommendation under "In the legal field"; report of the Legal Commission, recommendation 3 under "The land question".)

49/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following operative provision:
13. "All of the rights and obligations declared herein shall be in addition to all rights and obligations existing under international law."

50/ See the complete text of Economic Commission recommendation 8-D in point (i) (ii), above.

51/ See the complete text of Economic Commission recommendation 8-E in point (i) (iii), above.

- (v) Recognition of the right of all indigenous nations or peoples to the return and control, as a minimum, of sufficient and suitable land to enable them to live an economically viable existence in accordance with their own customs and traditions, and to make possible their full development at their own pace. It is added that in some cases larger areas may be completely valid and possible of achievement. (Final Resolution, fourth recommendation under "In the legal field"; report of the Legal Commission, recommendation 2, under "The land question".) 52/
- (vi) Support for the claims of the Great Sioux Nation to the territory defined by the Fort Laramie Treaty, as well as all other properly executed treaties (Report of the Economic Commission, recommendation 8-C, second sentence, quoted above in connexion with treaties in (j) (ii), q.v.).
- (vii) Protection and preservation of existing Native land bases from exploitation by multinational corporations (Report of the Economic Commission, recommendation 8-J, quoted above in connexion with "Self-determination", q.v.).
- (viii) Support for the Inuit of Canada in their struggle for recognition of their rights and self-determination for an Inuit Territory and that no pipeline be built on Inuit territory (Report of the Economic Commission, recommendation 8-E, quoted above in connexion with "Self-determination", q.v.).
- (ix) Support for the Dene Nation in their struggle for recognition of their rights and self-determination for a Dene Territory and a Dene government (Report of the Economic Commission, recommendation 8-D).
- (x) An immediate halt to strip-mining in the Black Mesa/Four Corners Area (Navajo-Hopi) and Northern Cheyenne of the United States (Report of the Economic Commission, recommendation 8-I).
- (xi) Immediate action to arrest the genocide being committed by governments and multinational corporations and multilateral aid in the Amazon Basin, including the halting of the Amazon Highway construction and the Electrone Tucuuri Dam Project (Report of the Economic Commission, recommendation 8-G).
- (xii) Expulsion of the Summer Institute of Linguistics because of its direct complicity with multinational corporation activity in Native Lands throughout Latin America (Report of the Economic Commission, recommendation 8-M).
- (xiii) Investigations of the Alaskan Native Land Claims Act in co-operation with Alaskan Natives (Report of the Economic Commission, recommendation 8-F).

52/ Recommendation 2 of the Six Nations calls for "assistance in the recovery of our aboriginal land bases for the purpose of securing sufficient territories for the continuance of our cultures, societies and nations". (See annex IV, B.)

- (xiv) Investigation of the environmental impact of the exploitation of non-renewable natural resources on Indian land, especially water - a necessity for survival (Report of the Economic Commission, recommendation 8-K). 53/ 54/
 - (xv) Provision of aid in appropriate cases to assist indigenous peoples in acquiring the land which they require (Final Resolution, seventh recommendation under "In the legal field"; report of the Legal Commission, recommendation 5 under "The land question").
 - (xvi) Making available legal services to indigenous peoples to assist them in establishing and maintaining their land rights (Final Resolution, eighth recommendation under "In the legal field"; report of the Legal Commission, recommendation 6, under "The land question").
 - (xvii) Recommendation that all governments should grant recognition to the organizations of indigenous peoples and should enter into meaningful negotiations with them to resolve their land problems (Final Resolution, ninth recommendation under "In the legal field"; report of the Legal Commission, recommendation 7 under "The land question").
- (m) The provision of legal assistance to indigenous peoples is also foreseen in a larger context - namely, that indigenous peoples should be given legal assistance to help them in formulating agreements they seek to make with government, e.g. in the field of education.
- (n) Expression of concern for and rejection of continued settlement of non-indigenous immigrants on indigenous land. Recommendations are included in this regard in three of the final documents, as follows:
- (i) Final Resolution calling on NGOs to express to the Intergovernmental Committee for European Migration (ICEM) the concern of the Conference about the continued settlement of immigrants on the land of indigenous peoples in the Americas and urge strongly that the resources of ICEM should not be used in support of such immigrants, particularly when

53/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following provision: 11. "It shall be unlawful for any state to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resource or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group."

54/ Recommendation 3 of the Six Nations calls for "positive action on the part of all NGOs to assist us in promoting the protection and continuance of all things in the natural world". (See annex IV, B.)

coming from the racist régimes of southern Africa
(Final Resolution, fifth general recommendation). 55/

(ii) Report of the Legal Commission recommending that:

"The further settlement of immigrants in the territories of indigenous peoples should be recognized as a continuing act of racism. It is wholly intolerable when the immigrants come from the racist régimes of southern Africa, as is now proposed in parts of South America."
(Recommendation 2 of the further recommendations under "Legal discrimination")

(iii) Report of the Economic Commission

"We call for international protest against the settlement in Bolivia of white racist colonizers from Rhodesia and southern Africa."
(Recommendation 8-E) 56/

(o) The promotion of respect for and support of indigenous culture and cultural, social and legal institutions. In particular:

(i) Respect for the cultural and social integrity of indigenous populations of the Americas. Such respect should be especially promoted among local and national governments and appropriate intergovernmental organizations, and be based on the conclusions announced in the commission report. (Final resolution, recommendation under "In the social and cultural field"; report of the Social and Cultural Commission, recommendation 2.) 57/ 58/

55/ It should be noted in this connexion that the Special Rapporteur has received copies of texts written by Mr. John F. Thomas, Director of the Intergovernmental Committee for European Migration, in which he states, inter alia: (1) that ICEM has not organized the emigration of any migrants from southern Africa to Latin America in 1977 and has no plans to do so in 1978; (2) that the Government of Bolivia has not requested ICEM to consider such a proposition; (3) that a programme of that kind has never been discussed in the governing bodies of ICEM; and (4) that the official ICEM plans of operation do not contain any reference to such plans or provide funds for such purposes. (Letter dated 27 December 1977, addressed to the World Council of Churches; Letter dated 10 May 1978, addressed to Mrs. Edith Ballantyne, Chairwoman of the International NGO Conference, and Summary of statements made to representatives of the press on the subject; also dated 10 May 1978.)

56/ Proposal 5 of the Liberation Front of Takuantinsuyo reads: "The invasion of racist white men from Rhodesia and other countries should be condemned and terminated in the territory of the Kollasuyo (Bolivia)." (See annex IV, D.)

57/ Recommendation 4 of the Six Nations calls for assistance in bringing about clear and true understanding about the real nature of our continuing sovereignty and world view. (See annex IV, B.)

58/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following provision: 10. "It shall be unlawful for any state to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to, the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries."

- (ii) Respect for the traditional law and customs of indigenous peoples, including the jurisdiction of their own forums and procedures for applying their law and customs (Final resolution, second recommendation under "In the legal field"; report of the Legal Commission, recommendation under "Indigenous laws and courts"). 59/
 - (iii) Support for efforts initiated by American Indians in defence of their culture and society, in particular, for the various education programmes launched by Indian movements (Final resolution, part of second recommendation under "In the social and cultural fields"; report of the Social and Cultural Commission, recommendation 3).
- (p) Condemnation of genocide of and attacks on indigenous populations 60/ 61/
- (i) Unqualified condemnation of the military junta of Chile for the genocide being committed against the Mapuche (Report of the Economic Commission, part of recommendation 8-A).
 - (ii) Unqualified condemnation of attacks by other military and fascist dictatorships against native peoples in Latin America (Report of the Economic Commission, part of recommendation 8-A).
- (q) Action of solidarity with the indigenous populations of the Americas, namely:
- (i) To observe 12 October, the day of the so-called "discovery" of America, as an International Day of Solidarity with the Indigenous Peoples of the Americas (Final Resolution, first general recommendation). 62/
 - (ii) To take all possible measures to support and defend any participants in the conference who may face harassment and persecution on their return (Final Resolution, fourth general recommendation). 63/

59/ The same Draft Declaration of Principles also contains the following provision: 12. "No state, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership."

60/ See also (1) (xi), above, on the call for the "immediate arrest of the genocide being committed by governments and multinational corporations and multilateral aid in the Amazon Basin".

61/ See also the conclusions of the Social and Cultural Commission mentioned under (t) below.

62/ See also proposal 5 of the Liberation Front of Tahuantinsuyo, reading: "October 12 should be recognized as a day of international mourning commemorating the exhumations, robberies and slave trading practised over a period of 500 years, for which compensation is demanded." Proposal 7 of the same Liberation Front of Tahuantinsuyo reads: "November 15 should be recognized as the 'International Day of the Indian Peoples', commemorating the sadistic and ferocious quartering by 4 horses of Julian Apaza Tupac Kotari." (See annex IV, D.)

63/ Recommendation 5 of the Six Nations deals with possible danger for participants in the Conference upon their return home and calls for help to "insure that the leaders of participants (people) are not molested or caused any harm or hardships because we have come here to speak the truth about the realities of our lives". (See annex IV, B.)

- (iii) To give all possible financial and moral support to efforts initiated by American Indians in defence of their culture and society, and in particular to the various education programmes launched by Indian movements. Solidarity is also requested for political prisoners and other victims of persecution on account of their participation in such indigenous movements. (Final Resolution, second recommendation under "In the social and cultural field"; report of the Social and Cultural Commission, recommendation 3, first sentence.)
- (iv) [To give] immediate aid to the Mapuche [of Chile] to alleviate starvation and deprivation taking place (Report of the Economic Commission, part of recommendation 8-A).
- (r) Dissemination of the results of the Conference and implementation of its decisions, including the presentation of documents, the carrying out of programmes and the publicizing of the results of the Conference, and the holding of conferences, seminars, colloquia and conventions on issues affecting the indigenous populations of the Americas:
- (i) Presentation of all recommendations of the Conference to the General Assembly and other appropriate bodies of the United Nations (Report of the Economic Commission, recommendation 7).
- (ii) Presentation of the documents of the Conference to the Secretary-General of the United Nations and submission of the conclusions and recommendations of the Conference to the appropriate organs of the United Nations (Final Resolution, second general recommendation).
- (iii) Implementation of the programme of actions contained in the Final Resolution.
- (iv) The non-governmental organizations should widely publicize the results of this conference in order to mobilize support and aid for the indigenous peoples of the Western Hemisphere in their struggles in their homelands (Final Resolution, first recommendation under Economic Commission Report, recommendation 1).
- (v) The organization of conferences, seminars and colloquia by NGOs and by intergovernmental bodies on all levels - regional, national, global - with the full participation of indigenous people, to keep alive the issues that have come to world-wide attention at this conference, and to hear new testimony that will be presented in the future.
- (s) Action regarding texts submitted by indigenous participants:

The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere was prepared by indigenous representatives and submitted to the Legal Commission and to the Economic Commission of the Conference. These Commissions presented this text to the Conference, explicitly stating so in the body of their respective reports. 64/

64/ Report of the Conference, pp. 12 (Economic Commission) and 14 (Legal Commission).

In its report, the Legal Commission stated the following on the Draft Declaration:

"It is the conclusion of the Commission that the Declaration of Principles reflects a consensus among the indigenous delegates and that it represents a united call for justice which cannot be ignored by the international community. The Declaration raises difficult legal questions which cannot be immediately received. Therefore, it is the recommendation of the Commission that the Declaration be given detailed consideration and study by the appropriate non-governmental organizations, and that the Declaration be brought to the attention of the appropriate organs of the United States."

The Final Resolution contained the following among its general recommendations:

- to study and foster the discussion of the attached Draft Declaration of Principles for the Defence of the Indigenous Nations and Peoples of the Western Hemisphere, elaborated by indigenous peoples' representatives.

In the Final Documents of the Conference the text of this Draft Declaration was attached to the Final Resolution. 65/

Two other texts were submitted to the Legal Commission and to the Economic Commission: the Recommendations of the Representatives of the Six Nations (Iroquois Confederacy) and the Recommendations of the Representatives of the Lakota Nation. Still another text was submitted to the Legal Commission: the Proposals submitted by the Liberation Front of the Tabuantsuyu. These texts were presented to the Conference by these Commissions. In the Final Documents of the Conference, these three texts were appended to the report of the Legal Commission. 66/

(t) Apart from the recommendations put forward by the Social and Cultural Commission, which have already been discussed with the recommendations of other Commissions and of the Conference itself, the report of the Social and Cultural Commission contained important conclusions which are reproduced below, grouped by subject matter in a sequence that is not necessarily that of the report.

(i) On culture

Culture is the heritage of all peoples. Its preservation among a community is a fundamental guarantee of that community's physical survival and well-being. It is the human right of all peoples to develop and transmit their own culture. (General conclusion, No.1.)

Guarantee must be secured where necessary for the right of indigenous peoples in the Americas to participate in the national life of their countries wherever they live, on the basis of their own culture, values and ideals. (Conclusion under "4. Culture", first sentence.)

65/ See para. 101 above.

66/ See para. 103 above.

Cultural and social assimilation into the dominant society must proceed from the free choice of individuals and never from the coercive effort of the dominant society. (Conclusion under "4. Culture, second sentence.)

(ii) On ethnocide and genocide

Throughout the American continent, national and local authorities are involved in deliberate acts tending to the destruction of native cultures and native social systems. In several instances, the nature of these acts are proof of a clear intent to achieve this result and must therefore be qualified as Ethnocide. (General conclusion, No.2.)

The commission of Ethnocide must be defined as both a cause and a part of Genocide, in that the ulterior purpose is the disappearance of the indigenous community. Individual acts made with the intent of disrupting cultural and social bonds (e.g. the separation of children from families) are also to be characterized as acts of Genocide, and their relation to acts of physical extermination must be acknowledged. (General conclusion, No. 3.)

(iii) On related practices affecting family and community

The indigenous population of the Americas must be protected from the following practices by government, Church or private agencies:

1. Sterilization operations in the absence of free and informed consent;
2. Adoption, sponsorship and foster-home programmes that remove Indian children from their native community and culture;
3. Medical-experimentation practices made at the risk of the health and integrity of their subjects. (Conclusions under "Family and community", No.6.)

(iv) On education

The indigenous communities of the Americas must be guaranteed the control and supervision of both the form and content of education for their people. (Conclusion under "Education", No.5, first sentence.)

Action must be taken both in support of this principle and in opposition to the subversion of Indian society and culture by existing methods and programmes of education. (Conclusion under "Education", No.5, second sentence.)

5. Information concerning other international conferences on indigenous peoples

(a) Foreword

114. As he informed the Sub-Commission at an earlier stage, the Special Rapporteur considered that full summaries of the proceedings of conferences on indigenous peoples should be given only in the case of conferences held in 1977, since completing this section might otherwise have proved to be a never-ending task. In accordance with this view, only very brief notes are given in this section on a number of conferences held in 1980 and 1981. The section does not seek to be selective. It does no more than provide a few brief facts on meetings on which information has been received or for which documentation is available. The contents of the section cannot therefore be regarded as exhaustive. The meetings included are in chronological order: (a) the First Congress of Indian Movements of South America; (b) the Second Inuit Circumpolar Conference; (c) the Third General Assembly of the World Council of Indigenous Peoples; and (d) the International NGO Conference on Indigenous Peoples and the Land, which has not yet met.

(b) First Congress of Indian Movements of South America

115. The First Congress of Indian Movements of South America was held at Ollantaytambo (Cuzco, Peru) from 27 February to 3 March 1980. ^{1/}

116. Indigenous representatives from all over the Americas, indigenous observers from other parts of the world, and persons especially invited, came to this important Congress.

117. Three Commissions were established: 1. Commission on Indianist Ideology; 2. Political and Economic Commission; and 3. Cultural Commission.

118. The First Commission produced a Statement on Indian Ideology.

119. The Second Commission adopted conclusions and proposals on the following matters: (a) Indianist policies vis-à-vis the West; (b) Common programmes for the immediate future: Tactics and strategies; (c) Grass roots bodies and support commissions; and (d) Economic.

120. The Third Commission adopted conclusions and proposals on the following matters: (a) Indian culture; (b) Indian view of the world; (c) Indian education; (d) Indian language; (e) Indian anthroponyms and toponyms; (f) Ethno-genocide against Indians; and (g) Relationship between the countryside and the city.

121. A Constitutive Act of the South American Indian Council (SAIC) [Consejo Indio de Sud-América (CISA)] was also adopted.

^{1/} The conclusions and recommendations of the Congress are contained in annex V.

(c) Second (1980) Inuit Circumpolar Conference

122. The 1980 Inuit Circumpolar Conference ^{2/} was held in Nuuk, Greenland, from 28 June to 1 July 1980. The new Home-Rule Government, by vote of the Parliament, invited this important Conference to meet there.

123. The Executive Resolutions Committee was to report to the Convention on the progress achieved since resolutions were adopted by the 1977 Inuit Circumpolar Conference in Barrow, Alaska.

124. The official delegates from regional and national Inuit organizations in Alaska, Canada and Greenland (18 persons from each nation) were to receive a proposed charter for the establishment of a permanent circumpolar organization.

125. Workshops were to discuss problems and issues in the areas of: 1. Cultural heritage; 2. Village technology; 3. Education and Inuit language; 4. Environmental protection and game management; 5. Existing and projected Arctic resource development; 6. Health and welfare; 7. Arctic transportation and communication.

126. No further information or documents relating to that important Conference have been obtained despite determined efforts in this regard. It is hoped, however, that the conclusions, decisions and resolutions of the 1980 Inuit Circumpolar Conference will be available for inclusion in a formal annex to the definitive printed version of this report.

(d) Third General Assembly of the World Council of Indigenous Peoples

127. The Third General Assembly of the World Council of Indigenous Peoples ^{3/} was held in Canberra, Australia, from 27 April to 2 May 1981. The National Aboriginal Conference (NAC) hosted the gathering, with support from the Australian Government.

128. The theme of the Conference was "Indigenous Freedom Now". Its primary focus was scheduled to be on the development of an International Convention on the Rights of Indigenous Peoples.

129. About 100 delegates, mainly from organizations affiliated with the WCIP, from the following countries were expected to attend: Australia, New Zealand (South Pacific); Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Venezuela (South America); Costa Rica, Dominica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (Central America and the Caribbean); Canada, Mexico, United States (North America); and Greenland (Denmark); Finland, Norway, Sweden (North Atlantic and Europe).

130. At the time this Chapter was written, the Special Rapporteur had not received copies of the documents of this Third General Assembly. It is hoped that they will be available before the definitive, revised text of this report is issued in printed form, so that they can be annexed to it.

^{2/} Information appearing in a document signed by Mayor Eben Hopson (of Nuuk, Greenland), announcing the place and the date of the Conference.

^{3/} The information contained in this summary was taken from a National Aboriginal Conference press release concerning this Assembly, issued in Canberra on 18 August 1980.

(e) International NGO Conference on Indigenous Peoples and the Land

131. The International NGO Conference on Indigenous Peoples and the Land, ^{4/} as an activity of the Special NGO Committee on Human Rights (Geneva) and particularly of the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, is scheduled to be held at the Palais des Nations, Geneva, from 14 to 17 September 1981.

132. Four Commissions have been envisaged, to deal with: 1. Land rights of indigenous peoples, international agreements and treaties, land reform and systems of tenure; 2. Indigenous philosophy and land; 3. Transnational corporations and their effect on the resources and the land of indigenous people; and 4. The impact of the nuclear arms build-up on the land and life of indigenous peoples.

133. It is expected that background documents will be submitted by certain organizations, such as the International Indian Treaty Council, the World Council of Indigenous Peoples, the Indian Council of South America, the Australian National Conference of Aborigines, the Circumpolar Conference (Inuit). Working papers are expected from NGO's that are members of the Sub-Committee.

134. The documents of this Conference will be annexed to the definitive printed version of this report.

^{4/} Information taken from the letter of invitation to take part in the Conference.

B. International conferences and organizations
dealing with indigenous populations

1. Foreword

135. The four sections under this heading contain information on activities in favour of indigenous populations which have taken the form of various measures of an international nature. As such, they constitute part of the chapter setting forth international measures which did not originate with organs and specialized agencies of the United Nations system or of the Organization of American States. They have been organized in two parts: one referring to diverse activities in which the problems confronting indigenous populations have been included as topics for discussion and the other relating to organizations whose main or sole objective is the study and the solution of those same problems. This section should not be construed as an indication that those activities or organizations not here included have been deemed to be unimportant or less important. The activities and organizations mentioned here are simply those on which information and/or documentation was available at the time when this part was written. The conclusions, proposals and recommendations of the Bogotá Seminar (Conference (b), below) and of the Russell Tribunal (Conference (d), below), have been reproduced in annexes VI and VII respectively.

2. Conferences

(a) International congresses of Americanists (1875-1976)

136. In 1874, the Americanist Society of France put forward the idea - which was enthusiastically received - of organizing a meeting of experts from various countries on matters relating to the countries and peoples of the Americas. ^{1/} The first International Congress of Americanists was held at the Nancy Archeological Museum, France, from 19 to 22 July 1875, and was attended by more than 400 foreign, and 1,300 French experts. ^{2/}

137. To 1976, 42 International congresses of Americanists had been held; the first 10 of them (Nancy, France, 1875, to Stockholm, Sweden, 1894) were held in various European capitals. Starting with the Congress of Mexico, D.F., Mexico,

^{1/} Report of the XLIIInd International Congress of Americanists (Paris, 1976). To commemorate the centenary of the Nancy Congress, the report included, on pages 24 et seq., an historical account of that Congress.

^{2/} Ibid., pp. 9 et seq. At each Congress, the place of the next Congress is fixed and an organizing committee is elected to function as provisional governing body for the pertinent Congress, pending election of the officers, as well as the Council which assists them and the Publication Committee of the Congress.

in 1895, the congresses were held in European and American countries alternately, with two interruptions caused by the world wars of 1914-1918 and 1939-1945. 3/

138. At the IIInd Congress held in Paris in 1875, the standing rules of International Congresses of Americanists were approved; they were revised at the Congresses held in London (1912) and Barcelona (1964). The purpose of the congresses was defined in rule 1 of the revised rules as "... the historical and scientific study of the two Americas and their inhabitants". 4/

139. Accordingly, various international congresses of Americanists have dealt, among other relevant matters, with various aspects of the life of the indigenous populations of various American countries and have considered and adopted decisions, recommendations and resolutions relating to the solution of problems which arose during their study of those subjects. 5/ This summary concentrates, in particular, on the international congresses of Americanists held after the Second World War, when the United Nations was already in being and the General Assembly had proclaimed the Universal Declaration of Human Rights, since nine of those congresses have dealt with important subjects in connection with the indigenous populations of American countries. 6/ Mention should also be made of the fact that recent congresses, particularly those of Peru in 1970 and Paris in 1976, have been attended by increasing numbers of indigenous persons and groups.

140. The international congresses of Americanists referred to in the preceding paragraph, and the subjects they dealt with having a bearing on indigenous populations, are described very briefly as follows: 7/, 8/, 9/

3/ Resolution 11 of the XLIIst Congress (Mexico D.F., 1974) provided that, starting with the 1976 Congress, the congresses would, in principle, be held every three years, not every two years as had in principle, been hitherto the case, Report of the XLIIst International Congress of Americanists, Mexico, D.F., 1974, p. CXX. The next International Congress of Americanists will, therefore, be held in September 1979. It was decided that it would take place in Vancouver, Canada.

4/ Report of the XLIIInd Congress, p. 9. The text of article 1 quoted is that in force in 1976.

5/ Ibid., pp. 41 et seq.

6/ See the relevant sections on the XXXIst, XXXIIIrd, XXXIVth, XXXVIth, XXXVIIIth, XXXIXth, XLIst and XLVIIInd Conferences in paragraph 140.

7/ The necessary reference to decisions, recommendations or resolutions adopted at each of the International Congresses of Americanists will (whenever appropriate) be found in the relevant chapters and sections.

8/ This summary does not claim to be exhaustive or to reproduce the exact wording of the resolutions it examines. Its purpose is to provide information about the concern of Americanists for indigenous populations. All the texts used are taken from the records of the International Congresses of Americanists referred to in each case.

9/ The texts are identified, first, by the Congress at which they were adopted, then by the subject with which they deal, then, between brackets, by an indication whether they apply to all countries and groups (general) or to specific countries and/or groups (names of relevant countries or groups).

(a) The XXXIst Congress (São Paulo, Brazil, 23-29 August 1954) adopted some resolutions whose subjects and contents are given below:

(i) Land tenure (Brazil)

Resolution I approved:

The adoption of legal measures (proposals) guaranteeing the indigenes more comprehensive protection of the possession of their territorial heritage (section 2 A);

The project for the creation of the "Xingu Indigenous Park" which would guarantee those indigenous populations possession of the lands they had occupied since time immemorial in such a manner as would enable them to maintain the traditional system of inter-tribal relations, the breakup of which would be tantamount to their extermination (section 2 B);

Requests for essential financial resources for that purpose (section 2 C);

(ii) Linguistics; Indigenous languages (General)

Resolutions VI and VII recommend:

That the universities of the countries in which Guarani is still spoken and which would be able to train specialized research workers, should make a methodical compilation of texts of Tupi-Guaranian myths in dialects which are still extant (resolution VI); and that the interested countries and scientific bodies should consider the possibility of holding the Ind-Tupi-Guaranian language American Congress which was to have been held in São Paulo (resolution VII).

(b) The XXXIIIrd Congress (San José, Costa Rica, 20-27 July 1978) approved resolutions, the subjects and contents of which are set forth below:

(i) Linguistics; Indigenous languages; Other subjects (General)

Resolutions XII and XV recommend:

That appropriate measures be taken to search out, publish or re-issue unpublished manuscripts or rare works on the indigenous languages of America and, to that end, that this proposal be brought to the attention of national and international organizations dealing with anthropological research, offering the collaboration of linguists. Establishment of a committee to summarize and publish reports on the state and requirements of American linguistic research in each country (resolution XII);

That anthropological, ethnographical, linguistic and archaeological studies be promoted, supported and protected in the five central American countries (resolution XV).

(c) The XXXIVth Congress (Vienna, Austria, 19-26 July 1960), adopted resolutions, the subjects and contents of which are as follows:

(i) Health (General) (WEO)

Resolution IV

Requests the World Health Organization (WEO):

To consider solutions to the sanitary problems of the Indian populations of the Americas as one of its objectives (paragraph 1);

To study the possibility of practical work being done in the next few years for the protection of the health and life of Indians in association with local Governments, missions, etc.

(ii) Linguistics; Indigenous languages (General)

Resolution VIII

Expresses the desire for publication in facsimile or faithful transcription of all dictionaries of American languages issued in the XVIth century, and attaches a list of the most important of those dictionaries. 10/

(iii) Study of the Shetá (Brazil)

Resolution I

Expresses the wish that the studies which it is recommended should be made on the Shetá should not only benefit the science of man but also serve to help the Shetá to obtain all the medical and technical assistance they need in order to find their place in the modern world. 11/ and 12/

10/ Resolution VIII (XXXIVth Congress) also recommends the publication of E. Seler's Nahuatl-Castilian-German dictionary.

11/ This recommendation takes account of the fact that the Shetá Indians, who had recently been discovered, had succeeded in retaining their Stone Age culture, thus offering a unique opportunity of learning about their ways of life and also of the fact that, since their culture would undergo rapid changes, it should be studied before it was too late.

12/ It was agreed that a communication should be sent to the President of Brazil calling for the adoption of legal measures to deal with the threat that the Shetá Indians would be dispossessed of their lands, which would be tantamount to condemning them to extermination. The legal measure would consist in the creation of a National Indian Reserve.

- (1v) Administrative arrangements - inclusion of experts in social sciences (Argentina)

Resolution II requests the Argentine Government to reorganize the National Committee for the Protection of the Indigenous Population so that it may include and be advised by professional anthropologists belonging to anthropological institutions of the national universities. 13/

- (d) The XXXVth Congress (Mexico, D.F., 20-25 August 1962) adopted a resolution, the contents of which are stated below:

Applied anthropology; Indian policy; Inter-American Indian Institute (General)

Resolution VIII draws the attention of the American Governments to the importance of social anthropology works aimed at the integral development of millions of Indians and urges that greater support be given to the Inter-American Indian Institute and its affiliates, the national Indian organizations. 14/

- (e) The XXXVIIIth Congress (Stuttgart, Germany, 12-18 August 1968) adopted resolutions, whose subjects and contents are set forth below:

- (i) Policy: Prohibition of the use of force (General)

Resolution I protests against the use of force as an instrument of cultural change, in programmes of economic and social development and in the separation of indigenous peoples from their land (first paragraph); requests the Governments concerned to institute effective protection for indigenous peoples [against the use of force] (second paragraph); and urges Governments to institute serious disciplinary procedures against institutions and persons responsible for acts contravening the Universal Declaration of Human Rights (third paragraph).

13/ Resolution 9 (XXXVIIth Congress) recommends the establishment, in countries where they do not yet exist, of integrated departments of anthropology for the training of Professionals with a particularly American specialization.

14/ Resolution 5b (XXXVIth Congress) recommends inter alia to the United Nations, UNESCO, OAS and the Inter-American Indian Institute that, in co-operation with the American countries concerned, they should ensure that the staff of their experimental centres in various places of the continental Americas should include technicians and managers with a specialized knowledge of physical anthropology. In the resolution entitled "Concerning Genocide and Latin American Policy", sub-section entitled "Committed Social Science" (XXXIXth Congress), paragraphs 1, 2 and 3 declare the need for a social science committed to the facts of Latin American life. Resolution IX (XLIst Congress) urges national Governments to ensure that Americanist scientific, ethnographical, linguistic (and other) activities proposed to Governments by institutionalized scientific bodies are granted maximum facilities within limits laid down by their respective national legislations. The terms of this resolution were repeated in Resolution 13 (XLIInd Congress).

(ii) The "integration" policy and its consequences (General)

Resolution II requests Congress to decide to set up a committee to prepare a symposium on policies for the so-called "integration" of Indians, the consequences of such policies and the urgent measures that are needed. 15/

(f) The XXXIXth Congress (Lima, Peru, 2-8 August 1970) adopted specific proposals whose subjects and contents are set forth below:

(i) Linguistic and cultural pluralism (General)

A proposal on Latin-American multilingualism requests that: existing experiences in plurilingual and pluricultural teaching be borne in mind and access to them facilitated (first paragraph); that a more favourable atmosphere be created for disadvantaged languages, by their use in mass communication media (second paragraph); that university curricula, pedagogical materials, teacher training and other educational programmes be so revised as to incorporate knowledge of the social and cultural background of pupils and a modern and unprejudiced approach to language and pedagogy (third paragraph). It was agreed that implementation of these measures would require the establishment of a technical body to regulate: the selection and training of bilingual teachers; the training of research professors who would combine applied work with study of linguistic and social-cultural realities; and the advanced training of more experienced bilingual teachers to enable them to act as advisers in wider areas. It was also agreed that it would be appropriate to establish another independent body to make an objective evaluation of the proposed system, introduce adjustments into the system and publish a comprehensive report of all views expressed at the round table.

Under the same topic, a resolution on genocide and Latin-American policy agreed, in its section A: that in States made up of indigenous sectors or groups, an indigenous language spoken by a significant number of the population should be recognized as an official language alongside the language already in official use (agreement 5).

(ii) Indigenous law (General)

The resolution on genocide and Latin American policy, section A, requests that a law of communities be prepared for international adoption (agreement 1).

15/ Resolution 22, para. 7 (XLIIInd Congress) expresses solidarity with Indian repudiation of most of the official Indian policies of American Government denouncing them as an attempt at cultural extermination and an instrument of political domination, while noting the fact that the Indians support some official or parallel initiatives that are directed towards just and legitimate treatment of the Indian.

(iii) Health (General)

Section A of the resolution on genocide and Latin American policy calls for the provision of effective health protection, with particular attention to the prevention and cure of diseases introduced by carrier elements of Western civilization 16/ (agreement 2).

(iv) Land tenure (General)

Section A of the same resolution asks that, in the case of communities whose ecological equilibrium has not been destroyed, the territory they occupy should be recognized as their property, and that, where the equilibrium has been destroyed, the Communities be offered new opportunities for activities compatible with respect for their cultural identity and plans be made to rescue communities in such a situation, without overlooking their right to the land (agreement 3); that existing reserves be maintained, protected and extended and that new territories be given to indigenous communities which lack land or have insufficient land (agreement 4).

(v) "Assistance" policy (General)

Section A of the same resolution requests that so-called "assistance" policies be reoriented along the new lines set forth in the previous paragraph of the resolution (agreement 6).

(vi) Campaign against genocide (General)

Section A of the same resolution requests that responsible national organizations and an international anti-genocide committee monitor cultural and economic relations of representatives of Western civilization 17/ with indigenous communities, with a view to ensuring that such relations are not used as a means of domination and to preventing a continuation of situations of economic injustice and cultural destruction (agreement 8); and that efforts made at the theoretical and practical levels be co-ordinated by an international anti-genocide committee (agreement 7).

(vii) Minimum protective measures to prevent extermination (General)

Section B of the aforementioned resolution calls for a declaration that certain minimum levels of protection are essential and states that when Governments, religious missions and assistance organizations do not provide indigenous populations with minimum levels of protection they connive in their extermination, whether intentionally or unintentionally. The measures set forth in Section B are: the legal registration, as inalienable tribal property, of territory occupied by indigenes and from which they

16/ The text says: "Our civilization".

17/ The text says: "representatives of our civilization".

obtain their livelihood, based on their own technology (paragraph 1); exemplary punishment of any crime or oppressive act committed against indigenous communities, particularly crimes and acts aimed at dislodging them from their territory in order to use it for private estates (paragraph 2); guarantee of the indigenes' right to be themselves and express their own culture, without being subjected to duress in the form of assimilationist programmes or catechetical programmes of a sectarian or intolerant nature (paragraph 3); protection of indigenous communities on their own territory, prevention of their transfer and, in particular, of the grouping of indigenes of different tribes in the same reservations (paragraph 4); respect for the indigenous family, prohibition of its break-up on any pretext, particularly the separation of parents and children in order to send the children to residential orphanages (paragraph 5); and constant surveillance of the expanding frontier of the national society, so that official or private settlement plans do not create opportunities for further extermination of indigenous populations (paragraph 6).

(viii) Indigenous folklore (General)

In a resolution relating to the protection of folklore, it was decided to recommend to the American States that concrete legislation be promulgated for the protection of folklore declaring that folklore is a part of the American cultural heritage and should not be subjected to indiscriminate commercial exploitation.

(g) At the XIth Congress (Rome and Genoa, Italy, 3-10 September 1972), an agreement was approved whose subject and contents are set forth below:

Measures to assist the physical and cultural subsistence of certain groups (General, Paraguay, Aché-Guayakí in particular).

Agreement VI recommends that, in view of the dramatic situation of certain indigenous groups in Latin America, particularly the Aché-Guayakí of Paraguay, the competent authorities should reconsider ways of improving the conditions physical and cultural subsistence of both this human group and others in similar situations with a view to ensuring that they may aspire to a truly decent life. 18/

18/ In this Agreement, the Americanists state their awareness that the physical and moral pressures being brought to bear upon the Aché-Guayakí constitute a serious threat to their social and cultural integrity and to their individual survival.

(h) At the XLIIst Congress (Mexico D.F., Mexico, 2-8 September 1974), resolutions were adopted whose subjects and contents are given below:

(i) Indigenist policy and repeal of the Missions Law (Venezuela)

In resolution III, the Government of Venezuela is requested to devise a genuine indigenist policy (paragraph 4); and an appeal is made for solidarity with the indigenes of Venezuela, in connection with the petition for repeal of the Missions Law (paragraph 5).

(ii) Contacts between indigenous persons; contacts between indigenous persons and indigenists; declaration against acts of genocide; official recognition of the co-existence of different cultures in national societies (General)

In the same resolution III, the delegations of the countries participating in the Congress call for improved contacts between American indigenous leaders and their most representative organizations (paragraph 1); a committee composed of indigenous persons and indigenists is established to study the possibility of arranging a meeting of indigenous Americans (paragraph 2); an urgent appeal is made to participants to demand an unequivocal declaration, in view of the state of emergency and institutionalized violence that exists in various American countries, in relation to the acts of genocide which, almost five centuries after the continent was discovered are still being perpetrated against indigenous populations in flagrant violation of a whole series of national and international stipulations (paragraph 3); the Governments of America are requested to respect native ethnic minorities and to recognize, officially and definitively, the co-existence of different cultures in national societies (paragraph 6).

(Chile)

Resolution V requests that the Government of Chile be informed of the Americanists' deep anxiety about the situation of the Mapuche community which, it is stressed, should not be hampered in the pursuit of its traditional way of life by incidents of a political nature which could lead to persecution and result in ethnocide and genocide (paragraph 1); ^{19/} that the Government of Chile be informed of the Americanists' hope that nothing will be done to curtail or hamper the activities of Chilean university and intellectual circles engaged in anthropological and social studies (paragraph 2); and that the international scientific community be made aware of the need to allow the Mapuche way of life and the scientific research work referred to in paragraph 2 to develop without hindrance (paragraph 3).

^{19/} Resolution 15 (XLIIInd Congress) reiterates agreement V of the XLIIst Congress.

(iii) Health (General)

Resolutions VI and VII, respectively, support and encourage the research activities required at the continental level in order to make a scientific assessment of the real effect of "parallel" medicine, in particular the various forms of "medicine men's" techniques and their practical potential for social welfare. To that end, a committee should be set up to carry out a series of tasks which are listed. 20/ Recognizing the existence of certain needs, it is recommended that Faculties and Schools of Medicine in the American countries should include medical anthropology courses in their curricula. 21/

(i) At the XLIIInd Congress (Paris, France, 2-9 September 1976), resolutions were adopted whose subjects and contents are given below: 22/

20/ Proposal of the Medical Anthropology Symposium. The tasks are as follows: to identify countries, institutions and persons interested in this type of research; to draw up a general theoretical framework for research, as a basis for discussion; to prepare a budget for the initial organizational stages; basically, the research should not only be directed towards academic and scientific ends but should also serve to promote social welfare.

21/ Proposal of the Medical Anthropology Symposium. Similarly, resolution 6 (XLIIInd Congress) recommends, *inter alia*, that research should be planned and carried out within a theoretical framework defined in advance; that this framework must be explicitly defined and attention drawn also to the similarities or differences between the research worker's theoretical or conceptual framework and that of the population studied; that, in the case of the Americas, interdisciplinary studies should be conducted on the attitudes of American populations towards illness, health and related values; that studies, reports and publications should be prepared objectively and seriously, in order to obtain reliable and applicable results that will encourage those engaged in solving the health problems of groups with a different culture to become part of a more appropriate integral medical system and to co-operate more closely with "medicine men" or traditional doctors. National and international organizations, particularly the World Health Organization (WHO) and its regional body, the Pan American Health Organization, are requested to support and encourage interdisciplinary research in the field of medical anthropology. This resolution is based partly on recognition of the fact that research conducted among various American populations has demonstrated both the complexity and the coherence of the American Indian's approach to illness, death and life, and that the world's growing comprehension of such ideas in the Americas highlights the danger of adopting the type of partial approach to their study which has frequently caused them to be represented in a biased and distorted way.

22/ Since the resolutions adopted at this Congress are many and complex, they are presented a little differently from those of other Congresses.

(i) Traditional farming methods
(General)

Resolution 5 urges upon national and international bodies the need to conduct a basic study of traditional farming methods; recognition of the competence of traditional farmers; and recognition of the right of societies to choose their technical and economic means of development. 23/

(ii) Land tenure (Paraguay)

Resolution 19 considers that the intention of the Paraguayan National Institute for Indigenous Affairs (INDI) - a military institution - to register all indigenous lands in its own name would result in spoliation of the land, judging by the events which occurred in the national settlements of the Ministry of National Defence at Arroyo Marotí, Chiripa Fortuna, Cerro Marotí, and Yvypyte, and calls for: the repeal of Decrees 18.365 and 22.274 of 20 October 1975 and 1 April 1976 respectively, in view of their obsolete, repressive and discriminatory nature and their incompatibility with ILO Convention No. 107 of which Paraguay is a signatory (first paragraph); the continuation of agrarian reforms for the benefit of the Paraguayan indigenes who should be granted legal ownership of community property by means of deeds drawn up in the name of the communities concerned (second paragraph); and the establishment of a joint indigenous management body with the authority to plan, execute and supervise promotional activities on behalf of the indigenes at the national level (third paragraph).

(iii) Environment; ecological balance
(General)

Resolution 22 supports the idea of drawing the attention of indigenous persons to the destruction of the ecological balance which has occurred in various indigenous communities (eighth paragraph).

(UNESCO)

In an unnumbered resolution on page 53 of the final acts of the Congress, UNESCO is requested to include in the agendas for its forthcoming General Conferences the question of damage caused to the environment by the transfer of polluting industries to the Latin American countries (paragraph (d)).

23/ Symposium on the dynamics of traditional farming in tropical America. Resolution VIII (XLIst Congress) on popular and traditional Latin American arts and crafts recommends: that establishments for vocational training in the social sciences should provide specialized instruction for the training of technicians in this field of anthropology and encourage and promote research with a view to adding to the body of knowledge required for the preservation and development work undertaken by the American countries; that the Governments of the American countries should promulgate national legislation which gives legal status to the art-and-craft organizations in each country; that a dialogue should be established between craftsmen and consumers through specialists and bodies whose task is to inform the public with a view to improving its understanding of the forms of expression in question.

(iv) Education; indigenous languages

(Paraguay)

Resolution 11 requests the Government of Paraguay to establish the use of Guaraní in the national education system, both for its specific and authentic cultural content and in order to restore full scientific freedom for research workers.

(Honduras)

Resolution 12 calls for the preparation and publication of bilingual primers on the history of ethnic minority groups, using all the ethnological and historical material that relates to those groups. The texts, which would also reflect the results of the latest historical, anthropological and linguistic research, would be amply illustrated. It is also proposed that the subjects to be taken up at the next Congress should include sections devoted to specific forms of artistic expression in indigenous groups and ethnic minorities, such as theatre, narrative literature, art and other such forms (proposal by the delegation of Honduras).

(General)

Resolution 22 endorses the proposal that indigenous persons should themselves control and direct specific programmes such as those relating to land retention, administration of natural resources, cultural heritage, religion, philosophy and, in particular, programmes of alternative education, examples of which are "The Red School House" (St. Paul, Minnesota), "The Heart of the Earth School", and "We Remember School" (Rapid City, South Dakota) (sixth paragraph).

(v) Imprisonment and persecution of indigenous leaders (Bolivia)

Resolution 17 denounces the arrest on 23 June 1976 of an indigenous leader, of Tupac Katari, the delegate of MINK'A (Bolivia), and demands that he be released immediately or specifically charged and given a fair and public trial, which international observers may attend (the word used in the original English text is "participate"). ^{24/}

^{24/} Similarly, paragraph 3.A of resolution 18 (XLIInd Congress) requests that the sanctions taken against this leader be lifted. In addition, the fifth paragraph of resolution 22 (XLIInd Congress) demands his immediate release.

- (vi) Acts of violence, oppression and repression against indigenous persons; Standing Committee for information on such acts

(General)

Resolution 21 establishes a Standing Committee for reporting acts of violence, oppression and repression perpetrated against indigenous groups. It will be that Committee's task and duty to receive all reliable and responsible reports and divulge them to world public opinion, which is the only force capable of securing respect for the life and rights of indigenous groups.

(United States of America)

Resolution 22 severely condemns what is qualified as a campaign of terror characterized by the murder, imprisonment and political persecution of leaders and members of the American Indian Movement by the Government of the United States of America 25/ and the F.B.I., and demands the immediate release of a number of Indian prisoners in the United States (fifth paragraph). 26/

- (vii) Declaration against ethnocide and genocide

(North, Central and South America)

Resolution 22 makes an urgent appeal to the United Nations and UNESCO to investigate the genocide and ethnocide which are continuing in many countries of North, Central and South America. Support is also expressed for the indigenous request that an international standing committee be established to combat these crimes against humanity (ninth paragraph).

(Ecuador)

The unnumbered resolution on page 52 of the final acts resolves, inter alia, to condemn what is described as the ethnocide committed by the Summer Institute of Linguistics (I.L.V.), the Wycliffe Bible Translation (W.B.T.) and Texaco Gulf and requests the Government of Ecuador to take effective policy measures to ensure respect for the integrity of the various ethnic groups in Ecuador, particularly the Aushiris (on the initiative of the Symposium on Power Structures in Latin America). 27/

25/ The text refers to "the colonial government of the United States of North America".

26/ See foot-note 24/ for another aspect of the contents of the fifth paragraph of resolution 22 (XLII).

27/ Similarly, paragraph 3 of resolution 20 (XLIInd Congress) recommends that Governments of countries in which I.L.V. pursues its activities should exercise all due vigilance to ensure that those activities do not exceed their agreed scientific purpose.

- (viii) Appeal for effective implementation of international instruments (United Nations)

An unnumbered resolution on page 53 of the final acts of the Congress appeals to the United Nations to ensure effective implementation of the rights and principles embodied in both its Charter and the Charter of Economic Rights and Duties of States (last paragraph).

- (ix) Proposal to investigate ethnocide, genocide and birth control (UNESCO)

An unnumbered resolution on page 53 of the final acts of the Congress requests UNESCO to include in the agendas of its forthcoming General Conferences the question of investigation of the ethnocide of indigenous populations and the genocide of social groups (paragraph (b)) and the application of birth control methods (paragraph (c)).

- (x) Missions; Abandonment of present policy (General)

Resolution 20 calls on churches to redefine in a progressive sense their position with regard to indigenous communities and on the highest ecclesiastical authorities to take a series of decisions that would make it possible, and indeed compulsory, to bring about a radical transformation of relations between churches and indigenous communities (paragraph 1). In this context, churches should refrain from engaging in mission activities, qualified as paternalistic, catechizing and annexionist vis-à-vis the life of indigenous communities. It is requested that the "mission" concept, and indeed the word itself, should cease to be used and that projects involving evangelization, catechizing or expansion of non-indigenous society should be discontinued (paragraph 2). 28/

- (xi) Symposium on the Indian Movement (General)

Resolution 22 decides to set up, as from the next Congress, a symposium on the Indian Movement in the Americas, to be directed and co-ordinated by indigenous persons themselves (first paragraph).

- (xii) Refusal to celebrate 12 October (General)

Resolution 22 endorses the request by indigenous persons for solidarity on the part of anthropologists, ethnologists and other social scientists, with a view to organizing a large-scale campaign of refusal to celebrate 12 October, qualified by indigenous persons as the day of indigenous America's misfortune (fourth paragraph).

28/ The third paragraph of resolution 22 (XLIInd Congress) endorses the charge levelled by indigenous persons against certain missionary groups, so-called scientific groups and other types of group engaged in religious or research activities, to the effect that they are agents of penetration, ideological influence and destruction of the culture of the native peoples of America.

(xiii) Demands of the indigenous peoples (General)

Resolution 23 proclaims the right to liberation and vindication of certain indigenous American peoples ^{29/} and affirms that this process is not merely one of economic reform, nor is it limited to claims of a cultural nature; it necessarily has a political aspect and embodies the right of the Indians to control and administer their States. The realization of this right will be the result of a struggle for liberation from all forms of oppression, domination and colonialism, both internal and external. It is stated that throughout the whole of America this struggle affords the only real prospect for emergence of a new man and a new society. The new Indianism is contrasted with the Spanish and Anglo-Saxon civilizations. ^{30/} With respect to the process of construction, it is essential that non-Indian sectors become aware of the unique nature of the American aboriginal peoples and recognize the validity of their combat. It is also stated that Indian decision making and self-government will be the result of a struggle in which the defence of native cultures is of prime importance; that respect for indigenous values and traditions is the guarantee of the indigenes' authenticity; that the universality of tomorrow's America will be achieved through the uncompromising defence of indigenous cultural identity against those who seek to deprive these peoples of their personality in order to dominate them more effectively. Significance is attached to, and gratitude expressed for, the assistance of those who, having abandoned outmoded scientific, elitist and paternalist attitudes, recognize the human dignity of the indigenous person and conduct research into living peoples whom they accept as the depositories and protagonists of an historic destiny and offer useful and disinterested assistance to those peoples' struggle for liberation. An appeal is launched to all indigenous Americans to build a militant Pan-American Indian Movement. ^{31/}

Resolution 24 proposes the following action as part of the combat for national liberation: ^{32/} a campaign for international recognition of the rights and duties of indigenous persons; defence, safeguard and restoration of the ecological balance; recognition and granting of official status to the native languages

^{29/} The proposal was made by the Aymará, Quechua, Guajiro, Yegwana, Aguaruna, Ticuna, Mazhwa, Ojibwa and Nahoia indigenous groups, which participated in the XLIIInd Congress.

^{30/} The Spanish and Anglo-Saxon civilizations are described as having collapsed.

^{31/} The following names appear between brackets at the end of the text: Consejo Nacional de Pueblos Indígenas, Mexico; American Indian Movement, United States of America; Federación Indígena de T.F. Amazonas, Puerto Ayacucho.

^{32/} Proposal submitted by the Consejo Nacional de Pueblos Indígenas of Mexico.

spoken by indigenous people; request that the United Nations and UNESCO should set up an international commission to combat ethnocide and genocide. 33/

- (xiv) Freedom to participate in the Congresses; the need to refrain from hindering the participation of indigenous groups in these and other national or international meetings on scientific or indigenous affairs; the need to refrain from reprisals against participants in such meetings; request to lift the sanctions taken against certain institutions or persons.

(General); (Brazil); (Paraguay)

Resolution 18 34/ recommends in general that the Governments of American nations should grant all freedom and safeguards to social scientists and Americanists and to the representatives of ethnic groups in respect of participation in congresses, symposia, round tables and all international scientific activities (paragraph 1); concern is expressed to official indigenous bodies and to the Governments of Brazil and other American countries about the obstacles in the way of the representatives of indigenous groups participating in and attending national and international meetings on indigenous and scientific subjects (paragraph 3 (c)); it is recommended that there should be no reprisals against persons 35/ who take part in such international meetings either by invitation or on their own initiative (paragraph 2); for reasons which are given, it is recommended that the sanctions already taken against the following institutions and persons should be lifted: the MARANDU and PAI-TAVIERA projects (Paraguay) for assistance to indigenous persons, which were placed under Government control and some of whose members were detained by the authorities. It is mentioned that some of the persons concerned were still in prison at the time of the XLIIInd Congress (paragraph 3.B).

(b) Seminar on human rights in the rural areas of the Andes region 36/

141. A seminar on human rights in the rural areas of the Andes region, organized by the International Commission of Jurists and co-sponsored by the

33/ See also paragraph (b) of the unnumbered resolution on page 53 of the XLIIInd Congress (paragraph (ix) supra) and resolution 22 (XLII), ninth paragraph (paragraph (vii) supra).

34/ The material relating to paragraph 3.A of this resolution has been included in the section devoted to the resolutions concerning imprisonment and persecution of indigenous leaders (see foot-note 24/ supra).

35/ The resolution refers specifically to "those specialists".

36/ This summary is based on the content of a Press Release issued by the International Commission of Jurists on 14 August 1980 and "ICJ News", in The Review, International Commission of Jurists, No. 23, December 1979, p. 64.

Consejo Latino-americano de Derecho y Desarrollo (CLDD), i.e. the Latin American Council for Law and Development, was held at Bogotá from 6 to 11 September 1979. 37/

142. The 61 participants came mainly from Venezuela, Colombia, Ecuador, Peru, Bolivia and Chile and included judges, law professors, advocates, social and political scientists, economists, trade unionists and peasant and Indian leaders, all having knowledge of problems in the rural areas.

143. The subjects chosen for discussion were essentially ones relating to economic, social and cultural rights. They included agrarian reform, labour legislation and trade union rights, rights of the indigenous (Indian) and peasant population, economic and agricultural policies, the administration of justice and access to legal services in the rural sector, and social services, in particular health care and education.

144. The Third Committee of this seminar concerned itself with the "Rights of the Indigenous Populations". 38/

(c) VIIIth Inter-American Indian Congress

145. The VIIIth Inter-American Indian Congress was held in Mérida, Yucatán, Mexico, from 17 to 21 November 1980.

146. Four Commissions were established. 39/ For the first time in conferences of this sort, other groups, called "Fora of Discussion", in which indigenous leaders and representatives, as well as other interested participants in the Congress could take part, also met. There were three such discussion groups, and they each adopted conclusions and proposals which were incorporated into the Final Act of the Congress. 40/

147. This Congress is discussed in another part of the report, together with the other Inter-American Indian Congresses. 41/ Mention of it was made here as it is the only one in which indigenous leaders and persons have had a formal participation.

37/ This was the fourth in a series of Third World seminars organized by the ICJ, the previous ones being in Dar-es-Salaam (1976), Barbados (1977), and Dakar (1978).

38/ The conclusions and recommendations of this seminar in what concerns the rights of the indigenous populations are reproduced in annex VI.

39/ These Commissions were: 1. Present Indigenous Policies. Evaluation and Perspectives; 2. Development in Indigenous Areas; 3. Five Year Plan for Inter-American Indianist Action and 4. Indigenous Groups in Border Areas.

40/ The Fora were: No. 1. on "Environmentally appropriate technologies and unconventional means of transportation (Conveyance)"; No. 2 on "Indian movements and Indianism" and No. 3 on "Indianist documentation services for Latin America".

41/ See chapter III, section C, (at present contained, in preliminary form, in document E/CN.4/Sub.2/L.596).

(d) Fourth Russell Tribunal on the Rights of the Indians of the Americas 42/

148. In the city of Rotterdam, in the Netherlands, the members of the jury 43/ and other bodies of the Fourth Russell Tribunal 44/ came together from 24 to 30 November 1980 in order to consider alleged violations of the rights of the Indians of the Americas. Out of the 45 cases submitted to the Tribunal, 14 were accepted for full hearing with witnesses, experts and documentation. 45/ Many others were presented in a more informative

42/ This summary regarding the tribunal is based on the contents of the Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, vol. I, Conclusions, (Corrected copy) (Rotterdam, The Netherlands, November 1980).

43/ The 12 members of the jury were from the following countries: Austria, Bolivia, Brazil (2 persons), France, Mexico, The Netherlands (2 persons), Peru, United States of America, Uruguay, the Federal Republic of Germany. They included one Indian leader (Chairman), four anthropologists (including the Vice-Chairman), two philosophers, two jurists and one writer.

44/ There were eight honorary members of the jury, six advisers and two general defenders. Seven persons are listed as "members of the International Advisory Council" and an equal number as "members of the Dutch Section of the International Advisory Council". Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, (Rotterdam, the Netherlands, November 1980), pp. 58-59 of the English version.

45/ These cases concerned several countries: United States of America (four cases), Brazil (three cases), Canada (two cases), Peru (two cases) and Colombia, Guatemala and Panama (one case each). Ibid., pp. 5-37 of the English version.

manner. 46/ Moreover, testimonies were received of indigenous peoples of other continents who have continued to be victims of genocide and ethnocide.

149. Apart from its hearings and decisions, the Fourth Russell Tribunal issued a text of Recommendations and a Final Statement, that appear on pages 43 to 47 of the English version of the report issued by the Tribunal. 47/

150. The organization of the Fourth Russell Tribunal was under the responsibility of the Work-Group Indian Project (WIP) the Netherlands, a foundation in which various Dutch support groups (KIVA, WIZA, NANAI) and individuals co-operate. This Group constituted the secretariat of the Tribunal. 48/, 49/

151. The Russell Peace Foundation (United Kingdom) supported the Fourth Russell Tribunal as one of its activities to promote a peaceful world in which human rights are respected. 50/

46/ The time available to the tribunal did not allow for full hearings on other cases and situations regarding which, however, oral presentations and written documentation were received. Numerous instances are mentioned under 13 titles, 11 of them in numbered paragraphs and two under the names of specific countries. Ibid., pp. 38-41 of the English version.

47/ The Recommendations and Final Statement are reproduced in annex VII to the present study.

48/ Ibid., p. 59 of the English version.

49/ Seventeen other European support groups are listed. Ibid., pp. 59-60 of the English version.

50/ Ibid., p. 59 of the English version.

3. Organizations

(a) International Work Group for Indigenous Affairs (IWGIA)

152. The International Work Group for Indigenous Affairs (IWGIA) is a non-governmental, non-political and non-religious organization concerned with overcoming the oppression of ethnic groups in various countries.

153. Founded at the International Congress of Americanists in 1968, IWGIA has its headquarters in Copenhagen.

154. IWGIA's objective has been stated as endeavouring to secure the future of the indigenous peoples in concurrence with their own efforts and desires: (1) By examining their situation and publishing information about it; (2) By furthering international understanding and knowledge of and involvement in overcoming that situation; (3) By fighting racism and securing the indigenous people's political, economic and social rights, as well as establishing their right to self-determination; (4) By arranging for humanitarian projects and other forms of support to indigenous peoples and ethnic groups with a view of strengthening their social, cultural and political situation.

155. IWGIA's activities include trying to inform and exert influence on Governments, international organizations and public opinion through communications from the indigenous peoples themselves and through reports from investigators who have lived in the relevant territories. IWGIA supports the struggle of indigenous peoples for decent living conditions, and grants financial aid to humanitarian projects and other activities; it also supports, in practical and financial terms, the preparation of congresses undertaken by the indigenous peoples own organizations.

156. Since 1971 IWGIA has published relevant material on the subject of indigenous affairs. It has two main types of publications: 1. The IWGIA Newsletter, which is issued from time to time and is usually distributed with one or more IWGIA documents, contains information, news and notices on important developments and publications in the field of indigenous affairs, as well as appeals for assistance to indigenous groups undergoing particular difficulties or emergency situations; 2. The IWGIA Document Series. These documents are obtainable from the International Secretariat of IWGIA in Copenhagen. Containing reports prepared by recognized experts in the field, most of these documents have been written especially for this series. The views expressed in them are, however, not necessarily those of the organization. Up to May 1979, the IWGIA Document Series had included 37 papers containing reports and texts. 1/

1/ Text of the Barbados I Declaration (No. 1); Historical Document on the Formation of the World Council of Indigenous Peoples (No. 29); Case Studies dealing with the situation of indigenous groups in countries or regions; for example in: Argentina (No. 21), Australia (No. 3), Bolivia (Nos. 18, 30, 31), Brazil (Nos. 6, 13, 19, 32, 37), Canada (Nos. 14, 26), Chile (No. 20), Colombia (No. 7), Ecuador (Nos. 23, 28, 34), Guatemala (No. 33), Eritrea (No. 2), India (No. 4), Mexico (No. 15), Paraguay (Nos. 11, 17), Peru (Nos. 5, 8, 10, 16, 35), Philippines (Nos. 25), Solomon Islands (No. 24), Suriname (No. 27), Venezuela (Nos. 9, 12, 22).

(b) The Documentation and information centre for indigenous affairs in the Amazon region (AMAZIND)

157. AMAZIND is a specialized agency of the International Work Group for Indigenous Affairs. 2/

158. Established in January 1972 AMAZIND is located in Geneva. Its work is carried out by a director, who also edits the Bulletin, and relies upon collaboration with several local experts. To this permanent secretariat should be added a certain number of correspondents, individuals and organizations, based in Europe, North and South America. In addition, the centre benefits from the interest and advice of famous indigenists such as the Villas Boas brothers, who recently became its honorary members.

159. AMAZIND is primarily concerned with the Indians of Brazil on whom it possesses the fullest set of documentation available in Europe. Its activities consist of compiling, analysing and publishing the latter in order to keep interested parties informed. Although compilation and analysis of material are carried out at the centre, publishing has up to now been undertaken by IWGIA. This has made possible the publication of a Bibliography of the Indigenous Problem and Policy of the Brazilian Amazon Region (1972), The Brazilian Indigenous Problem and Policy: The example of the Xingu National Park (1973) and Current Situation and Future Prospects of the Indians of the Brazilian Amazon Region (1974), The Brazilian Indigenous Problem and Policy: The Aripuana Park (1975) 3/

160. AMAZIND also publishes, once a year, 4/ a Bulletin containing 5/ an Editor's Note, and chapters containing Correspondence, a Document prepared by an expert in the field, News and Comments and a Review of pertinent publications. 6/

161. AMAZIND has stated its purpose in the following terms: 7/

"AMAZIND was not established for the purpose of fighting directly against the oppression of ethnic groups in the Amazon region, but rather to support by means of its documentation and information the individuals or organizations involved in such a struggle."

2/ The present summary on AMAZIND is based on information appearing in AMAZIND Bulletin 1, Geneva, 1973, p. 5.

3/ With the exception of "Current situation ..." these publications are joint IWGIA-AMAZIND documents and appear in the list of IWGIA documents as documents Nos. 6, 13 and 19, respectively.

4/ AMAZIND Bulletin 2, Geneva 1974, p. 5.

5/ AMAZIND Bulletin 1, pp. 6-7.

6/ Documents published in AMAZIND bulletins include a paper entitled "Indians of the Brazilian Amazon, What has become of them since 1969? A critical analysis of the indigenous problem and of the so-called new indigenist policy." This paper was presented by René Fuerst to the 41st International Congress of Americanists (Mexico, September 1974). AMAZIND Bulletin pp. 11-36.

7/ AMAZIND Bulletin 2, p. 7.

(c) Survival International (SI)

162. Survival International is an organization based in London, England existing to help aboriginal peoples to protect their rights. 8/ As many societies face the prospect of irreparable destruction, this organization's activities deal with a problem of extreme urgency, and focus on two essential priorities. The first is "to secure the rights of aboriginals to the land on which they live." The second is "to provide knowledge and understanding of the outside world, so that they can take effective action themselves."

163. The danger to aboriginal populations has reached global proportions. Survival International's immediate aims are stated as follows: "to carry out specific programmes with threatened groups; to extend international responsibility and action; and to publicize the problems and aspirations of all aboriginal people."

164. Survival International came into being when the Primitive Peoples Fund was set up and held its first meeting on 23 March 1969 in London. Under its initial name it carried out a visit to Brazil from January to March 1971 and published a report summarizing conditions in eight areas of Brazil.

165. Towards the end of 1971 a decision was made to change the name into Survival International. With the change of name a newsletter was printed at regular intervals.

166. Survival International News first appeared in March 1972 and ran through 12 numbers until October 1975. It was succeeded by Survival International Review, a quarterly journal whose volume 1 Number 1 follows SI News Number 12 and appeared in February 1976. Volume 4 No. 1 (25) is the Spring 1979 issue and is the latest in the series at this date and was published in celebration of "A Decade of Work with Tribal Peoples".

167. In 1973, SI formed, with the Aborigines Protection Society of London, a Joint Projects Committee headed by an anthropologist with much field experience. This Joint Projects Committee has furnished information in connection with the present study. 9/

8/ This summary is based on information appearing in Survival International Review, Spring, 1979 (vol. 4, No. 12 (25)), in particular pp. 4-7, 9-13 and 55-58.

9/ For example, information on Indonesia and Paraguay, which has been taken into account in the preparation of summaries of information relating to these countries.

168. In 1978, the Aborigines Protection Society withdrew from the Joint Projects Committee although expressing the hope that the two organizations would continue to work in close association.

169. SI has now taken on the full responsibility of the Projects Committee. As a result of a meeting held in Cambridge in December of 1978 the Survival International Brazilian Group came into existence and is actively collaborating with the concerned groups and individuals on the above matters.

170. In the fall of 1978 issue of the Review (Vol. 3 No. 3 (23)), a declaration was published announcing a closer liaison between the International Work Group for Indigenous Affairs and Survival International.

171. SI has a specialized library on the indigenous peoples of numerous countries and regions. It stocks and distributes books and reports on the same subject published by other organizations or persons. SI has photographic exhibitions that are brought to the public on a loan basis and several films that are for hire from SI in the United Kingdom; these exhibitions and films contain reports on aboriginal peoples in danger of disappearance and depict the over-all problems of indigenous societies and their struggle of resistance to ethnocidal pressures.

172. As one of its main activities in many countries, Survival International has action and or research projects, undertaken with the active consent of the indigenous communities themselves and with Government authorization. Through these projects SI is seeking to open roads providing alternatives to the one along which most tribal peoples are doomed to walk. As acknowledged by SI itself, it is hard to say where this work will lead in precise terms, as much of this is shaped by future developments in the indigenous communities and surrounding non-indigenous societies and their changing attitudes. What is important, though is that somebody is trying to provide these alternatives, as freely chosen by the communities themselves. The chart below shows the main features of present SI projects:

1	2	3	4	5	6	7
1/74	Andoke Co-operative	Colombia	A	F	V	Ec
2/74	Yanomami Medical	Venezuela	A	F	C	H
3/74	Fundacion Amazonica	Colombia	A	F	C	Ed/H/Ec
4/74	Siberut Island	Indonesia	A	F	V	Ec
5/74	Pai-Tavylera	Paraguay	A	(F)	C	L
6/74	Akawaio Investigation	Guyana	R	F	V	L
9/74	Marandu	Paraguay	A	(F)	C	Ed/H/Ec/P
10/74	Shuar Federation	Ecuador	A	(F)	C	Ec
11/74	CRIC	Colombia	A	F	V	P/L
12/75	COIA	Colombia	A	H	V	P/L
13/75	Unidad Indigena	Colombia	A	F	V	P/Ed
15/75	Baliem Valley	Indonesia	A	H	V	Ec
16/75	Ache Investigation	Paraguay	R	F	V	*
17/75	Kalahari Development	Botswana	A	(F)	C	Ec
18/76	Asmat	Indonesia	A	F	V	H
20/76	Ngamil and Basarwa	Botswana	A	(F)	C	Ec
21/76	Napo Quicha	Peru	A	F	V	Ed
22/76	Arawak Dictionary	Guyana	A	F	C	Ed
23/77	Upper Maranon	Peru	A	H	V	Ec/H
24/77	Amuesha	Peru	A	F	V	P/Ec/L
25/78	Sachà Runa	Ecuador	A	C		
27/78	Queensland Land	Australia	A		V	L/P

Column

1. Number of Project (incl. year in which accepted).
2. Brief name of Project
3. Country of Project
4. Whether action (A) or research (R) orientated.
5. Whether funded through our intervention. F. funded without our intervention (F) or held (H) pending further developments.
6. Whether accepted following a visit to the area by a member of our Executive or someone closely allied with us (V) or on the strength of meetings and correspondence (C).
7. Which category does the Project generally fall into
 - Land (L)
 - Health (H)
 - Economy (Ec)
 - Education (Ed)
 - Political (P)
 * Denotes a Project which cannot be said to fall within any of these categories.

(d) Indigenous populations documentation research and information centre (DOCIP) 10/

173. According to its statutes, DOCIP "supports indigenous populations victims of cultural, economic and social oppression, those who want to preserve their identity and those who are fighting for their self-determination". For this purpose it "collects and catalogues the relevant documentation and puts it at the disposal of interested persons or organizations, it encourages research in this field as well as meetings and exchange of information between such populations; one of its main tasks is the information of the public opinion all over the world". The seat of DOCIP is Geneva, Switzerland.

174. Even though it is concerned mainly with indigenous populations of the Americas, it is also open to the problems of indigenous populations in other parts of the world meeting with similar situations as those of the Amerindians.

175. DOCIP gathers and classifies an ever-growing documentation based on the 1977 Conference. At the same time it sends out copies of documents on request, in particular to indigenous populations.

176. DOCIP is at the disposal of all persons concerned with the study of or action to combat discrimination against indigenous populations of the Americas and other parts of the world. As an information-exchange centre, it requests copies of all past and future publications and all other relevant documents.

177. On request, DOCIP sends, for a moderate price (cost of photocopies and postage), copies of documents on any specific subject on its files.

10/ Descriptive sheet on DOCIP (Geneva, 1978).

Annex I

INUIT CIRCUMPOLAR CONFERENCE: RESOLUTIONS

Resolution ICC 77-01

Whereas, the Inuit of Greenland, Alaska and Canada are one indivisible people with a common language, culture, environment and concerns; and

Whereas, the Inuit of the circumpolar region declares the oneness of its culture, environment and land and the wholeness of the homeland and that it is only the boundaries of certain nation States that separate us; and

Whereas, we have met in the first Inuit Circumpolar Conference held in Barrow, Alaska, from 13-18 June 1977, to discuss our communal aspirations and concerns; and

Whereas, we wish to reaffirm our right to self-determination; and

Whereas, there is a need for an international organization of Inuit to study, discuss, represent, lobby and protect our interests on the international level;

Now, therefore, be it resolved:

1. That the Inuit Circumpolar Conference is formed and that an interim Inuit Circumpolar Committee be appointed to be responsible for the development of the Charter, which Committee will be made up of four representatives of each of Alaska, Greenland and Canada for a total of 12.

2. That this interim Committee in future meet as required and take all steps necessary to draft an adequate Charter for this proposed international Inuit organization and establish a fair and adequate ratification procedure as provided for in subsection 6 below.

3. That this Charter be so drafted as to include, but not be limited to, the following areas of concern, namely:

- (a) the safeguard and protection of the resources of the Inuit homeland;
- (b) the preservation, retention and further development of Inuit language and culture in all their aspects;
- (c) the development and improvement of adequate and safe transportation and communication systems for the Inuit homeland;
- (d) the Inuit be adequately consulted and take part in any and all discussions affecting their homeland which may have potential significant impact;
- (e) the development of proper and adequate game management systems for our homeland;
- (f) the development of mutual exchange in areas of improving all aspects of living conditions;

- (g) the development of a meaningful Arctic policy;
- (h) the establishment of funding sources to permit the operation and future existence of this international Inuit body;

4. That the interim Committee will report regularly on progress in the above matters to all the responsible Inuit representatives and to the delegates of the Inuit Circumpolar Conference.

5. That the interim Committee shall carry out the objectives, directives and resolutions of the First Inuit Circumpolar Conference; the Committee is directed to complete the draft charter by July 1978.

6. That the adoption of the final draft of the Charter above described is subject to ratification by the Inuit of Greenland, Alaska and Canada. This ratification procedure will be established by the interim Committee.

Resolution 77-02

Resolution calling upon the Government of Denmark to recognize the aboriginal right of Greenlandic ownership of all surface and subsurface estate as a condition of Greenlandic home rule

Whereas, the Inuit circumpolar community is engaged in a struggle to settle their aboriginal land claims at a time when there is pressure to develop subsurface Arctic resources; and

Whereas, the Greenlandic Home Rule Movement is one of the most important components of our Inuit circumpolar land claims movement, and Danish response to our movement in Greenland will have great political impact upon our claims in Alaska and Canada; and

Whereas, Inuit ownership of all surface and sub-surface estate is essential to a fair and just settlement of our land claims; and

Whereas, the Greenlandic Home Rule Commission is meeting in Nuuk during the week of 20 June to determine Greenlandic aboriginal rights to sub-surface estate for inclusion in the final Greenlandic home rule charter in 1979;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference in Barrow, Alaska call upon the Government of Denmark to recognize the claims of the Greenlandic Inuit to all the surface and sub-surface estate of Greenland.

Resolution 77-03

Resolution calling upon the Government of Canada to include the Inuit in revising the Constitution of Canada

Whereas, this convention has been called in acknowledgment of the existence of areas of mutual concern to the Inuit and to work together in all ways possible to support each other in their respective efforts to resolve these concerns; and

Whereas, the Inuit of Alaska and Greenland have expressed their support for demands by the Canadian Inuit for the recognition of their Homeland and their right to self-determination on those lands; and

Whereas, the Inuit of Canada have undertaken to negotiate these claims; and

Whereas, some of these claims have been in part negotiated on the premise that a land claims settlement is only a limited solution to the long-term reconciliation of Inuit cultural, economic, social and political aspirations within the framework of Canada; and

Whereas, the Inuit of Canada have an important role to play in various constitutional developments in Canada and, specifically, in possible changes or rearrangements to the Canadian Constitution; and

Whereas, the Canadian Government has, by law, a special responsibility for and to the Inuit of Canada;

Now, therefore, be it resolved that the Inuit Circumpolar Conference support the Inuit of Canada in seeking and ensuring their rightful role in any present or future discussions on or revisions to the Constitution of Canada.

Resolution 77-04

Resolution concerning the Inuit language, culture, education
and history

Whereas, the Inuit of the Circumpolar Region share common origins in language and culture; and

Whereas, the barriers of distance and national boundaries have prevented closer contact and communication among the Inuit of Alaska, Greenland and Canada; and

Whereas, the Inuit desire to strengthen their mutual identity through the use of the Inuit language, cultural exchange, the sharing of historical experiences and the adoption of educational philosophy to promote Inuit academic excellence;

Now, therefore, be it resolved that the Inuit Interim Committee seriously considers the creation of an Inuit Munaanni Llinniartulirijit (International Committee for Inuit Education, Culture and Language) as a part of the permanent Inuit organization, and that this Committee be responsible for the following areas of concern:

1. to develop and implement the Inuit philosophy of education into the educational system;
2. to explore the possibility for an Inuit University;
3. to establish Inuit student and teacher exchanges;
4. to establish exchanges of educational and cultural and media materials;
5. to explore the possibility of an Inuit common writing system;
6. to develop mutual exchange of artists and cultural workers;
7. to establish Inuit cultural history;

8. to create contact among religious groups in the Inuit homeland;
9. to establish Inuit Olympics.

Be it further resolved that the Inuit language be the official language in future meetings of this Conference.

Resolution 77-05

A resolution concerning support for the Committee for Original Peoples' Entitlement (COPE)

Whereas, this Conference has been called for, among other things, the purpose of expressing mutual solidarity and support among all Inuit people of the world; and

Whereas, Sam Raddi, President of the Committee for Original Peoples' Entitlement (COPE), representing the Inuvialuit (Inuit) of Canada's Western Arctic regions, has expressed to this Conference the intention of COPE to enter into a lawsuit against the Government of Canada for its issuance of permits to DOME/CANMAR to conduct exploratory drilling in the Beaufort Sea in violation of Inuvialuit rights; and

Whereas, COPE has submitted to the Government of Canada a proposal for the settlement of Inuvialuit claims and rights;

Now, therefore, be it resolved that all Inuit support COPE's efforts to achieve a fair and expeditious settlement of Inuvialuit claims and, further, that all Inuit support COPE's efforts to protect Inuvialuit rights prior to achievement of a just settlement of those rights.

Resolution 77-06

A resolution concerning environmental policy

Whereas, the regions of the Inuit homeland are made up of numerous fragile ecosystems and environments; and

Whereas, the nations within the circumpolar region presently lack adequate environmental policies and legislation to protect these regions; and

Whereas, the Inuit have not been permitted full participation in the various decision-making processes, both in the private and public sectors, affecting these regions;

Therefore, be it resolved that each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and that the Inuit community has a right to participate in this rule-making;

Be it further resolved that the rules for Arctic resource development will specifically provide for an Inuit-controlled technology assessment programme; and

Be it further resolved that the rules of Arctic resource development will specifically provide for the determination of safe technology; an Arctic population policy; locally controlled wildlife management and Arctic military-use policy; conservation of traditional use values; access to government information concerning the Inuit homeland; the development of an international Arctic coastal zone management programme and a co-operative environmental impact assessment protocol detailing participation of the Inuit.

Resolution 77-07

A resolution concerning support for the Inuit of Labrador

Whereas, this Conference has been called for, among other things, the purpose of expressing mutual solidarity and support among all Inuit people of the world; and

Whereas, the Inuit of Alaska have expressed their aboriginal claims and rights, and had those claims and rights proclaimed and settled by the Congress of the United States; and

Whereas, the Inuit of Quebec, following the precedent set in Alaska, have also achieved a settlement of their rights and claims to Quebec in negotiated agreement with the Government of Canada and Quebec; and

Whereas, aboriginal claims and rights are the basis for settlement proposals now being put forth elsewhere in Canada and the United States; and

Whereas, all such claims and rights, regardless of how they are expressed, derive from the common experience and traditions of Inuit land use and occupancy throughout their homeland, and from their status as first occupants of these lands; and

Whereas, the Labrador Inuit Association submitted a Statement of Claim to the Governments of Canada and Newfoundland in March 1977, and indicated its desire to reach a settlement of the Inuit claims in Labrador with the Governments of Canada and Newfoundland;

Now, therefore, be it resolved that this Inuit Circumpolar Conference call upon the Governments of Canada, Newfoundland and Quebec to acknowledge their responsibility to uphold the aboriginal rights of the Labrador Inuit and to indicate their willingness to enter into negotiations with the Labrador Inuit for a just settlement of their claims.

Resolution 77-08

A resolution concerning the health of the Inuit

Whereas, the Inuit of the Arctic have many similar health problems; and

Whereas, the Inuit have a right to determine and participate in their own health care; and

Whereas, the Inuit have a right to make decisions concerning sterilization and family size; and

Whereas, we recognize the importance of rural village health;

Now, therefore, be it resolved that:

1. the Inuit have participation and voice in health planning and care;
2. that a centre of information on health care be established to inform each other how Inuit health problems are solved; and
3. that the best possible medical care be made available to all Inuit.

Resolution 77-09

A resolution concerning access to Government information
regarding the Arctic and subarctic regions

Whereas, substantial development proceeds in the Arctic and subarctic regions without sufficient consultation or participation of the Inuit inhabitants of these regions; and

Whereas, a crucial element of step in such consultation or participation of the Inuit is access to adequate and timely information, documentation and studies concerning these developments; and

Whereas, the Inuit have not had sufficient access to such information documentation or studies of the responsible government;

Now, therefore, be it resolved that the Inuit, through the Inuit Circumpolar Conference, take all necessary steps to ensure, if necessary through legislation in the respective states and provinces involved, that the Inuit of Greenland, Alaska and Canada have access to all relevant government information concerning the Arctic and subarctic regions - their homeland.

Resolution 77-10

Village technology

Whereas, housing in many parts of the Inuit world is deplorable; and

Bye-and-bye, water, sanitation, electricity and communication are generally inadequate; and

Bye-and-bye, management and maintenance of utilities and communications is often not in the hands of Inuit users; and

Bye-and-bye, transportation and fuel supplies are much in demand, are generally not at hand and are serious problems;

Now, therefore, be it resolved that:

1. monies for housing be distributed to the Inuit themselves for housing design, materials and labour;
2. control and planning of utilities and communications be given to Inuit users;

3. Inuit have control of monies for the management and maintenance of utilities to determine priorities in their villages;

4. all necessary resources be made available to Inuit to solve high fuel cost and transportation problems; and

5. transportation to and from Inuit villages be made adequate to serve the needs of the Inuit.

Resolution 77-11

Peaceful and safe uses of the Arctic circumpolar zone

Recognizing that it is in the interest of all circumpolar people that the Arctic shall continue forever to be used exclusively for peaceful and environmentally safe purposes and shall not become the scene or object of human conflict or discord; and

Acknowledging the emphatic contributions to scientific knowledge resulting from a co-operative spirit in scientific investigations of the Arctic;

Now, therefore, be it resolved:

(a) that the Arctic shall be used for peaceful and environmentally safe purposes only, and that there shall be prohibited any measure of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, and the testing of any type of weapon, and/or the disposition of any type of chemical, biological or nuclear waste, and/or other waste. Further, present wastes be removed from the Arctic;

(b) that a moratorium be called on implacement of nuclear weapons;

(c) that all steps be taken to promote the objectives in the above mentioned.

Resolution 77-12

A resolution calling upon the Governments of the United States, Canada and Denmark to negotiate a special Arctic mutual exchange programme

Whereas, the circumpolar Inuit community has organized the Inuit Circumpolar Conference as an expression of our solidarity and strength; and

Whereas, this community strength will be enhanced by a systematic programme of mutual exchange at all levels of our circumpolar Inuit community; and

Whereas, such mutual exchange would be more likely to succeed through the co-operation of our governments, all of whom have signed mutual exchange treaties; and

Whereas, the organization of the Inuit Circumpolar Conference enables the organization of a comprehensive plan for Arctic mutual exchange to support circumpolar Inuit community organization;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference in Barrow call upon the Governments of Canada, the United States and Denmark to co-operate with the Inuit Circumpolar Conference to establish mutual exchange programmes in such fields as education, communications, language, game management, municipal administration, health care, the arts and economic trade.

Resolution 77-13

A resolution calling upon Canada, the United States and Denmark to provide for free and unrestricted movement for all Inuit across their Arctic homeland.

Whereas, a treaty negotiated between the United States and England provides intercourse and commerce across the United States/Canadian border; and

Whereas, we Inuit are the indigenous people of the Arctic and have freely visited and traded back and forth across our homeland for thousands of years, thus establishing our aboriginal rights to free and unrestricted travel and trading all across the Arctic; and

Whereas, the Jay Treaty between the United States and England clearly recognizes and protects our rights to unrestricted intercourse and trade across the United States/Canadian border; and

Whereas, these guarantees have never been negotiated with Denmark, and have not been properly established by Canada, resulting in the fact that our circumpolar Inuit community does not enjoy the right of free travel and trade across the Canadian/Greenlandic border; and

Whereas, our aboriginal rights to travel and trade freely along the Arctic coast will be an important factor in the economic growth of our circumpolar community;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon the Governments of Canada, the United States and Denmark to negotiate an agreement that will protect for all Inuit the right to unrestricted trade and travel as envisaged between Canada and the United States by the Jay Treaty.

Resolution 77-14

A resolution calling upon the United States Government to expedite the conveyance of land to the Alaska Native Regional and Village Corporations

Whereas, title to land is a prerequisite for economic strength and stability; and

Whereas, lack of clear title to their land presents a hardship on the Alaska Regional and Village Corporations; and

Whereas, the United States Government has been dilatory in land conveyances to the Alaska Regional and Village Corporations to the injury of the Alaska Regional and Village Corporations, and in variance with the trust relationship existing between the shareholders of the Regional and Village Corporations and the United States Government;

Now, therefore, be it resolved that the Inuit Circumpolar Conference call upon the United States Government to expedite the conveyance of all appropriate land title to the Alaska Native Regional and Village Corporations.

Resolution 77-15

A resolution calling upon the International Whaling Commission to defend Inuit rights to hunt the whale

Whereas, the Inuit have hunted the whale for thousands of years, and the relationship between the Inuit and the whale has become a necessary part of the Arctic ecological system; and

Whereas, there are those who do not understand the relationship between the Inuit and the whale, and are working to stop Inuit whaling as a means of preserving whale species being destroyed by commercial whaling; and

Whereas, Inuit whaling is subsistence whaling and not commercial whaling; and

Whereas, whaling is a necessary part of Inuit cultural identity and social organization, and is in no way similar to commercial whaling;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon the United States and Canadian delegates to attend the forthcoming meeting of the International Whaling Commission in Australia to defend the Inuits' aboriginal right to hunt the whale in the Arctic.

Resolution 77-16

A resolution urging the wise and full use of subsistence resources

Whereas, subsistence hunting is the foundation of Inuit survival in the Arctic and constitutes an important aboriginal right of the Inuit; and

Whereas, game stocks upon which the Inuit depend for their physical and cultural survival are limited, and are under heavy pressure wherever Arctic natural resources are being developed; and

Whereas, these pressures will result in attempts to limit or eliminate subsistence hunting in the Arctic unless special care is taken; and

Whereas, it is traditional behaviour for game biologists and others to justify hunting limitations by pointing to wasteful hunting practices through modern hunting equipment and transportation; and

Whereas, stories of waste of game and other poor hunting practices make the political defense of subsistence more difficult by reducing public confidence in the ability of the Inuit to manage fish and game;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon all Inuit to behave as hunters and in no way that will create scandal and endanger our subsistence hunting rights, and to conserve our game as we would conserve our homeland, and protect the future generations of our people.

Resolution 77-17

A resolution calling upon the Governments of the United States and Canada to bring their Migratory Birds Treaty into line with the United States/USSR Migratory Birds Treaty with respect to subsistence hunting

Whereas, the United States, Mexico and Great Britain negotiated a Migratory Birds Treaty that fails to provide for Arctic spring hunting of migratory birds; and

Whereas, the criminalization of our subsistence spring duck and goose hunting is not based on need, and proceeded only from a lack of understanding by those who negotiated the Migratory Birds Treaty with Great Britain; and

Whereas, a similar treaty has been negotiated between the United States and the Union of Soviet Socialist Republics (USSR) which protects our subsistence hunting rights in Alaska and Siberia;

Now, therefore, be it resolved that the Governments of the United States and Canada are called upon to revise their Migratory Birds Treaty to decriminalize spring hunting in Alaska and Canada for all native people.

Annex II

DECLARATION OF BARBADOS II

Fellow Indians:

We Indians in the Americas are subjected to two-fold domination: physical domination and cultural domination.

Physical domination is reflected first and foremost in the plundering of our land. This plundering began with the European invasion and has continued right up to the present time. With our land they also seized our natural resources: forests, water, minerals, oil. What land has been left to us has been further divided, national and international frontiers have been drawn, our peoples have been isolated and split up, and attempts have been made to sow conflict among us.

Physical domination means economic domination. We are exploited when we work for non-Indians, who pay us less than our labour is worth. They also exploit us commercially, because they buy up our goods cheaply (crops, handicraft products) and sell to us at high prices.

This domination is not only local or national but international as well. The big transnational corporations are seeking our land, our resources, our labour, our products, and are supported in their efforts by powerful and privileged groups in non-Indian society.

Physical domination relies on force and violence and uses them against us.

Cultural domination can be said to exist when the Indians are instilled with the idea that western culture or the culture of the overlords is the only one and represents the highest level of development, whereas their own is not a culture at all, but the lowest level of backwardness, which they must overcome; the consequence of this is that, through education, the individuals forming our nation are isolated.

Cultural domination does not permit us our own forms of cultural expression, or else it misinterprets and distorts them.

Cultural domination is achieved through:

the Indian policies, which include processes of integration or acculturation through various national or international institutions, religious missions, etc.;

the system of formal education, which basically teaches us white superiority and our own alleged inferiority, thus preparing the way for easier exploitation;

the mass media, which are used to spread the most serious misconceptions about the resistance offered by the Indian peoples to their cultural domination.

As a result of this domination, our people are divided because they live in three distinct situations:

- (1) Groups which have remained relatively isolated and have preserved their own cultural patterns;

- (2) Groups which have preserved a large part of their own culture but are directly dominated by the capitalist system.
- (3) The section of the population which has been de-Indianized by integrationist forces and has forfeited its own cultural patterns in return for limited economic advantages.

For the first group, the immediate problem is survival as a group; it is essential, however, that they should be guaranteed their lands.

The second group is dominated physically and economically; their first need is to regain control over their own resources.

The immediate problem for the third group is to free themselves from cultural domination and recover their own identity and culture.

In conclusion, the problems of our people can be summarized as follows:

- (1) A situation of cultural and physical domination, ranging from subjection to a white or Creole minority to a danger of extinction in countries where they account for only a small percentage of the population;
- (2) The American Indian peoples are divided among themselves as a result of integration, education and development policies, western religious systems, economic classes and national frontiers.

Given the present situation of our people, and in order to blaze the trail for its liberation struggle, the following major objective is established:

to achieve the unity of the Indian people, in the belief that the basic factor in achieving that unity is our historical and territorial position in relation to the social structures and systems of government of national States, while participating fully or partly in those structures; and through that unity, to resume the process of our history and endeavour to put an end to the period of colonialism.

In order to reach this objective, the following strategies are proposed:

- (A) A genuine political organization of our own must be formed in connexion with the liberation movement;
- (B) we must develop a clear, consistent ideology understood by the entire population;
- (C) we must find an approach which can be used to mobilize a large section of the population;
- (D) we must establish a unifying element throughout the liberation movement from start to finish;
- (E) we must preserve and reinforce forms of internal communication, the language of each group, at the same time creating a means of communication between peoples in different languages and preserving basic cultural patterns, especially in the education of each group;
- (F) we must consider and outline forms of support at the international level.

The means that may be used to implement the above-mentioned strategies include the following:

- (A) The political organization may be based on traditional as well as on newer, more modern organizations;
- (B) the ideology must be based on historical analysis;
- (C) the initial approach may be a study of history in order to place and explain the situation of domination;
- (D) the unifying element must be our own culture, basically to create an awareness of belonging to the American Indian ethnic group and people.

BARBADOS, 28 July 1977

Annex IIISECOND GENERAL ASSEMBLY OF THE WORLD COUNCIL OF INDIGENOUS PEOPLES:
DECLARATIONS AND RESOLUTIONSDECLARATION ON HUMAN RIGHTS

The indigenous delegates present at the Second General Assembly of the World Council of Indigenous Peoples, assembling at Kiruna, Samiland, Sweden, have studied the Universal Declaration of the United Nations on Human Rights and other international agreements, and, having analysed our present situation as aboriginals, we submit to the opinion of the world the following

DECLARATION:

We have surveyed those areas which were invaded by the Europeans. To make their intrusion they used various means: direct or indirect violence, fraud and manipulation. These were the methods they used to occupy the land of the indigenous populations and acquire titles to such property which was rightfully owned by the aboriginals. These infamous conditions still prevail as of today, without any consideration to the fundamental declarations of the United Nations on Human Rights.

The most important ones are the Declaration of the General Assembly of 1948 and the United Nations Convention on the Abolishment of all forms of Racial Discrimination.

Here is not the question of ordinary political persecution, but of the white man's use of medieval methods to encroach upon and exterminate the indigenous peoples and take over their lands. This is possible thanks to the complicity between the land owners, the multi-national companies and the governments.

Through our own members and individuals as well as international organizations, the World Council of Indigenous Peoples has received documented reports, at the First as well as at the Second General Assembly, of daily violations against indigenous groups and individuals. These are violations aimed at the most elementary needs which are denied and the human rights such as we understand them and as they have been explained by the official agencies of the United Nations.

This applies in particular to the greater part of South America, where the conditions have been described as especially severe. Outright massacres have taken place, in the style of those enacted by the conquerors and usurpers in the 15th and 16th centuries. People have been imprisoned without legal cause, they have been tortured and murdered. In this way almost all the articles in the Convention of 1948 have been violated.

Even participation in the World Council of Indigenous Peoples has constituted grounds for imprisonment, torture, loss of civil rights, and expulsion.

No less serious is the inclination of certain States to deny the indigenous population, in groups or as individuals, the right to land and water. These are the fundamental resources for human life and prerequisites to an indigenous development of their own institutions, culture and language. All this also constitutes principles which have been manifested in international conventions:

1. International Convention on Economic, Social and Cultural Rights
2. The International Labour Organisation's Convention No. 107
3. International Convention on Civil and Political Rights.

Fundamental Principle

The World Council of Indigenous Peoples upholds, as a fundamental principle, that the Indigenous Peoples are the rightful owners of the land, whether they hold formal title deeds, issued by the colonists and usurpers, or not. It is, anyway, up to the colonists, usurpers and intruders to submit evidence to their title, and this should be required on the part of the aboriginals. This principle should be considered as a fundamental element of legal justice.

- I. All those Conventions and Declarations on Human Rights which have been approved in the United Nations or in other international bodies by the representatives of the national Governments are not adhered to, because the United Nations has no mandatory power nor are the Member States particularly keen on realising them in practice. These Conventions, furthermore, do not take account of the true situation and rights of the Indigenous Peoples.
- II. We, therefore, wish to make clear those irrevocable and inborn rights which are due to us in our capacity as Aboriginals:
 1. Right to self-determination;
 2. Right to maintain our culture, language and traditions in freedom;
 3. Right to have the World Council of Indigenous Peoples as a United Nations member, representing our people;
 4. Right to recover the land which rightfully and according to millenary tradition belongs to us, but which has been robbed from us by the foreign intruders;
 5. Right to occupy land collectively with sole rights as something irrevocable and non-transferable;
 6. Right to organize ourselves and administer our land and natural resources;
 7. Right to demand from the governments of the countries sufficient land to improve the conditions of the indigenous communities and promote their development under their own tutorship;
 8. Right to make use of the natural resources existent in the areas of the Indigenous Peoples, such as forests, rivers, ore deposits and the riches of the sea, and a right for the Indigenous Peoples to take part in the project and construction work and the use of it.
 9. Right to demand the States that such laws are passed that will be of benefit to the Indigenous Peoples, particularly for the protection of their right to land ownership, recognizing representative aboriginal organizations and their full involvement in the process of making laws;
 10. Right to secure requisite funds for the Indigenous Peoples from the individual countries to be used for agrarian and natural resources development;

11. Right to acquire a share in the funds accruing from the Member States to the United Nations, either through a project or directly, and right to exchange technical and scientific information between the indigenous populations of different countries;
12. Right to subsidies from governmental or international economic institutions through the granting of long-term credit at low interest;
13. Right to respect our indigenous culture in all its modes of expression, for the protection of which appropriate by-laws should be passed;
14. Right to an appropriate education in accordance with our culture and our traditions, without any foreign elements and within the framework of an educational system which recognizes the values of our culture and acknowledges an official status to our language at all educational levels.

The Second General Assembly of the World Council of Indigenous Peoples addresses itself to all the peoples of the world, to individuals and to nations, to the United Nations and all its agencies, and to other international organizations, with an urgent appeal that all the violent actions and measures against indigenous peoples, as related above, be immediately brought to an end.

The World Council of Indigenous Peoples requests all its members to exert strong pressure wherever possible on the agencies in their respective countries, to make those agencies co-operate with international organizations to ensure that the inhuman conditions of Aborigines is abolished.

The World Council of Indigenous Peoples urges the United Nations to establish a special fund for the support of groups or individual Aborigines, so that they may be able to bring their cases to national or international courts and that they may be able to develop their areas, economy and culture.

The World Council of Indigenous Peoples should also work for the establishment of an international university for Indigenous Peoples having its seat in, for instance, the capital of Colasuyo (Bolivia).

WCIP
24-27 August 1977
Kiruna, Samiland, Sweden.

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RESOLUTIONS - A (Appendices)

A.1 THAT the World Council of Indigenous Peoples should distance itself from all ideological or religious tendencies or movements which are alien to the philosophy of the Indigenous Peoples.

(Moved by Canada, seconded by Greenland.)

A.2 THAT an official condemning statement is made against several international pseudo-religious and pseudo-scientific organizations, such as "Instituto Lingüístico de Verano" (The Summer Institute of Language Studies), which under the pretext of aid activities blur the character of the peoples and annul our culture only to force upon us foreign patterns of culture which will serve other interests.

(Moved by Canada, seconded by Nicaragua.)

Further be it resolved that the World Council of Indigenous Peoples give full support to the following Resolutions (appendices):

1. Resolution B.-

B.1 ILO Convention No. 107 and Recommendation No. 104

B.2 WCIP Status and Influence in the International Community

B.3 WCIP - representation at the United Nations.

2. Argentina

3. Australia

4. Bolivia

5. Canada

6. Chile

7. Dominique

8. Nicaragua

9. Peru

10. IUCEP Recommendation No. 5 / 1975

11. United Nations Declaration on Human Environment

12. Inuit Whaling Rights

1. RESOLUTIONS - D

The Second Annual Assembly of the World Council of Indigenous Peoples having been convened at Kiruna, Samiland, Sweden, on 24-27 August 1977, and

Having discussed common concerns of Indigenous Peoples and

Having studied certain United Nations non-government organizations' agreements pertinent to protection of Indigenous Peoples' right to life, liberty and land, and

Having studied international and national organizations' agreements on the protection of Indigenous Peoples' right to their land, and

Having decided upon this adoption of certain resolutions with regard to basic human rights of Indigenous Peoples, the Conference recommends the following resolutions:

- B.1 The WCIP totally rejects the International Labour Organisation's Convention No. 107 and Recommendation No. 104, noting that said agreements did not involve Indigenous Peoples and in fact would continue oppression of Indigenous Peoples wherever concerned.
- B.2 The WCIP be totally involved at all levels when international instruments are to be drafted, agreements to be made or studies to be conducted.
- B.3 The WCIP get representation at the United Nations and that any representatives be appointed by the Indigenous Peoples themselves without any governmental or official interference (directly or indirectly).

2. ARGENTINA

The World Council of Indigenous Peoples declares that Indigenous Peoples are such population groups as we are, who from ago-old time have inhabited the lands where we live, who are aware of having a character of our own, with social traditions and means of expression that are linked to the country inherited from our ancestors, with a language of our own, and having certain essential and unique characteristics which confer upon us the strong conviction of belonging to a people, who have an identity in ourselves and should be thus regarded by others.

3. AUSTRALIA

A. N.Q. Land Council

1. Recognition of the North Queensland Land Council in terms of the Woodward report and funding by the Federal Government to the level that land councils in the territory have been.
2. The Federal Government should appoint a Commission of enquiry into how aboriginal land rights could be granted in Queensland. This Commission set up under Mr. Justice Woodward in the Northern Territory.
3. The Federal Government should appoint an interim Land Commissioner to hear claims for aboriginal land. This Commissioner should have powers similar to those that Mr. Justice Woodward originally had in the Northern Territory.
4. Federal Government assistance for the setting up of land councils in Southern and Central Queensland.

5. Non-recognition of the Aboriginal and Islander Commission set up in Queensland by Djelki-Petersen and the take-over of Aboriginal and Island Affairs in Queensland by the Federal Government in accordance with the 1967 Referendum. (The Aboriginal and Islander Commission as set up in June 1977 is not a true independent Commission but a form of advisory council without statutory body status. The Commissioners were appointed and will use staff of the D.I.A. - Department of Aboriginal and Island Affairs. They will be responsible to the Minister and not to the Parliament.) This body is a ploy by the State Government to use up powers which should be in the hands of land councils and land trusts in Queensland.

B. Land rights

1. Immediate ownership of tribal land by respective tribal groups.
2. That all aboriginal reserves be handed over to the respective aboriginal groups, and that the land be effectively controlled and owned by the Aborigines in that area under their law and customs.
3. That aboriginal lands include total right to all natural resources, and that present mining and prospecting be suspended until negotiations are held with Aborigines.
4. That land ownership and control be legally protected and regarded as inviolable.
5. That Aboriginal people be compensated for the loss of all aboriginal designated reserves, tribal lands and other lands revoked by the Commonwealth and State Governments.
6. That before compensation is decided negotiations be held to acquire those lands plus any other lands deemed necessary by the respective aboriginal groups and tribal groups for their survival and benefits.
7. That any "Crown land" which is of traditional or sacred significance to Aborigines be ceded to them in perpetuity.
8. That all sites of an anthropological or traditional significance to Aborigines other than those on reserves or Crown land be opened to the use of Aborigines without fees or constraints.
9. Substantial money should be allocated to the Aborigines Land Fund Commission to enable land to be purchased for aboriginal communities.
10. Legislation should be enacted for all States of Australia granting land rights. Legislation should be such that the rights of land councils should be protected from encroachment by State Governments and the powers of the Northern Territory Legislative Assembly should be reduced accordingly.

C. The Queensland Aborigines and Torres Strait Islanders Act 1971

1. The Queensland Aborigines and Torres Strait Islanders Acts and their regulations and by-laws should be abolished immediately.
2. The State Department of Aboriginal and Island Advancement, Queensland should be abolished and absorbed into the Federal Department of Aboriginal Affairs. Senior officials such as Mr. P. Killoran, who have been responsible for initiating State Government policy, should be retired or placed in another Department.
3. Aboriginal and Island Affairs in Queensland should be the responsibility of the Federal Government under powers given by the Australian people in the referendum of 1967. Queensland is the only State not to hand over this responsibility.
4. Aboriginal and Island Reserves in Queensland should be self-governed by their respective councils. The councils should be able to hire and fire whatever white expertise they may want. The Federal Government should make finance available to train Aborigines and Islanders to progressively take over responsible positions on reserves.
5. Provisions of the Aborigines and Torres Strait Islanders (Queensland Discriminatory Laws) Act and the Racial Discrimination Act should be enforced.

D. National Aboriginal Congress

1. The National Aboriginal Congress should be made a statutory body immediately the ALP gains office. Its policy making power should be recognized.

E. Self-determination

1. Self-determination in all aspects of life, education, employment, health, housing and culture.
2. Aboriginal control of federal funds for aboriginal affairs.
3. A substantial increase in funding for housing, medical and legal services, education and training programmes, cultural and sporting activities.

4. BOLIVIA

The World Council of Indigenous Peoples at the Second General Assembly decides that it submit to the United Nations, and through the good offices of this organization, to the Governments of countries, having an indigenous majority, a demand that the indigenous populations, with or without ownership title, should be accorded an absolute right to the lands in order to establish, thus, legally organized communities.

5. CANADA

Whereas, "land claims" and "aboriginal rights" are the common threads which bind the Indigenous Peoples movements of the world, and

Whereas, any settlement must preserve these rights, which are ours because of our ancestry, our occupancy and use of the land, these constituting our "Aboriginal Rights", therefore

Be it resolved, that five main principles must guide our actions, those principles being:

1. that the United Nations recognize that Indigenous Peoples are a distinct nation within a political State and not be referred to as "tribes" in the colonialist interpretation of the word, meaning primitive;
2. that under no circumstances should we or can we extinguish our aboriginal title to the land;
3. that the right to define what is an indigenous person be reserved for the indigenous people themselves. Under no circumstances should we let artificial definitions such as the Indian Act in Canada, the Queensland Aboriginal Act 1971 in Australia, etc. tell us who we are;
4. that under no circumstances should indigenous people be subjected to policies of integration and assimilation into the dominant group, but be guaranteed the fundamental right to pursue our own cultural, linguistic, social, political, religious and economic modes of expression;
5. that since all States are multi-ethnic in composition, we pursue a policy that is genuinely multicultural in nature to ensure that no one culture dominates the others or becomes the official culture of that State.

6. CHILE

The World Council of Indigenous Peoples wants to express, by way of this official declaration, its full solidarity with the Mapuche people in Chile. On account of the violations to and the lack of respect for their basic rights, we join with the Mapuche people in their struggle to regain those democratic freedoms which today are so widely encroached upon. It is our sincere hope that this appeal from the World Council of Indigenous Peoples shall reach the Chilean Government.

7. DOMINICA

1. The Carib Reserve Lands to be vested in the Carib Reserve Government Council.
2. The Carib chief to be the representative in the House of Parliament.
3. The Carib Reserve Land must be originated from the 1764 arrangement made by Queen Charlotte (Aboriginal Title).
4. The Carib Reserve to be a constituency by itself.

8. NICARAGUA

1. That the Government of Nicaragua should acknowledge the status of APRMISU as a corporate body, enabling the Aborigines to work for the development of the Miskitos and Sumus peoples without being discriminated.
2. That IIFCEAC - the Institute of Industrial Forestry of Nicaragua - should respect the lands of the aborigine communities, and

that trees within the area of these communities will be used in the best interest of the aborigine population.

3. That the Miskitos and Sumus peoples should have the hunting and fishing rights within their reservation, enabling them to preserve their culture.

4. That each community which has no title to any land be given a land area with title right for its generation.

9. PERU

1. Respect of the territorial integrity, due to the different nationalities in the jungle and mountain range of Peru.

2. Respect of the political, economic and cultural rights of these nationalities.

3. That the leaders of said communities be guaranteed possibilities to pursue their political and cultural activities.

4. To issue guarantees for those commissions that investigate the crimes committed by certain Civil Service officers against the physical and cultural integrity of the indigenous populations of the jungle and mountain areas.

5. To expel the various religious "missions", such as Institute Linguistico de Verano (The Summer Institute of Language Studies), which has systematically been committing cultural genocide on the indigenous populations of the jungle, in order to complete the overriding task of imperialism to suppress our peoples.

6. That the members of the indigenous populations of the jungle be exempted from the mandatory military service.

7. That laws are passed through which the indigenous populations of the jungle and mountain areas are granted political, economic and religious autonomy.

8. Restoration of civil and syndicalistic rights throughout the country.

9. Share in the revenues emanating from the concessions on the natural resources, such as oil, timber, ore deposits etc.

10. Immediate release of peasants, workers, students and intellectuals who have been imprisoned for their political activity under the pretence of having committed common crimes.

For the successful development of the indigenous populations;
for the unity of agricultural labourers,
for the liberation of the oppressed peoples.

12. INUIT WHALING RIGHTS

WHEREAS the International Whaling Commission has attempted to enforce a subsistence whaling moratorium;

AND WHEREAS this moratorium, if enforced, would violate Inuit whaling rights in the Arctic;

AND WHEREAS the first Inuit Circumpolar Conference held in Barrow, Alaska, 15-17 June 1977 passed the resolution # 77 - 15 calling upon the International Whaling Commission to defend Inuit whaling rights to hunt whales;

AND WHEREAS the Inuit Circumpolar Conference as a member of the World Council of Indigenous Peoples requests the support of the delegates of this assembly in their struggle to retain their aboriginal whaling rights in the Arctic;

NOW THEREFORE BE IT RESOLVED THAT the World Council of Indigenous Peoples call upon the International Whaling Commission to protect and defend Inuit subsistence whaling rights;

AND THEREFORE BE IT FURTHER RESOLVED THAT the World Council of Indigenous Peoples call upon the United States Government to object to the bowhead subsistence whaling moratorium on the grounds that such a moratorium has no scientific justification and would violate an aboriginal subsistence hunting right of the Inuit;

AND BE IT FURTHER RESOLVED THAT the United States Government is called upon to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic.

RESOLUTIONS - C

- C.1 THAT the World Council of Indigenous Peoples seek funds for a minimum time of operation of five years to include administrative costs, cost of meetings and Executive Council fund-raising purposes, and any programmes and projects the WCIP wishes to undertake.
- C.2 THAT the World Council of Indigenous Peoples leave the door open to all States and organizations for the purposes of obtaining funds.
- C.3 THAT the World Council of Indigenous Peoples requests the United Nations to develop a special budget for establishing a general headquarters and other headquarters for WCIP members.
- C.4 THAT the World Council of Indigenous Peoples continue to be headquartered in Canada, and initially in Lethbridge, Alberta; and that headquarters be moved to Ottawa, Canada, at the direction of the Executive Council of the WCIP to be located there at least until the end of the five-year funding period; and that any further move be a permanent location on indigenous land.
- C.5.1 THAT the Executive and Administrative (Secretariat) functions of the WCIP be clearly defined and reflected in the Charter; and that the Executive Council of the WCIP is the policy-making body and the Secretariat, including the office of the Chief Administrative Officer, is the administrative body which carries out the policies of the Executive Council, and that the political and administrative functions of the Executive Council and Secretariat be clearly defined.
- C.5.2 THAT the Secretariat shall assume all functions as directed by the Executive Council and shall call special General Assemblies upon receiving a petition from five (5) members.

- C.6 To set up a permanent committee for the purposes of representing and defending indigenous prisoners and refugees on an individual or family basis. The members of the committee could be any member of the WCIP.
This special committee carry out the necessary study to see in what way exiles or refugees may be represented in the WCIP and that their conclusions be submitted to the Executive Council of the WCIP.
- C.7 THAT the World Council of Indigenous Peoples participate in the Non-Governmental Organization conference in Geneva in September and that the WCIP appoint at least one official representative to participate and speak on behalf of the WCIP and to clarify the role and objectives of the WCIP in the international community, and that those members of regional councils who have been invited to participate, participate as members of the World Council of Indigenous Peoples to show solidarity.

Annex IV

INTERNATIONAL NGO CONFERENCE ON DISCRIMINATION AGAINST INDIGENOUS
POPULATIONS - 1977 - IN THE AMERICAS: PROPOSALS MADE BY THE
INDIGENOUS PARTICIPANTS

A. Draft Declaration of Principles for the Defence of the
Indigenous Nations and Peoples of the Western Hemisphere

PREAMBLE

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Noting that the Universal Declaration of Human Rights and related international covenants have the individual as their primary concern, and

Recognizing that individuals are the foundation of cultures, societies, and nations, and

Whereas, it is a fundamental right of any individual to practise and perpetuate the cultures, societies and nations into which they are born, and

Recognizing that conditions are imposed upon peoples that suppress, deny, or destroy the cultures, societies, or nations in which they believe or of which they are members,

Be it affirmed, that,

1. RECOGNITION OF INDIGENOUS NATIONS

Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely:

- (a) Having a permanent population
- (b) Having a defined territory
- (c) Having a government
- (d) Having the ability to enter into relations with other States.

2. SUBJECTS OF INTERNATIONAL LAW

Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity.

3. GUARANTEE OF RIGHTS

No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reason that the nation or group has not entered into recorded treaties or agreements with any State.

4. ACCORDANCE OF INDEPENDENCE

Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law.

5. TREATIES AND AGREEMENTS

Treaties and other agreements entered into by indigenous nations or groups with other States, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other States.

6. AROGATION OF TREATIES AND OTHER RIGHTS

Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal law of any State serve as a defence to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any State refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the State asserting that such change has occurred.

7. JURISDICTION

No State shall assert or claim or exercise any right of jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely made with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any State which derogate from the indigenous nations' or groups' right to exercise self-determination shall be the proper concern of existing international bodies.

8. CLAIMS TO TERRITORY

No State shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cession freely made.

9. SETTLEMENT OF DISPUTES

All States in the Western Hemisphere shall establish through negotiation or other appropriate means a procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned, shall be ended, and new procedures shall be instituted consistent with this Declaration.

10. NATIONAL AND CULTURAL INTEGRITY

It shall be unlawful for any State to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to, the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries.

11. ENVIRONMENTAL PROTECTION

It shall be unlawful for any State to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resource or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group.

12. INDIGENOUS MEMBERSHIP

No State, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership.

13. CONCLUSION

All of the rights and obligations declared herein shall be in addition to all rights and obligations existing under international law.

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B. Recommendations of the Representatives of the Six Nations

The following recommendations are submitted to the Legal Commission by the representatives of the Hau de no sau nee (The Six Nations Iroquois Confederacy) on behalf of our people and the future generations:

1. The assistance of the NGO's to have our voice heard and our case stated in the international community. This assistance can be provided in the form of individual NGO's committing themselves to aid us in attaining full and formal recognition in the United Nations as the true nations of the Western Hemisphere.
2. The assistance in the recovery of our aboriginal land bases for the purpose of securing sufficient territories for the continuance of our cultures, societies and nations.
3. Positive action on the part of all NGO's to assist us in promoting the protection and continuance of all things in the natural world.
4. NGO assistance in bringing about clear and true understanding about the real nature of our continuing sovereignty and world view.
5. Finally, in respect to the messages delivered here by all of the indigenous peoples on behalf of their peoples, their struggles, and their homelands, we wish to strongly emphasize that the oppressors occupying our lands will be awaiting our return. For many of us, return to our lands and the future awaiting us is very unclear. We feel that some may be imprisoned, others assassinated, still others may be forced into exile. We call upon you, as fellow human beings, to continue the concern and sincerity you have expressed in the past few days. We call upon you to carry this concern to our various lands, to help ensure that the leaders or the participants (people) are not molested or caused any harm or hardships because we have come here to speak the truth about the realities of our lives.

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C. Recommendations of the Representatives of the Lakota Nation

The Lakota Nation recommends the following actions for non-governmental organizations and the international community on behalf of the Indigenous Peoples of the Americas:-

1. A hearing before the Committee on Decolonization on:-
 - (a) Legal Status of American Indians under international law.
 - (b) Violations of United Nations covenants and agreements.
 - (c) Treaty recognition by the United Nations.
 - (d) Land reform, autonomy and increased land base.
2. Censure by the non-governmental organizations for violations of the 1948 Genocide Convention by member nations of the United Nations. Pressure to be brought upon the United States of America to ratify the 1948 Genocide Convention.
3. Recognition by individual nations of the multi-national 1868 Fort Laramie Treaty with the United States of America as a valid international document.
4. This Conference has proved to the world the need for the United Nations to convene an international convention on the same issues in the year 1978.

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D. Proposals submitted by the Liberation Front of Tahuantinsuyo

1. Support should be given to the struggle of the indigenous peoples of South America to rebuild the nation of Tahuantinsuyo, with its own territory, population and government.
2. The United Nations should admit a representative of Tahuantinsuyo to submit this question to the United Nations Organization.
3. There should be an international agreement for the establishment of an international university for the Indian peoples, with its main centre at Kollasuyo (Bolivia).
4. The continent of the Western Hemisphere should be correctly named ABYA-YAIA, instead of receiving through the invaders the false name of America.
5. The invasion of racist white men from Rhodesia and other countries should be condemned and terminated in the territory of Kollasuyo (Bolivia).
6. 12 October should be recognized as a day of international mourning commemorating the exhumations, robberies and slave trading practised over a period of 500 years, for which compensation is demanded.
7. 15 November should be recognized as the "International Day of the Indian Peoples", commemorating the sadistic and ferocious quartering by 4 horses of Julian Apaza Tupae Kotari.

Annex V

First Congress of India Movements of South America

Resolutions

COMMISSION ON INDIANIST IDEOLOGY AND PHILOSOPHY

CONSIDERING THAT:

the cosmic thought of life and of the world that surrounds us is the very basis to understanding the INDIANIST IDEOLOGY, which means: order in constant movement and the harmonious succession of opposites that complement one another;

the INDIANIST IDEOLOGY as the thought of the Indian himself, of nature and of the universe, is the search, the encounter and the identification with our glorious past as the basis for taking the decision of the destiny of the Indian peoples into our hands;

INDIANISM nourishes itself in the collectivist or communalistic conception of our Tawantinsuyana civilization based on the philosophy of equalitarian social welfare;

the Indian scientific conception defines Man as an integral part of the cosmos and the balancing factor between nature and the universe since the development of a creative life on earth depends on Man;

WE THEREFORE DEFINE OURSELVES AS FOLLOWS:

1. We, the autochtone peoples of this continent, call ourselves "Indians" because for centuries we were subjugated under this name and it is with this name that we will liberate ourselves. TO BE INDIAN IS OUR PRIDE and INDIANISM protects the Indian as author and protagonist of his own destiny. For this reason it is our flag of struggle and our slogan of continental liberation.
2. We the INDIAN PEOPLES are descendants of the first populations of this continent: we have a common history, an ethnic personality of our own, a cosmic conception of life, and as inheritors of a thousand year old culture, after almost 500 years of separation, we are newly united in order to be the vanguard of our total liberation from western colonialism.
3. We reaffirm INDIANISM as the central position of our ideology, as its vitalistic philosophy advocates the self-determination, autonomy and socio-economic-political self management of our peoples and because it is the only living alternative for today's world in its total state of moral, economic, social and political crisis.
4. We reject INDIGENISM because it corresponds to the ideology of oppression, since from its very origin it has served the racist interests of the governing (the State), the missions (religion) and anthropology (the social sciences).

5. We claim COMMUNALISM, the guiding principle of our ancestors, which is expressed in the "ayni", the "mink'a" and the "camayaji", the "yanapacu" and other collectivist forms which were practiced on the entire continent and expressed in the principles of justice of "ama suwa, ama llulla and ama qhella". These rules of conduct are completely different from and came before the capitalism and socialism of the West.

6. We refuse the POLITICAL TENDENCIES copied from Europe, as none of them have the intention of liberating us. The RIGHT WING in its different expressions is the oppressor of the Indian, and the LEFT WING in its different factions divides our peoples into antagonistic SOCIAL CLASSES. Both are a creation of the same dominating caste which hates the Indian.

7. We reject RACISM because its theory of the biological and permanent superiority of one human race over another is not proven and was the pretext used by the European invaders, and is still used by their descendants today, for exterminating us physically and as a people. WE ARE NOT RACISTS because we have never claimed TO BE SUPERIOR and we have never accepted TO BE INFERIOR to any people on earth.

8. We stand up, in memory of our Indian martyrs, to TAKE THE OATH

to restore our cities of stone,

to take back our political destiny,

to revindicate our historical personality,

to revive our centuries-old culture.

We proclaim our pride to be INDIAN PEOPLE.

Ollantaytambo, 2 March 1980

POLITICAL AND ECONOMIC COMMISSION

I. INDIANIST AND WESTERN POLITICS

CONSIDERING THAT:

politics is the science and art of governing people and administering their institutions and natural resources for the benefit of those governed;

our grandfathers, experts in political science, governed the confederations of brother nations fairly and administered vast territories where no one robbed (exploited), no one lied, no one was lazy, everyone worked, no one begged and no one died of hunger;

the West (Europe) and the Europeanized Governments of these South American republics have tried and failed all the political strategies, but in spite of their incapacity to find concrete solutions, they still have the shamelessness to claim the right to command the destiny of the people;

Europe imposed on this Indian continent the system of private property, a religion of metaphysical values, social and racial discrimination, and a horrible anarchic society of antagonistic classes; in other words, committed a crime injurious to the physical integrity of our peoples;

WE RESOLVE:

1. To mobilize all the Indian nations in order to take a stand in the struggle against the West.

2. To reject the inhuman domination of the West, which since the European invasion of 1492 has imposed the cross and the sword and has only practiced robbery and treason, sown poverty, hunger and death besides the other wrongs committed against our peoples.

3. To proclaim before the world that the time has come to completely recuperate our territories, to re-establish on them our Indian councils and governments, to revindicate the memory of our heroes, to revitalize the Ayullu, the Calpulli and our own other forms of organization; that is to say the time of the Indian has come and it is the beginning of the end for the West in these lands.

II. TACTICS AND STRATEGIES

CONSIDERING THAT:

the war of political liberation, the recuperation of our historical personality and the revival of the values of our ancestral cultures will be a long and difficult process;

many peoples in the world who were put down by the European colonialists have freed themselves and are now masters of their own destiny; these are moving acts that justify the struggle for our own liberation;

the Indian people will win with their own tactics and strategies, and not by formulas dictated by Europe;

WE RESOLVE:

1. To allow each Indian nation to adopt its own tactics and strategies, allowing for two possibilities in accordance with the social, economic and political imperatives of the different countries:

(a) When the Indian population is in the majority in any country, their immediate goal will be the takeover of political power,

(b) When the Indian population is in the minority it will reserve for itself the right to decide its immediate action together with the leadership of other popular movements in that country, without however compromising its political autonomy and its ethno-cultural identity.

2. To urge our brothers and sisters - peasants, miners, factory workers, domestic servants, "zafreiros" construction workers, students, university professors and professionals to become aware of and to join the organizations which are first and last for Indianism.

3. To denounce the paradoxical control of the Indian birth rate and the immigration plan of racist South Africans to form imperialist enclaves all over the continent; in other words, through foods and sterilizing vaccines the racist governments try to "avoid the birth of more Indians" and to release the "vital space" for their counterparts who are being expelled from Africa..

4. To demand the expulsion of evangelic sects, Catholic missions and lay groups who have been called "educators and civilizers" and serve as a spearhead for imperialist penetration into our communities.

III. GRASS ROOTS BODIES AND SUPPORT COMMISSIONS

CONSIDERING THAT:

our peoples vigorously maintain their deep ancestral roots in spite of five centuries of oppression, poverty, hunger and systematic death imposed on our lands by the West;

WE RESOLVE:

1. To once again employ the Ayullu base of social organizations with their own forms of struggle.

2. To create an International Juridic Consultant for the defence of the rights and guarantees of the autochtone peoples.

3. To re-evaluate the importance of and promote Indian medicine among our peoples.

IV. ECONOMY

CONSIDERING THAT:

our peoples practiced a scientifically planned economy, i.e. all the members of the community participated in the different sectors of production and by right

everyone received their fair portion, no one took more because no one had to have less, no one exploited, no one begged and no one died of malnutrition within our territories;

today in many areas on Earth as in ours, an unequal distribution of wealth is imposed and proportionally 15 per cent of the population monopolizes selfishly 85 per cent of the resources while 85 per cent of the population has 15 per cent of the remaining riches;

due to capitalist exploitation meant to satisfy the monstrous consumer society, some unrenowable natural resources are being exhausted;

the Earth is the Mother who provides the daily food and by means of an appropriate technology can provide sufficiently for an overpopulated and hungry world;

WE RESOLVE:

1. To let the natural right of ancestral property of the Land prevail in our favour, as we the Indians are its true heirs.
2. To promote appropriate economic activities which would allow the standard of living in our communities to be raised.
3. To demand a percental share in the income which States obtain through TOURISM, considering that its affluence results from the desire to know Indian characteristics, from the commercialization of Indian art and from visits to the archeological sites that belong to our ancestors.
4. To require that the exploitation of natural resources located on communal lands be carried out by the Indian owners themselves, be it by right of occupation or by ancestral inheritance. This also requires the revision of the laws on adjudication priorities, which for the moment only benefit the non-Indians and the transnationals.
5. To establish, on the basis of international law, the legality of a reimbursement for the damages caused by 300 years of direct exploitation and 150 years of wrongs and prejudices by Europe and the United States of America to the socio-economic-cultural interests of the Indian people.

Ollantaytambo, 2 March 1980

CULTURAL COMMISSION

I. INDIAN CULTURE

CONSIDERING THAT:

the Indian peoples of all times and in all places developed, maintained and practiced their own socio-cultural forms;

within the Indian cultural plurality, no culture was superior or inferior but on the contrary all were harmonious and complementary, given that our peoples had been organized in societies taking into account the universal harmony;

our cultures were not antagonistic or destructive, nor did they practice genocide or exclusion, as is the case for Western culture;

the European invasion and all forms of colonization have had and have an ethno-genocidal character of classic barbarism, of individualism and dehumanization;

simultaneous to the process of colonial domination imposed by the Western world, a process of resistance by the Indian cultures struggling for their full self-determination is taking place;

all of the above implies a dynamic opposition between Western model systems - in which exploiters and exploited, colonizers and colonized, discriminator and the discriminated against, etc., confront one another - and on the other hand the Indian cultures which are capable of an organization of life through authentic communities, alien to the contradictions of the first system;

WE RESOLVE:

1. To reject the colonialist-influenced academic classification which places the Indian people at a cultural level of barbarism whereas in Europe itself, while medieval barbarism was raging, our civilizations were flourishing in the entire American continent.
2. To urge all Indian peoples to revitalize, revive and consciously practice their own cultural values in their different forms.

II. INDIAN VISION OF THE UNIVERSE

CONSIDERING THAT:

we the Indian peoples have our own vision of the universe which expresses itself in an harmonious and dialectic conception of reality; this is far from the proselytizing and oppressing forms which characterize the Western world;

we the Indians have been aggressed and forced to give up our cosmic conception, endeavouring to deprive us of our relationship with the universe and to separate us from the reality to which we belong;

WE RESOLVE:

1. To reject the aggressive intrusion of foreign religious sects in our communities, as they are meant to impose theist and metaphysical beliefs to exploit materially with the promise of future compensation after death, to alienate us and to destroy our historical, social and human personality as well as our ecology.

2. To demand that the Governments of our continent expel a number of sects and religious missions which have served as spearheads of imperialist North American penetration of our communities, for instance.

(a) The Summer Institute of Linguistics for being an instrument of Yankee imperialist penetration of the Amazon region.

(b) The evangelist missions which instead of sincerely helping, divide communities into opposing groups.

(c) The Catholic missions and other sects that operate with veiled intentions.

(d) Lay groups and volunteers of the imperialist penetration such as the Peace Corps, Friends of the Americas, etc.

III. INDIAN EDUCATION

CONSIDERING THAT:

if by education one understands the whole training of the man and the woman for the service of the community, the education imposed by the official Ministries of Education does not correspond to the character of our Indian being, nor does it take into account the basic needs of the population in general of the different countries;

official education is an instrument of domestication and depersonalization of Indian pupils, who are drawn away from the oppressive reality in which our people have to struggle;

official education serves Western models, which under the denomination of "civilization" lead to the systematic alienation of our Indian being;

the complex education system imposed in the different countries is subsidized by the scarce means of our brothers, through taxes and other contributions, while its alienating character promotes costly elements, foreign to and enemies of the Indian tax-payer himself;

WE RESOLVE:

1. To urge the heads of families to take the responsibility of the earliest part of the education of their own children, with clear consciousness of the discriminative reality in which destiny has placed them.

2. To require that elementary teaching be given in the mother-tongue, by bilingual Indian teachers, in order to avoid a psychological shock to the children. Little by little, the Indian languages will become the fundamental ones while Spanish will become a second language.
3. To denounce the fact that official education, be it public or private, is an agent of cultural alienation and domestication with a view to economic exploitation.
4. To condemn the attainment of millions in outside funding by governments and other groups engaged in education with the pretexts of "literacy, education civilization" for the Indians, even though this has never produced results.

IV. NATIVE LANGUAGES

CONSIDERING THAT:

before the European invasion in 1492, our peoples had their own languages, technically and scientifically structured, whose idiomatic forms maintained the relationship with the Indian vision of the universe;

the European invasions banished our languages from their true social-political importance by the official imposition of imported neo-latin dialects;

today in the different countries of the continent a discriminatory intent towards our languages persists with serious prejudice for those who speak them; they become non-verbal simpletons vis-à-vis the self-conceit of the heirs of the colonial invaders;

despite systematic aggressions directed against them by the invaders, native languages - even though they had no written rules of grammar and are not taught in academies, have persisted as a full system of communication and transmission of culture through time and space;

WE RESOLVE:

1. To reject every form of ethnic aggression directed towards the destruction or distortion of the idiomatic riches of our own systems of communication.
2. To revitalize and dignify the intensive and extensive use of our languages as the natural means of communication of our thoughts and sentiments and the transmission of cultural values from one generation to the next.
3. To suggest that Indian linguists of every nationality objectively structure the writing, the phonetics, the syntax and the semantics of the languages with which our peoples communicate.
4. To require the official recognition of our native languages in order that their use gains respect and consideration on the part of the society which is discriminating against Indian culture.

V. ANTHROPONYMS, TOPONYMS AND INDIAN MONUMENTS

CONSIDERING THAT:

before the European invasion in 1492, within the lexical richness of our languages the concepts of macrocosm (man) as well as macrocosm (the universe) had their own denominations;

Pizarro (the conqueror) and Valverde (the priest), prototypes of the European invasion, offered the Inca Atawallpa pardon if he would adopt the Christian name of John; having done so, he was still accused of treason;

in the name of "Christians and the civilized" the dominant caste has come imposing on us a quantity of names of "saints and tyrants" of medieval Europe, which for us have no other significance than depersonalization and unconditional submission in times of peace; this garland of European names has no real meaning for us, whereas our names spring from nature and are meant to describe the characteristics of the object or the person;

foreign names of mountains, villages, cities, rivers, squares, streets have been introduced and have completely replaced the original ones, or by the more subtle addition of "saintly" names to the Indian names. Wayrapata, for example, which in Aymara means "the heights of the soft wind", becomes "Santa Maria de los Angeles de Wayrapata" (Our Mother of the Angels of Wayrapata);

the oppressor caste of our peoples in the South American countries never cease, in their Eurocentric effort to baptize everything they find in their path with names of their so-called heroes. They do not spare efforts to build costly statues in the cities, such as the equestrian monument to Francisco Pizarro, destroyer of the Tawantinsuyo, in the Plaza de Armas in Lima, Peru;

WE RESOLVE:

1. To convince our peoples that they have the moral and material obligation to recuperate, restore and give vigor to the anthroponyms (names of persons) and toponyms (names of places), with all the depth of their meanings.
2. To stimulate our Indian historians to take the dust off the heroic actions of our peoples and discover the human values that this heroism makes evident, to liberate their people from European oppression.
3. To urge the Governments to find the means necessary to know our true history, considering that a systematic and permanent aggression can be observed against our great Indian ancestors, distorting history and intentionally minimizing the heroic emancipatory acts of our greatest men.
4. To call on the Indian painters and sculptors of different autochthon nationalities of the continent to represent, on canvas or in stone, the expression of the thought and the everyday life of our peoples, as well as the spirit of the heroic resistance of five centuries to the brutal European

invasion, under the leadership of our own heroes; their monuments should be placed in important passage places. For example, TUPAK AMARU should have his monument in Cuzco (Peru), TUPAK KATARI in the Collasuyo (Bolivia), LAUTARU in Arauco (Chile), CALFUCURA in Patagonia (Argentina), etc.

VI. ETHNO-GENOCIDE AGAINST THE INDIAN

CONSIDERING THAT:

before 1492, from pole to pole and coast to coast, our continent had been populated by a Confederation of brother nations, who were physically exterminated in the mines, the Ranches and the workshops;

currently the republican Governments of the dominating caste continue with brutal forms of systematic extermination of the Indian peoples;

the racist Governments, in agreement with North American imperialism, use the most sophisticated methods of extermination of the Indian, such as poverty, malnutrition and death in inter-nation wars, massive sterilization by means of food and vaccinations provided by Caritas and other organizations, and planned immigration of South African racist settlers on Indian territories;

this aggression extends to the cultural values of our ancestors, such as the prohibition to use our languages, the alienation and sense of shame about our Indian person and place names, the prohibition of the practice of our religion and our medicine, etc.;

WE RESOLVE:

1. To condemn all the Governments involved in different acts against the Indian people, and specifically for genocide in the following countries:

(a) Bolivia - for the 1 November 1979 massacre of the Indians living in the marginal dwellings of different cities in the country.

(b) Brazil - for "Far West" practices in the Amazon and for treating Indians as legal minors, which diminishes their human dignity, through organisms like the FUNAI (National Foundation of the Indian).

(c) Chile - For decreeing the legal death of the Mapuche nation through Law No. 2568 of 1979, which destroys their communal life.

(d) Paraguay - for having allowed the extermination of Indian nationalities in the Chaco and particularly in the east, and for exploiting - through tourism - the Maca Indian people, intentionally placed in a reservation (anthropological park) which is next to the zoological park of the city of Asuncion.

(e) Others, like Guatemala and El Salvador in Central America, where the Human Rights and the guarantees of our peoples are constantly violated.

2. To refuse the food supplies from Caritas, the vaccines and other sterilizing drugs which bear the inscription "Aid from the People of the United States of North America", distributed by the racist South American Governments who are trying to "avoid the birth of more Indians". "Aid" from imperialists cannot be anything other than poison for the poor peoples not of their race.

VII. RELATIONSHIP BETWEEN THE COUNTRY AND CITY

CONSIDERING THAT:

before the arrival of the Europeans, the cities accomplished a social function of administration, exchange of products, ceremonies;

a rational policy of popular distribution was applied, avoiding deplorable marginalization;

a form of social, familiar and ecological balance was practiced between every and all geographical regions;

today, on the contrary, cities are centres of corruption for man and woman, of social and racial discrimination against the Indian, and pollution of the atmosphere harmful to the health and the ecological system;

WE RESOLVE:

1. To ask the Governments to elaborate a rational policy for the people and to provide the necessary infrastructure, in order to guarantee the autonomous and self-managed survival of our communities, and in order to avoid the migratory wave from the country to the city.
2. To demand the Governments to respect the life and health of our people and to avoid the alteration of the ecological system caused especially by an irrational cutting of forestland, unlimited hunting of animals, by the use and abuse of chemical fertilizers in agriculture and by air contamination; the construction of the pesticide plant which stands on the Aymara Highlands (Peru/Bolivia) is a specific example.
3. To demand that the Governments decide the ways to become aware of our true history, because one can observe a systematic aggression against our Indian heroes, deforming history and intentionally minimizing the heroic actions of our ancestors.

Ollantaytambo, 2 March 1980

CONSTITUTIONAL ACT OF THE INDIAN COUNCIL OF SOUTH AMERICA

In the village of Ullantaytambo, under the jurisdiction of Cuzco, Peru, seat of the First Congress of Indian Movements of South America, at eight in the evening, on 3 March 1980, after the plenary sessions were over and the resolutions of the different commissions had been heard, it was decided that the central aim of the Congress was the creation of an INDIAN COUNCIL OF SOUTH AMERICA, whose headquarters was to be changed every two years, by rotation between the different countries.

The first Council is to have its headquarters in La Paz, Bolivia, the capital of the Aymara nation Chukiyawu-Kollasuyo, from 1980 to 1982.

It will be composed of two representatives of each member country, one regular and one alternate, whose functions will last two years.

In a room set apart exclusively for this use, the full delegation of each country met to deliberate and designate their representatives to the new Council.

The Council shall be the official voice of all the Indian people of South America, their guide and their defender.

It was authorized to draw up the statutes, taking into consideration the suggestions presented and to programme immediate and long term work activities.

Argentina provisionally designates its regular and alternate delegates until the Indigenous Association of the Argentinian Republic officially announces its decision.

The delegates from Paraguay (Severo Flores and Alberto Escobar) abstain from participating in the Council until their organizations have pronounced themselves.

Upon suggestion of the members of the Council, it was proposed to the Assembly of Delegates that their brother Nilo Cayuqueo Mapuche from Argentina, who has resigned from his post as General Co-Ordinator for South America of the World Council of Indigenous Peoples, be elected as General Assessor of the newly formed Council, this motion being unanimously approved except for the abstention of the delegation of the IARA of Argentina.

The Council shall be integrated with the World Council of Indigenous People.

The Council is formed by the following delegates in charge and alternates:

...

After entering into their functions, the delegates met in order to designate the following Executive Council of the Indian Council of South America.

...

A solemn ceremony took place, during which oath was taken, and the posts of the new Directive of the EXECUTIVE COUNCIL were confirmed by signature of the representatives of the different nations present.

THE ICOSA IN THE INTERNATIONAL BODIES AND THE UNITED NATIONS

RESOLUTION

1. Considering that the participation of our organizations in international forums is of major importance in order to obtain economic and political support for our cause through the diffusion and the exchange of information with the world, and in relation to the international legislation which refers to our peoples, we refer, in the present RESOLUTION, to Convention No. 107, CONCERNING THE PROTECTION AND INTEGRATION OF INDIGENOUS AND OTHER TRIBAL AND SEMI-TRIBAL POPULATIONS IN INDEPENDENT COUNTRIES. (International Labour Conference Acts, 40th Session, Geneva, 1958).

2. We believe that this Convention, elaborated by oppressive governments, was meant to legalize the colonial oppression of the Indian peoples, given the following facts:

(a) It was made by Governments without the participation of representatives of the Indian peoples,

(b) It does not consider in its articles the right to self-determination,

(c) It seeks integration and assimilation, with total lack of respect for the dignity of every people and its right to freedom,

(d) Its aim is the destruction of our culture, of our traditions and of our languages,

(e) The mentioned Convention is contradictory in its different articles, allowing for wide interpretations and vague definitions.

3. We would like to make a few comments concerning this Convention, through the following examples:

(a) Article 2, paragraph 3 states that "The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative". The article pretends to encourage dignity, as if the Indian people were lacking in dignity; it pretends to promote social usefulness, as if our people had no social organization to dignify them; and finally it seeks to promote the individual, which is contrary to the communal spirit of our peoples.

(b) Article 4, paragraph (b) speaks of, "the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognized;" This article seems to us extremely contradictory, in the sense that on the one hand it speaks about the danger of interfering with the values of our peoples, but on the other it allows their replacement by other values which correspond to the culture of the oppressor.

(c) Article 7, paragraph 2 states, "These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes".

We feel that this article clarifies perfectly the spirit of Convention 107, because the legislation imposed by the colonizers does not contemplate the right to maintain one's customs and institutions and the objectives of the integration programmes are the destruction and the death of the Indian peoples.

(d) Article 23, paragraph 2 states, "Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country". This article is a death sentence for our languages, fostering forced acculturation by imposing the language of the colonizer as another form of domination.

(e) Article 24, paragraph 1 states, "The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned".

This article, as all the others, shows the evident intention of bringing about, at all costs, the disappearance of our peoples, by destroying the minds of our children, by disuniting our families and thereby the total community.

4. The articles quoted show clearly the objectives of this Convention, and we therefore reject it and consider it to be anti-Indian. We call upon the United Nations to elaborate a new law which takes into account our legitimate rights, with the full participation of our representatives.

Annex VI

SEMINAR ON HUMAN RIGHTS IN THE RURAL AREAS OF THE
ANDEAN REGION

CONCLUSIONS AND RECOMMENDATIONS REGARDING THE
RIGHTS OF INDIGENOUS PEOPLE /

22. In all the countries of the region, most of the universally declared human rights are not observed in practice. This is no accident since in every case state policies, which reflect the pattern of internal domination, are shaped according to the strategic policy of foreign interests. Some powers proclaim their unreserved support for human rights but, in practice encourage at best the ambiguous, selective and contradictory implementation of the recommended policy.

23. Further, there is evidence of the existence of programmes of integration aimed at the more or less rapid disintegration of the aboriginal cultures.

24. The findings set out below emerge from concrete examination of the situations existing in the countries of the Andean region:

(a) The right of the indigenous peoples to the inviolability both of the lands they have been farming since time immemorial and of the historically generated forms of tenure is neither duly guaranteed nor properly observed. In some countries, the theft of the land is accomplished by means of legal instruments furnished by governments, in which the land-owners still have considerable influence.

(b) Freedom of association and the right to form trade unions, which are guaranteed by various international instruments on human rights, do not exist in practice. The harassment and repression to which leaders and representatives are subjected, the administrative barriers that exist in law or in practice in our countries, the spurious politico-legal refusal to recognize indigenous organizations and communities which question in practice the agrarian policy of the States constitute, together with many other facts, the clearest proof of this statement.

(c) The right to education is not duly guaranteed. States frequently ignore the indigenous educational processes and try, in many cases deliberately, to subordinate them and to replace them by alien and alienating cultural patterns. The educational infrastructure is weak and inadequate and the general direction of educational policies does not reflect a correct understanding of the true interests and needs of the indigenous peoples.

(d) The right to health and social security is likewise not effectively enjoyed by the indigenous and rural peoples in our countries. Health policies suffer from the hazards of insufficient physical resources and even more from the institutional and moral weaknesses of the bureaucracies responsible for putting them into effect. The social security systems set up or recognized by the States

Text taken from Derechos Humanos en las Zonas Rurales - Reforma agraria - campesinos. Seminar organized by the International Commission of Jurists and the Consejo Latinoamericano de Derecho y Desarrollo, Bogotá, Colombia, September 1979. December 1979, pages 288-295.

in the majority of our countries provide scant coverage and the dynamics of their machinery inevitably encourages manipulation by the social and political sectors with access to power. Moreover, state health policies, guided by the pharmaceutical industry, not only refuse to recognize but also attach the therapeutic and medicinal methods developed by the indigenous peoples themselves.

(e) There has been a tendency to confuse the full and complete enjoyment of political rights with what is a single aspect: votes for the illiterate. Thus, political spokesmen in countries which give the vote to the illiterate cite it as an example of full political rights, whereas it is well-known, notorious and historically demonstrable that this political right too can provide a suitable background for the political and group manipulation practised in some Andean countries.

(f) It has also been found that in most Andean nations the cultural forms of the indigenous peoples are not fully respected, constant efforts being made to bring about their forced cultural and ideological integration in keeping with so-called "national" or "Western" cultural patterns. In some cases, laws officially recognizing a particular indigenous language have even been repealed. In addition, efforts are made to integrate the indigenous and rural peoples into legal systems and orders historically and culturally alien to them. In very many cases indigenous individuals and groups have been punished under legal rules found only in state legislation, thereby preventing the application of rules known and applied by the indigenous peoples over the centuries.

(g) There can be no question in this day and age of denying the imposition of policies of forced "integration" embodied in strategies for the liquidation of the indigenous peoples, such as colonization policies and so-called "civic" and "communal action". This is attested to not only by the cases in which peasants' action groups are harshly suppressed by state agencies and military forces, acting in complicity with those who have profited from the oppression of the indigenous peoples over the ages, but also by the gradual recovery of the best lands which the indigenous people have been farming since time immemorial, by local magnates and bosses with the support of the government. The same policy is also expressed in the forced and repeated application of birth control methods and strategies that are alien to those historically practised by the indigenous peoples, and which are obviously applied against the will, and without the knowledge of the thousands of women on whom operations are performed for the purpose of inserting contraceptives.

(h) The seminar noted with great concern the growing and negative influence which certain genuinely or apparently religious bodies that seek to involve themselves closely in the indigenous people's way of life exert by reason of the orientation of their activities, their financial resources and the direct or indirect support of the State. Indigenous children are customarily separated from their parents, from their daily life and from the production process, and efforts are made to teach them to despise their own culture and language and to make them lose their cultural identity through the imposition of so-called Western culture.

(i) In most of the Andean countries, the implementation of certain programmes inherent in their agrarian reform policies has entailed increasing and excessive State intervention in the management of the internal affairs of the organizations representing the indigenous peoples, contrary to their wishes.

(j) The programmes being undertaken by transnational and national enterprises to exploit the natural resources of the forest areas of several Andean countries, are being carried out with a total lack of that respect for the ecological balance to which the natural forest dwellers have a right. As a result, the already weakened economies of these peoples are further undermined by the fact that they are increasingly unable to count on a suitable environment for the development of their customary activities. States, in their turn, have shown themselves completely incapable of requiring the enterprises profiting from these operations to make the investment necessary to prevent substantial damage to the indigenous peoples.

(k) The present agrarian policies of States have proved particularly undesirable for the indigenous peoples in the matter of credit and technical assistance. As in the case of other economic facts of life, agricultural credit is of benefit solely to those farmers whose property is large enough to meet the traditional requirements of a "bank guarantee".

25. RECOMMENDATIONS

(a) Full and complete enjoyment of human rights depends basically on two factors:

- (i) The capacity of the indigenous people themselves to assert their claims. Human rights are the outcome of the conquests made by the oppressed in the face of the oppressors, rather than unilateral concessions.
- (ii) The effective participation of the indigenous peoples, through their representatives, in national governments, for which access of the oppressed to the exercise of power is an indispensable requirement. The political rights of the indigenous peoples are basic to the effective enjoyment of other human rights and involve not only concessions of this kind but also direct participation in the political power of the State. It should, however, be noted that the activities of international bodies concerned with the protection of human rights deserve close attention not only because they have demonstrated their practical effectiveness in publicizing violations of human rights but also because they provide suitable channels for the systematic dissemination of universal rights.

(b) Effective measures should be adopted to guarantee the right of association, the right to form trade unions and the right of indigenous peoples to form their own organizations. These guarantees should provide not only for effective recognition of such rights but also for the creation and development of the necessary administrative machinery.

(c) Modifications should be introduced into national educational systems with a view to placing education at the immediate service of the interests and needs of the indigenous peoples, thus rooting out concepts and procedures whose two-fold object is the "integration" of indigenous peoples into Western culture and the extinction of their traditional forms of culture. In this connection, the indigenous peoples should play their proper part in the educational processes as regards both teaching and language, and also the preparation of materials, curricula and syllabuses and the creation and running of educational establishments.

(d) Greater public investment is required with a view to the extension and radical reform of national social security systems as an essential, but not the only, step towards the access of indigenous peoples to these systems. The supervision and management of these systems should, at the same time, be made the responsibility of the beneficiaries themselves rather than of public agencies characterized by frequent political manipulation.

(e) International bodies concerned with the protection and promotion of human rights should provide national governments with documentation establishing the danger of organizations and sects which, using religious missionary work as a pretext, seek in the last analysis to destroy the indigenous peoples' awareness and perception of their concrete and historic needs and interests.

(f) The seminar, having considered the reports of participants from several of the Andean countries, notes with concern that in a number of countries armed repression and accusations of subversion are the response to calls for the satisfaction of the fair and just demands of the rural peoples to them.

Government policies of intervention in the organization and development of indigenous peoples should be abandoned immediately and their autonomy recognized, as well as their capacity to involve themselves in economic processes in such manner as they themselves perceive as appropriate to their interests and needs.

(g) International instruments relating to human rights should be widely disseminated so as to provide the oppressed sectors of society with a weapon with which to confront the dominant sectors and institutions, with methods and procedures that will give real encouragement in the struggles being waged in the Andean countries.

(h) Bearing in mind the coexistence of a national legal order and the informal legal orders that govern the life of the indigenous peoples, it is recommended:

- (i) That the indigenous legal orders should be respected and that the existence of legal pluralism should be accepted;
- (ii) That the limits of such legal pluralism should be defined, that the cultural areas into which the national legal system must not intrude should be defined and that those matters which must inevitably continue to be governed by the national legal order, inasmuch as they refer to the observance of values and human rights deemed to be fundamental and indispensable, should be laid down;
- (iii) That the use by the indigenous peoples of the national legal order and the speedy administration of justice on terms of equality should be facilitated with a view to the protection of their rights and freedoms and without prejudice to respect for their own legal forms. To this end, the principles of the national legal order should be made known, appropriate legal assistance should be provided and economic and procedural measures should be adopted to ensure that the right to use such assistance is real rather than simply formal.

(i) The necessary machinery and procedures should be set up and consolidated with a view to the institutional co-ordination of efforts to implement human rights in our countries, this seminar being a suitable opportunity for taking the first steps. It is also recommended that meetings be held at which representatives of the indigenous peoples should participate directly in formulating general and specific conclusions concerning their respective problems.

(j) Pressure should be brought to bear on the various national governments to encourage them to limit and control the operations of transnational and national enterprises in so far as these affect the cultural, socio-economic and sociological patterns of life of indigenous peoples.

(k) States should invest more, with a view to ensuring wider access to farm credit to improve the standard of living of indigenous peoples and an effective technical assistance contribution appropriate to their interests and needs, since the mere distribution of land (an objective often proclaimed but one that all countries in the region are far from effectively and fully attaining) does not ensure the well-being of the rural and indigenous sectors.

26. These conclusions and recommendations are not addressed solely or mainly to the governments and authorities on which the implementation of concrete human rights policies depends. The greater their impact on the social classes and sectors on whose struggles and achievements social progress and its inevitable corollary, the practical and complete enjoyment of human rights, ultimately depend, the more effective these will be.

Annex VII

FOURTH RUSSELL TRIBUNAL ON THE RIGHTS OF THE INDIANS
OF THE AMERICAS /

IV. RECOMMENDATIONS

I. The Indian peoples of the Americas must be recognized according to their own understanding of themselves, rather than being defined by the perception of the value-systems of alien dominant societies.

II. The States of the Americas, in any dispute about the infringement or violation of the autonomous and cultural rights of the Indian peoples must engage in good faith negotiation to seek a peaceful settlement of the dispute; must refrain from taking recourse to any procedure which is not mutually agreed upon.

III. "Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may municipal law of any state serve as a defence to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred." (N.G.O. conference on discrimination against indigenous populations, Geneva, 1977).

IV. States must prohibit all action or course of conduct with respect to an indigenous nation or group, or in relation to the territories of an indigenous nation or group, which will result in the destruction, disintegration or deterioration of such nation or group or otherwise threaten the national or cultural integrity of the nation or group.

V. American States must immediately bring a halt to the gross and continuous violations of the rules and principles recognized under international law. States should implement measures to prevent further violations of the basic human rights and fundamental freedoms of the Indian peoples. Those existing national laws which forcefully assimilate indigenous peoples against their will and violate their basic rights as defined by international standards should be annulled.

B. OTHER

I. The Fourth Russell Tribunal on the rights of Indians recommends that the above findings of the gross and continuous violations of Human Rights be transmitted to the Commission of Human Rights of the United Nations, to the Inter-American Commission on Human Rights and in the relevant cases to the International Labour Organisation, and other appropriate bodies.

/ Text taken from the Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, Volume I: Conclusions (Corrected copy), Rotterdam, The Netherlands, November 1980, pages 43 to 46. (English version).

II. The international, multinational and intergovernmental Banks (World Bank, Inter-American Bank of Development), as well as the International Monetary Fund must change their policy in order to avoid the extremely grave consequences caused by the abuse of financial development funds. Projects must be avoided which will cause serious harm to members of the indigenous Indian people. Before funding projects these banks must ascertain whether they are a party to these serious violations of human rights.

III.

(a) All religious groups must recognize the sacred nature of land to Indian people and its necessity for their spiritual and physical survival.

(b) Until native groups are free to determine their own destiny, efforts of religious conversion should be halted in order to avoid becoming a party to ethnocide and the denial of religious freedom.

(c) The Declarations of the Pope, made in Manaus, Brazil, giving full recognition to the nation-status of indigenous peoples, should be put into effect by the Roman Catholic church everywhere.

IV. The ILO should be informed of the constant infringements of the rights of the indigenous peoples of the Americas to work (and for proper payment), to dispose freely of their means of subsistence, to associate - in whatever form they want - and to choose their representatives and leaders without them having to fear for the lives of their families and themselves.

V. The Commission of Human Rights is requested under ECOSOC Resolution 1505 (XIVIII) to investigate the gross and continuous violations of human rights inflicted upon the indigenous peoples of the Americas. The ECOSOC and the International Court of Justice should provide remedies for the indigenous people that are not provided for in the courts of national states.

C.

I. Members of the Organisation of the American States should take immediate action to halt the practices of the governments of Bolivia and Guatemala. The organized massacres and the most flagrant and inhuman treatment of the indigenous people of Guatemala as reported by Amnesty International are fully supported by the evidence that has been presented through the Tribunal.

II. The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities of the Commission of Human Rights is requested to set up a permanent committee for the effective and continuous protection of the rights of indigenous people. Indigenous people should have the right to communicate with this committee and a fund should be established to provide assistance to such groups for the purpose of these communications.

III. Teachers and educators in the Americas are called upon to live up to their professional responsibilities to bring to an end the anti-Indian character of instruction in the schools attended by Indian children.

IV. Sterilization campaigns directed against the indigenous populations must stop. Agencies are to halt involuntary sterilization.

V. The high infant mortality rates found among native people should be corrected by ending enforced poverty and by providing the means for native people to have potable water and other basic essentials of public health.

VI. All American States must ratify the American Convention on Human Rights.

V. FINAL STATEMENT

The Fourth Russell Tribunal is not a formal court of law and does not have the power to enforce its decisions. This weakness however at the same time constitutes its strength. Not being able to impose sanctions, it appeals to human conscience and human reason alone.

The Tribunal asserts its moral right to demand that governments and international organizations comply with accepted norms relating to human rights in general as well as to the specific rights of the Native Peoples of the Americas. It also communicates factual information which can contribute to the radical improvement of the juridical means for the protection of these rights.

The Tribunal recognizes that the continuing struggle of the Indian Peoples of the Americas will be the indispensable condition for the achievement of these ends.

The Tribunal regrets that the governments and organizations accused have not responded to the invitation to provide a defense to the charges made. Their silence is eloquent.

The Tribunal wants to influence world-wide opinion and to destroy the widespread but false image of the Indians, created by racism and hostility. It wishes further to draw public attention to the extreme persecution suffered by the Indians and to the numerous violations of their rights. Moreover, it wishes to give emphasis to the heroic resistance of the Indians to continuous acts of humiliation, exploitation and aggression.

The Tribunal hopes that its recommendations will be put into effect by the relevant governments and international organizations. Finally, we give voice to the hope that this work will constitute a real step forward in the endless struggle to realise human dignity.