

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/1982/33
25 August 1982

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Thirty-fifth session
Agenda item 12

UN LIBRARY

SEP 2 1982

UN/SA COLLECTION

STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

Report of the Working Group on Indigenous Populations
on its first session

Chairman-Rapporteur: Mr. Asbjörn Eide

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1-2	3
Participation in the session	3-9	3
Election of Officers	10	4
Documentation	11	4
Question relating to the mandate of the Working Group	12-35	4
(a) Compilation of information	13-20	4
(b) Sources of information	21-24	5
(c) The role of the Working Group	25-35	6
Special topics discussed	36-109	8
The question of the definition of indigenous populations ..	37-42	8
Evolution of standards concerning the rights of indigenous populations	43-73	9
(a) Procedural standards	45-46	10
(b) Substantive standards	47-73	10

	<u>Paragraphs</u>	<u>Page</u>
Areas of concern	74-109	16
(a) The right to life, to physical integrity and to security of the indigenous populations	77-81	16
(b) The right to self-determination, The right to develop their own culture, traditions, language and way of life	82-85	17
(c) The right to freedom of religion and traditional religious practices	86-88	18
(d) The right to land and to natural resources	89-99	18
(e) Civil and political rights	100-106	20
(f) The right to education	107	21
(g) Other rights mentioned	108-109	21
Concluding remarks	110-126	22
Principles to guide the Working Group	111-114	22
Collection of information	115-119	22
Application of standards	120	23
Evolution of standards	121-126	23
ANNEX - List of documents of the first session of the Working Group on Indigenous Populations		

INTRODUCTION

1. The creation of the Working Group on Indigenous Populations was proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982 and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a Working Group on Indigenous Populations which shall meet for up to five working days before the annual sessions of the Sub-Commission in order to:

(a) review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission;

(b) give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

2. The outgoing Chairman of the Sub-Commission, Mr. Raúl Ferrero, in consultation with the geographical groups, then appointed Mr. Asbjørn Eide, Mr. Nasser Kaddour, Mr. Mohamed Yousif Mudawi, Mr. Jorge Eduardo Ritter and Mr. Ivan Toševski to serve on the Working Group on Indigenous Populations.

Participation in the session

3. The session was attended by Mr. Asbjørn Eide, Mr. Mohamad Yousif Mudawi and Mr. Ivan Toševski. Mr. Nasser Kaddour and Mr. Jorge Eduardo Ritter being unable to attend the session, were represented respectively by Mr. Ahmad Saker and Mrs. Maria de Souza.

4. The following Member States of the United Nations were represented by observers: Argentina, Australia, Brazil, Canada, India, Morocco, New Zealand, Nicaragua, Panama, Sweden, United States of America, Yemen.

5. The Palestine Liberation Organization was represented by an observer.

6. The following United Nations specialized agencies and United Nations bodies were represented during the session: International Labour Organisation, United Nations Children's Fund, United Nations High Commissioner for Refugees.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

(a) Indigenous Peoples' NGOs: International Indian Treaty Council, World Council of Indigenous Peoples, Indian Law Resource Centre.

(b) Other NGOs: Anti-Slavery Society for the Protection of Human Rights, Afro-Asian Peoples Solidarity Organization, Baha'i International Community, Commission of the Churches on International Affairs, Friends World Committee for Consultation, International Commission of Jurists, International Federation of Human Rights, International Movement for Fraternal Union Among Races and

Peoples, Procedural Aspects of International Law Institute-International Human Rights Law Group, Survival International, Women's International League for Peace and Freedom.

8. The following indigenous organizations and groups that furnished information to the Working Group with its consent, were also represented: Houdenosaunee, Six Nations Iroquois Confederacy, Oglala Lakota Legal Rights Fund, Lakota Treaty Council, Nishanawbe-Aski Nation, Grand Council Treaty No. 9, Native Council of Canada, Standing Rock Sioux Tribal Council, Santeioi Maaioimi Mikmaoel (Grand Council Mikmaq Nation), South American Indian Council (CISA) and the National Federation of Fund Councils (Australia).

9. The Deputy Director of the Centre for Human Rights made an opening statement at the first meeting.

Election of Officers

10. At its first meeting, on 9 August 1982, the Working Group elected Mr. Asbjørn Eide as Chairman-Rapporteur and Mr. Mohamed Yousif Mudawi as Vice-Chairman.

Documentation

11. The documents that were submitted to the Working Group are listed in the annex to this report.

Questions relating to the mandate of the Working Group

12. The Working Group considered how it could best carry out its mandate as established in the first operative paragraph of resolution 1982/34 of the Economic and Social Council. In this respect, two aspects were mentioned:

(a) Compilation of information now available, (b) the sources of information.

(a) Compilation of information

13. With regard to information, it was noted that there existed a wealth of material contained in documents of the United Nations and its specialized agencies and particularly in the report of Mr. Martínez Cobo, the Special Rapporteur of the Sub-Commission on the Study of the Problem of Discrimination against Indigenous Populations, which included pertinent provisions in national legislation and international instruments, as well as data provided by Governments, specialized agencies, non-governmental and indigenous organizations on a wide range of subjects related to the question of indigenous populations. Information collected by ILO also contained material on indigenous populations.

14. The Indigenous Populations Documentation Research and Information Centre which gathered and classified documentation initially based on the International NGO Conference on Discrimination against Indigenous Populations in the Americas (1977) and the International NGO Conference on Indigenous Peoples and Land (1981), placed its documents at the disposal of the Working Group and a visit to the Centre was paid by some members of the Working Group and other participants in the meeting.

15. Further, in referring to the mandate which calls for an evaluation of information collected annually by the Secretary-General, the Working Group discussed how best

to update existing information and to obtain new information in fields not yet covered or relating to countries on which sufficient material is not yet available. After having discussed the possibility of distributing a detailed questionnaire, it was found by some members that for the time being this would be unnecessarily complicated. Instead, information should be sought with regard to important areas of concern, which could include: land tenure, the use and enjoyment of natural resources, the participation of representatives of indigenous peoples in the planning of development projects affecting the territories in which they lived, conditions of housing and employment, language and education, self-management or self-determination within the above-mentioned fields. Reference was also made to the freedom of the indigenous populations to maintain and to develop their religious, cultural and social systems without fear of destruction caused by deprivation or pollution of land, water or natural resources. Furthermore, reference was made to the respect for and application of existing treaty relations to which an indigenous population formed a party.

16. Several government observers, who pointed out that their Governments had supported the establishment of the Working Group and welcomed its existence, thought that the Group should not deal with specific complaints as such, particularly in ways that would tend to duplicate the activity of the Working Group on Communications under the procedure outlined in resolution 1503 of the Economic and Social Council.

17. One government observer stressed the need to bear in mind in its deliberations both the changing nature and the diversity of the situations of individual indigenous peoples.

18. One government observer pointed out that persons belonging to indigenous populations had rights and obligations, as have other persons and peoples, including the right to determine their own future.

19. The observer held that recognition should be given to the special attachment of indigenous populations to their land, something which should be taken into account also in regard to mineral prospecting.

20. The question as to whether the Working Group should receive direct information from indigenous populations and their leaders and representatives was raised by several organizations. It was suggested by members of the Working Group, as well as by representatives of NGOs, that funds should be made available, so that those indigenous representatives who cannot afford trips to Geneva could be able to travel and make statements before the Working Group as well as to enable the Working Group to meet in places other than Geneva, where the indigenous populations of the different regions of the world could have an easy access.

(b) Sources of information

21. With respect to the question of the sources of the information, a unanimous view was expressed by the members of the Group and other participants, that the sources should include those mentioned in resolution 1982/34 of the Economic and Social Council (Governments, United Nations specialized agencies, regional intergovernmental organizations and non-governmental organizations, particularly those of indigenous peoples) plus other indigenous organizations and groups, as

well as experts and recognized authorities in the field of the "rights of indigenous populations", who would submit information with the consent of the Working Group. It was stated, however, that written material submitted and oral statements made with the consent of the Group must be relevant, not abusive in its expressions or contents and not too voluminous. Written information should be submitted to the Working Group through the Secretariat.

22. Information submitted by Governments, specialized agencies and intergovernmental organizations would be distributed in accordance with established procedures, it being understood that, in all cases, the full text submitted would be made available in its original language to the members of the Working Group.

23. With regard to non-governmental organizations, the following should apply:

(i) NGOs with consultative status: For NGOs with consultative status, the rules contained in resolution 1296 of the Economic and Social Council apply according to existing practice. If for some reason documents submitted by those NGOs could be reproduced in time before the session of the Group, the original copies of the text should be provided to the members of the Working Group, it being understood that the document would be reproduced and distributed at the earliest possible time.

(ii) Others: In the case of the organizations of indigenous populations which did not have consultative status, other organizations without such status, and experts and recognized authorities, the chairman might request that copies of information supplied by them be made available in its original language to those attending the session of the Working Group. However, such documents should not be distributed, neither in full nor in summary, with a United Nations symbol. It is explicitly provided, however, that those documents would be reproduced and distributed as NGO documents upon their endorsement by an NGO with consultative status, keeping in them an indication of the organization that had originally submitted them.

24. Some Governments expressed the view that the Working Group must serve, in part, as an outlet for the direct expression of indigenous concerns, but it should not let itself become bogged down at an early stage with considering individual complaints before it had completed its primary task of articulating the standards which should be applied. They also stated that the Working Group should not be converted into a "chamber of complaints" and should not overlap with the communications procedure already existing in the United Nations.

(c) The role of the Working Group

25. This matter was discussed on the basis of the mandate as established in resolution 1982/34 of the Economic and Social Council.

26. Several speakers stressed that the persons chosen as members of the Working Group on Indigenous Populations should have a high degree of expertise in these matters and the desirability that there be a certain measure of continuity in their tenure as members.

27. The members of the Working Group pointed out that, according to the mandate contained in Council resolution 1982/34, they should review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations and give special attention to the evolution of standards concerning the rights of indigenous populations. One member said that it was important to decide on a procedure for holding inquiries and establishing the real facts when allegations of indigenous groups and non-governmental organizations differed from or were contradictory to government information. Documents and other evidence should be requested from indigenous populations who alleged that legal provisions of the country concerned were not being applied.

28. Members of the Working Group suggested that it was necessary to define the purposes of the Working Group, envisaging the possibility of proposing modifications to the mandate, in order to make it more action-oriented.

29. One member of the Working Group established a distinction between problems of discrimination against indigenous populations, on one hand, and problems linked to the self-determination of the indigenous populations on the other. In that respect, he expressed the view that the Working Group was not the proper organ to deal with the latter problem, if it was posed only as a question of the rights of "peoples" as such, which would then fall within the competence of other bodies of the United Nations.

30. One observer held that there was a need to hold a constructive and broad discussion, through the Working Group, which could help to clarify what were and what should be the rights of the indigenous populations.

31. Several government observers held that initially the Group ought to examine existing international standards, their strength and their weaknesses, and possibly come up with a draft declaration. Only at a later stage would it be meaningful to discuss the possibility of one or more conventions.

32. The evolution of standards, one government observer held, should take into account similarities and differences in historical, cultural and sociological factors. Broad consultations in which representative organs of indigenous populations took part would help in such evolution.

33. The Working Group further stressed the need to study existing international instruments either of the United Nations or of its specialized agencies. In that respect, it was pointed out that existing standards dealing with the human rights and fundamental freedoms, as they applied in practice to indigenous populations, was an important aspect of the question. Thus, in addition to the evolution of new standards and perhaps as a previous task, existing standards should be examined. In that connection it was important to examine carefully and as thoroughly as possible the reasons why the general standards on human rights, as included in international instruments now in force, were not effective in protecting the rights of indigenous populations.

34. The representative of ILO suggested that the task of the Working Group should be carried out in close contact and co-ordination with ILO and other United Nations specialized agencies, in order to avoid overlapping and contradictions between the latter and the instruments or standards that the Working Group would eventually develop. He reviewed the work of the ILO in that field. Its concern for indigenous populations going back to the 1920s, ILO had adopted in 1957 a Convention (No. 107) and a Recommendation (No. 104) on the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries. The Convention was the only existing multinational instrument of a global nature and with enforceable provisions specifically dealing with indigenous populations. Machinery existed, within the range of concerns covered by that Convention, to deal with the rights of indigenous populations. He pointed out that representatives of some indigenous populations had reservations concerning the integrationist approach of the Convention. That was one of the reasons why ILO was contemplating a revision of the treaty, and he looked forward to co-operation from the Working Group in that connection.

35. Some NGOs expressed the view that, even though the Group should not be considered as a judicial or quasi-judicial body, it was nevertheless, the only access to the United Nations that indigenous populations had been able to obtain. It was suggested that the task of the Working Group could be a difficult and delicate one, because of the nature of the problems involved. It was argued, however, that differences of views that would emerge could help to develop and improve the standards applicable and to raise the status of indigenous populations up to the duly appropriate level.

Special topics discussed

36. Members of the Working Group raised the question of clarifying certain questions and to that end proposed the discussion of matters such as the definition of indigenous populations, the role of the Working Group, and the application of standards in the evaluation of the information submitted to the Group, and the examination and evolution of substantive standards in the field of the rights of indigenous peoples.

The question of the definition of indigenous populations

37. Several existing definitions of indigenous populations were mentioned. Discussion centred mainly on the working definition used for the purpose of the study being prepared under the responsibility of Mr. Martínez Cobo as Special Rapporteur of the Sub-Commission on the problem of discrimination against indigenous populations, the definition included in the Charter of the World Council of Indigenous Peoples and the proposal made by the Indian Law Resource Centre. Mention was made of some of the problems posed by the task of defining indigenous populations. It was stressed that some of the main problems with existing definitions were that they had not been formulated by the indigenous populations themselves or with their significant participation. In order to attain meaningful definitions it was indispensable to have a significant indigenous input.

38. The members of the Working Group agreed that the Group should request ideas, views and information from indigenous peoples and any other sources. One member

of the Working Group emphasized the need to find out what were the actual problems of the indigenous populations. Others proposed to concentrate on the rights of those peoples, and others indicated that some elements were mentioned in all the definitions and seemed to provide a basis for a first approach to a definition. The elements mentioned were: (a) Descent from groups living in a certain territory, before the arrival of groups or systems at present dominant; (b) non-dominant position in the State where they lived; (c) different culture from those who controlled the structure of the State.

39. One observer stated that the question of being the original inhabitants, according to Mr. Martínez Cobo, was not relevant. The important aspect was that they lived in the territory at the time of the arrival of new groups with a different culture, and were overcome and dominated by the latter. It was also stated that a definition should be most flexible and wide. It was stated, however, that apart from the historical continuity, two elements should be particularly considered in defining indigenous peoples: (a) self-identification as members of an indigenous group, people or nation and (b) acceptance of the individual as a member by the indigenous group.

40. One observer noted with interest that in her Government's endeavours in defining indigenous populations, both important elements of self-identification and acceptance by the community were included, together with descent requirements.

41. One government observer argued that there was a need for clarity concerning the scope of the term "indigenous populations" for the functions of the Working Group. It was desirable, she held, to include only those populations which according to existing historical knowledge were settled in that territory as original inhabitants before later groups arrived. In her country there were several schools of thought concerning which populations could be considered to be the original inhabitants.

42. There was general agreement that the Working Group should not rush into a definition, but should keep the matter constantly under discussion. The definition should be elaborated by, or with the intervention of the indigenous populations themselves and the following elements should be taken into account by the Working Group as initial guidelines for its approach to this question:

(a) the existence of competing or different systems (that of the State where the indigenous populations lived and that of the indigenous populations) which reflected different ideas, culture, religion, etc.

(b) Subjective elements such as self-identification of the individual and the Group and acceptance of the individual by the group.

(c) Objective elements such as historical continuity, conformity with economic, social, cultural and institutional principles of the indigenous group, including ecological attitudes, absence of control within the system and institutions of the country where the indigenous peoples lived.

Evolution of standards concerning the rights of Indigenous Populations

43. Standards were referred to as a complex matter with different aspects to consider, such as the persons or groups to whom the standards should be applied (see para. ... on definition); the procedural standard related to the application

or supervision of substantive standards; the different levels of the standards (national, regional, international) and the evolution of the standards in the general aspirations of the groups concerned or in the existing norms and instruments.

44. The discussion on existing standards as reflected in international and national instruments or provisions and the procedures to develop new substantive standards concerned the aspects outlined below.

(a) Procedural standards for the Working Group

45. The procedures for the work of the Working Group were discussed, not only in relation to the sources and receivability of information (see paras. 21 to 24 above) but also as to the manner of considering the information with the participation of the Governments as well as the indigenous populations concerned. One government representative stated that the extent to which Governments would be able to co-operate with the Working Group would depend very much on the procedures established.

46. An expert proposed to take into account the procedures developed by other Working Groups of the Sub-Commission pointing out the differences calling for adjustments in the case of the Working Group on Indigenous Populations e.g., the burden of work could be expected to be more voluminous due to the number of NGOs that have shown direct or particular interest; the persons concerned would be present at the sessions of the Working Group and would request to be consulted; the views of the populations affected should be sought at the same time as the comments of the Governments; and finally, the Working Group on Indigenous Populations had a standard-setting mandate, which was not shared by other Working Groups.

(b) Substantive standards

47. Standards contained in international instruments were discussed - Reference was made to:

- Articles 1, 13, 55 and 56 of the Charter of the United Nations;
- Articles 1 and 2 of the Universal Declaration of Human Rights;
- Articles 1 and 27 of the International Covenant on Civil and Political Rights;
- Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the General Assembly in its resolution 260 A (III) of 9 December 1948 and entered into force in 1951. (In 1980, 83 States had ratified the Convention or acceded or succeeded to it).
- International Convention on the Elimination of All Forms of Racial Discrimination which was adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965 and entered into force in 1969. (In 1980, 106 States had ratified the Convention or acceded or succeeded to it).
- Articles 1 to 14 and 28 to 37 of 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) which was adopted by the International Labour Conference on 26 June 1957 and entered into force in 1959 (In 1982, 27 countries had ratified the Convention).

48. A historical overview of conferences held by indigenous organizations involving standard-setting efforts in the field of protection of human rights:

- The Inuit Circumpolar Conference (Barrow, Alaska, 13-17 June 1977);
- Barbados II (Bridgetown, Barbados, 18-20 July 1977);
- Second General Assembly of the World Council of Indigenous Peoples (Kruna, Samiland, Sweden, 24-27 August 1977);
- International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas (Geneva, 20-23 September 1977);
- First Congress of South American Indian Movements;
- Second Inuit Circumpolar Conference;
- Third General Assembly of the World Council of Indigenous Peoples (Canberra, Australia, 1981);
- International NGO Conference on Indigenous Peoples and Land.

49. Mention was also made of gatherings in which indigenous peoples had taken part and which had suggested ideas involving standards:

- International Congresses of Americanists;
- Seminar on human rights in the rural areas of the Andes region;
- VIIth Inter-American Indian Congress;
- Fourth Russell Tribunal on the Rights of the Indians of the Americas.

50. Reference was further made to various organizations dealing with Indigenous Populations such as:

- Anti-Slavery Society for the Protection of Human Rights;
- International Work Group for Indigenous Affairs (IWGIA);
- Documentation and Information Centre for Indigenous Affairs in the Amazon Region (AMAZIND);
- Survival International (SI);
- Indigenous Populations Documentation, Research and Information Centre (DOCIP).

51. The ILO representative said that at the time of its adoption, ILO Convention No. 107 conformed to the situation of Indigenous Populations, the main thrust

being given to integrationist and protective elements. Later, criticism was made of its integrationist approach, the lack of Indigenous Populations input and its non-conformity with the contemporary views of Indigenous Populations. In that respect, the representative of ILO informed the members of the Working Group about ILO present efforts to consider the possibility of a total or partial revision of Convention 107 (1957) and to carry out development projects and technical assistance to Indigenous Populations in various areas.

52. Several NGOs and representatives of Indigenous Populations referred specifically to the San José Declaration of 1981, the text of which was adopted by acclamation on 11 December 1981, 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), held in Costa Rica (6-13 December 1981).

53. The members of the Working Group and some NGOs referred to the role which the conclusions, proposals and recommendations to be contained in the study of the Special Rapporteur Mr. José R. Martínez Cobo would play, since they were to provide material for the Group's discussions on standards. It was explained that in accordance with established practice, such studies had included a set of principles in the part relating to proposals. Those principles had on past occasions been taken as a basis for the Sub-Commission's discussions in that regard in the development of its own relevant proposals to its parent bodies in the formulation of draft declarations and/or conventions. Those drafts had then been considered by the Commission, by the Economic and Social Council and by the General Assembly, which had then subsequently adopted the corresponding text of a declaration or a convention, according to the case. The initiating functions which, as mentioned above, were performed in the past by the Sub-Commission, could well be taken over by the Working Group now that it had come into being.

54. Three possibilities for adopting new standards concerning the rights of Indigenous Populations were mentioned:

- (a) a statement of principles adopted by the Working Group;
- (b) a Declaration by another body of the United Nations, which would be more comprehensive but would not be legally binding;
- (c) an international convention, which would be legally binding after adoption by States.

55. Some members of the Working Group expressed their view that the two tasks foreseen in the mandate contained in resolution 1982/34 of 7 May 1982 of the Economic and Social Council, namely, reviewing developments pertaining to the protection of human rights of indigenous populations, and, in that regard, the evolution of standards, should be carried out simultaneously.

56. An observer from a Member State shared the view expressed by Group members that those two prime tasks must of necessity be undertaken at the same time. She stated that the standards evolved by the Group should harmonize with existing human rights enunciated through the complex network of international legal instruments developed in the field.

57. Other observers emphasized that the Working Group should not deal with specific, individual complaints of violation of human rights, for that would in a way duplicate the work of the Working Group on Communications under the procedure contained in resolution 1503 (XLVIII) of the Economic and Social Council. ~~Identifying~~ appropriate standards, the Working Group should examine existing international instruments which provided elements of recourse procedures available to victims of discrimination. One government observer said that drafting new international instruments might not be necessary - and the Working Group should use existing material and documentation available in order to complete existing international instruments. Another government observer stated that if the Working Group decided to attempt to articulate new or revised standards it would be preferable to choose a less formal rather than a more formal method of expression; in other words, something less than a new draft convention or covenant. Moreover, a careful effort should be made to avoid conflict with or duplication of existing standards.

58. The observer from another Member State suggested that the Working Group should first examine existing instruments in the field of protection of human rights and see how and to what extent those instruments afforded an efficient and immediate protection of specific rights of indigenous populations. She and other government observers stated that their Governments would not oppose the elaboration of a new international instrument relating specifically to indigenous populations.

59. Some indigenous groups requested the Working Group to investigate the existing civil and political rights contained in international instruments to determine whether they had demonstrated impact on Governments in preventing violations of human rights, for example, if they had resulted in any changes in legislation, policy or public attitudes. They also requested that the Working Group should consider putting forward amendments to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights in order to ensure that Indigenous Peoples' rights were specifically protected within those existing covenants.

60. NGO observers proposed to study whether there were means whereby existing standards might be strengthened or supplemented to provide protection for the most fundamental human rights which were currently being denied to indigenous populations. It was strongly suggested that the right to life should be given top priority in the formulation of standards. In that connection, mention was made of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide which dealt with physical aspects of genocide. The 1981 San José Declaration, which emphasized the cultural aspects of ethnocide and the right to development of ethnic groups, was also mentioned. It was however pointed out by the Chairman that the San José Declaration was not legally binding on States.

61. The representative of an indigenous populations organization, referring to the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and General Assembly resolutions 1514, 1803 and 2625, pointed out that instruments

recognized the right of peoples to freely dispose of their natural resources, making no special distinction against Indigenous Populations. The view was also expressed that to determine the scope and content of articles 1 and 2 of the Universal Declaration of Human Rights in relation with articles 1 and 2 of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights would solve the problem of elaborating new conflicting instruments. Mention was made of the concern of the Sub-Commission and the Commission on Human Rights on this issue and the efforts made jointly with the Committee of 24 on Decolonization in that regard.

62. With a view to strengthening the implementation of existing standards and to formulating others in consultation with indigenous representatives the Working Group agreed on the principle of participation of organizations of indigenous populations in the deliberations of the Working Group, as observers.

63. The members of the Working Group took as their starting point the fact that the general provisions on human rights, found in the main international instruments on human rights, were applicable equally to members of indigenous populations and to other groups. In practice, however, it was not advisable to rely solely on principles such as equality of opportunity, equal right to work, equal right to education, for in their passive form they would not give protection but could have adverse effects on indigenous populations, who for historical reasons were disadvantaged in society. A member therefore argued that affirmative action must be taken in regard to indigenous populations, in order to bridge the gap between them and other members of society.

64. A government observer referred to affirmative action as a positive policy step for the protection of indigenous populations, while an indigenous representative objected to this policy on the grounds that fair play was not the rule in the application of the legislation and that it might be only a way of simulating a participation in decision making.

65. Another government observer argued that self-management was the key to her Government's policies, which gave aborigines the possibility to break out of the state of dependency. Consultation and participation in decision-making in relation to aboriginal affairs was contended to be a policy of this Government. A Government representative mentioned provisions in the constitution of his country, stating that they guaranteed the rights of the indigenous populations and suggested that constitutional or other legal instruments of each country were relevant standards to evaluate the situation of the indigenous populations within the territory of a State. He also mentioned efforts made by his Government to develop a comprehensive federal strategy for the more effective involvement of indigenous groups in resources development.

66. Another government observer argued that information should be requested from Governments of Member States on a universal basis in accordance with resolution 1982/34 of the Economic and Social Council. He gave an overview of national legislation and policy as regards indigenous populations, including constitutional provisions regarding indigenous possession and usufruct of their lands. He contended that the aim of tutelage was to prevent other persons from taking advantage of indigenous people's unpreparedness in legal matters. At the request of the indigenous persons or communities concerned, tutelage may be judicially rescinded when it was proven that such groups were able to speak the national language, could engage in activities in the national community and had a reasonable understanding of its uses and customs.

67. Standards concerning the right of indigenous populations contained in national legislation were also discussed. A wide-ranging review of such standards was to be found in the Study entrusted to Mr. Martínez Cobo. Observers of Governments volunteered information about the underlying fundamental principles, and the general aspects of special legislation and programmes in their countries to respect the rights of indigenous populations and promote their economic, social and cultural development. Some observers from indigenous groups argued, however, that in various countries, national measures were either out of date, antagonistic to the aspirations of the indigenous populations or non-existent.

68. There was a discussion on various policies applied in different countries with regard to Indigenous Populations. Substantive areas to be explored were: language, education, culture, health, housing, religious rights and practices, political rights, land rights, autonomy or self-government, etc. The question was raised as to the approach to the standards concerning the rights of Indigenous Populations: policy of integration or policy of recognition of the right of Indigenous Populations to be different. In that regard, a member of the Group distinguished three different policies which had been applied in her region:

(a) Policy of abandonment of Indigenous Populations by some Governments;

(b) Policy of protection without consulting Indigenous Populations; and

(c) Policy of forced integration. It was alleged that those policies often resulted in political repression, ethnocide or genocide and economic pressure.

69. It was contended that land rights were not respected and that the role of indigenous organizations in the process of national development, and their participation in decision making, designing and implementing policies and particular measures were not taken into consideration.

70. According to the representative of one indigenous organization, three groups of existing provisions applicable to Indigenous Populations were essential for their survival: (a) the right to self-determination; (b) the right to freely dispose of their lands and their natural resources, and (c) the respect of national obligations and treaties that were binding on national Governments.

71. The members of the Working Group agreed that particular attention should be given to the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide; and to the examination of gross violations of human rights in various areas.

72. The representatives of several organizations stressed the importance of self-determination as the key to the implementation of solutions for the indigenous populations problems. Self-determination would allow those groups to freely decide how to solve their own problems and how to develop their own culture, their own resources and their own way of life. It was emphasized that self-determination did not necessarily equate to separatism. In connection with self-determination, other specific rights were also stressed: the right to lands and to the mineral resources it contained; the right to develop their own culture and education; the right to enjoy religious and political rights and to be consulted and to participate in national development processes.

73. Most representatives of NGOs and of Indigenous Populations as well as some government observers stressed the importance of consultation in formulating and implementing national and international standards. It was suggested that to determine the range of aspirations of Indigenous Populations was a step in establishing the meaning of the right to self-determination.

Areas of concern

74. During the debate, representatives of indigenous organizations and other NGOs expressed their concern in relation to certain aspects which the indigenous populations perceive as the main areas of concern affecting their human rights or their specific rights as indigenous populations. Those areas of concern would provide the basis for the development of standards.

75. The Working Group encouraged the indigenous representatives, the observers of Governments and organizations, and the experts who attended its meetings to express their views on the main areas of concern as regards the question of indigenous populations, with a view to the adoption of standards which would help to improve the respect for and effective recognition of the rights of indigenous peoples.

76. The main areas of concern mentioned were:

(a) Right to life, to physical integrity and to security of the indigenous populations

77. Several indigenous groups and NGOs stated that the right to life, a basic human right recognized in several international declarations and instruments, was repeatedly violated with respect to indigenous peoples. Furthermore, some also alleged that genocide was being committed against indigenous peoples in Central and South America. Statements concerning what they called genocidal actions against the indigenous populations of Guatemala and El Salvador were made by representatives of indigenous organizations and of several NGOs who contended that massacres of entire indigenous communities took place in those countries, due to the action of regular army units as well as para-military groups used by the Governments.

78. The Working Group brought to the attention of the participants the definition of "genocide" as established in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 and indicated that the definition did not apply to other cases which had also been presented as such. It was indicated that the word ethnocide would be more appropriate to describe certain situations. The word ethnocide meant, according to the Conference of UNESCO in San José in 1981, the violation of the right of an ethnic group to develop its own culture.

79. It was also emphasized that the right to life could also be violated by depriving the indigenous peoples of their lands or their natural resources and so subjecting those peoples to hunger, disease, suffering and death. The case of Bangladesh was mentioned in that regard.

80. Representatives of indigenous groups alleged that in the parts of the world where they came from indigenous populations were subjected to different forms of violations of their right to life, poisoned food, clothes contaminated with viruses, fire set to their houses and lands, persecution by Governments or other groups. According to those statements, indigenous persons who were active in the promotion

of the respect of human rights and specific indigenous rights were usually harassed and subjected to serious violations of human rights. A NGO requested that an investigation be carried out on military and para-military abuses committed against indigenous peoples, including the killing of tribal leaders. The representative of another NGO expressed that, even though national security was a legitimate concern, and one which was shared by the indigenous peoples, it should not be used by Governments as a pretext for depriving or restricting basic human rights and so committing serious violations of those rights. That was alleged to occur in several countries where considerations of national security were given paramount importance.

81. Considering the extremely serious situation existing in Guatemala, where the genocide of the indigenous peoples was alleged by all of the indigenous representatives and by most of the NGOs that spoke in that connection, the Working Group decided to reflect the concern of these observers by transmitting to the Sub-Commission the draft resolution concerning the Guatemalan people, which had been submitted by the International Indian Treaty Council and was supported by all the indigenous organizations and most of the NGOs present at the meeting. (See paragraphs 77 above and 109 below).

(b) The right to self-determination. The right to develop their own culture, traditions, language and way of life

82. The question of self-determination of the indigenous populations was brought up in various statements and members of the Working Group sought clarification from the NGOs and representatives of indigenous peoples who had raised the problem. Some indigenous observers argued that distinctions should be made between minorities and peoples. While minorities were constituted by persons who had accepted to be incorporated within existing States, peoples were collective entities requiring self-determination. In the first case elimination of discrimination was particularly valuable, whereas as regards the latter self-determination was the key issue. It was suggested that the situation varied from group to group, from country to country, and that the question of self-determination was varied in content and approach, leaving a kaleidoscope of positions in between, including the mere participation in decisions concerning their status in the country where the indigenous people lived, through self-government arrangements establishing different forms of autonomy within the State. It had individual and collective aspects, internal and external dimensions ranging from individual dignity, autonomy in different forms, to the establishment of an independent State. It was expressed that the indigenous peoples should have the right to self-determination, that is, to possess in their territories whatever degree of self-government they wished to choose.

83. Furthermore, the observers from those organizations stated that the question of self-determination was linked to a number of rights whose recognition was vital to the survival of an indigenous population, such as the right to develop its own culture, its own language, its own traditions and its own way of live. They added that the denial of those rights might result in the destruction or disintegration of the cultural and political integrity of the indigenous group, even creating situations of ethnocide. (see paras. 52, 77 and 78 above).

84. In connection with the right to self-determination several NGOs and indigenous representatives emphasized the need for consultation with the indigenous populations before making decisions that might affect the rights to their lands, to their natural resources and to develop their natural environment within the framework of their traditional way of life, as well as any decision concerning their status or other matters of their concern.

85. Several cases related to the non-recognition by States of the right to self-determination of the indigenous populations were reported, as well as the institutional arrangements which created the illusion of self-determination while being, in fact, other ways of imposing the will of the dominant society. It was also stated that the right to self-determination was indissolubly linked to the right to land, as the territorial base of the existence of the indigenous groups as such.

(c) The right to freedom of religion and traditional religious practices

86. Some indigenous representatives reported alleged violations to the right to freedom of religion and traditional religious practices. Particularly, the Lakota reported the deprivation of the Black Hills, a part of their ancestral territory which was considered sacred by several indigenous groups in the United States of America. That sacred area had been confiscated by the Government many years ago. Recently, compensation had been offered instead of the return of the area to its rightful owners.

87. In that respect, the observer of the United States of America said that the Indian nations which had participated in the United States court proceedings concerning the Black Hills case, had been awarded approximately 110 million dollars in compensation. Indigenous representatives pointed out that not all Indian people had accepted the money, since to them the Black Hills were sacred and ceremonial land and that no amount of money would ever compensate for the loss of such places.

88. Several organizations stressed that indigenous populations should not be subjected to systematic campaigns of forced conversion, and that measures should be taken to prevent any act or practice of interference, disruption or prohibition of indigenous religious rites, practices and ceremonies.

(d) The right to land and to natural resources

89. Problems concerning land tenure, deprivation of the land belonging to indigenous populations and their natural resources were brought to the attention of the Working Group by several indigenous and NGO organizations. Alleged violations of those rights in numerous countries were reported during the session of the Working Group. In most of the cases mentioned, the dispossession of lands was linked to development projects which were being carried out by multinationals or governmental activities for the exploitation of indigenous lands and resources.

90. Some government observers also contended that the right to land was also closely linked to the right to develop their own indigenous culture and way of life. It was reported that the enforced division of indigenous lands, as well as the enforced displacements of the communities from their ancestral land to another area destroyed the integrity of the indigenous community and forced the indigenous peoples to accept unfavourable labour practices as well as face new conditions in areas different from their natural environment.

91. Several representatives of NGOs and indigenous populations organizations made statements of concern regarding what they alleged to be gross and systematic violation of human rights in some places. Particular reference was made to land rights, deprivation of land and individualization of indigenous land property.

Examples of alleged violations of existing norms in various countries were given: annexation of indigenous land without compensation under the Indian Act (1951) of Canada and the Black Hills in the United States of America. In that connection, emphasis was put by several speakers on the requirement of consent, as indispensable in cases of annexations or appropriations of land of the indigenous populations.

92. The impact of multinationals and governmental activities upon the exploitation of indigenous lands and natural resources was also discussed. Uranium exploitation in Canada, the United States and Australia and the mining of nickel in Guatemala were mentioned by way of examples. In other countries, certain development projects, carried out by national Governments, with technical and financial assistance from international development and financial agencies such as the World Bank and the International Development Bank, were said to result in many cases in the fragmentation of indigenous lands and forests, the disintegration of indigenous cultural centres and societies, and in the creation of up-rooted social groups which were forced to change their way of life (either by migrating or becoming sedentary). Mention was made of five projects aiming at colonizing forests in Peru, the policy of inviting European immigrants from southern Africa to take over Indian land in Bolivia, the role played by transnational companies, banks and churches in the annexation of indigenous lands, the constitution of reserves, the policy of dual standards, and forced relocation of indigenous populations.

93. A case of relocation in the United States of America was mentioned by several representatives of indigenous organizations. They said that this was being done in order to take over the mineral resources in the area; they also stated that a Bill now pending before Congress would legalize actions which had resulted or might result in compulsory relocations. The observer of the United States said that the case of relocation mentioned was due to a long-standing dispute between the Navajo and the Hopi.

94. One speaker made special reference to the social and economical impact of the copper project in Cerro Colorado, Panama, upon the Guaymí people's land and their cultural way of life. Another speaker made reference to the hydroelectric project in the Chittagong Hills district of Bangladesh, without the indigenous people being consulted. It was contended that the project resulted in the loss of agriculturally productive land, the displacement of the people and rapid environmental degradation.

95. It was also expressed by some NGOs and indigenous organizations that in some countries, the exploitation of the resources of the land belonging to indigenous communities was carried out by utilizing the indigenous labour force, with low levels of pay, violations of trade-union rights and of many other civil, political, economic and social rights. The situation of indigenous peoples in the Philippines was mentioned in this regard.

96. Some indigenous representatives contended that respect for the natural environment, as it is conceived by the indigenous peoples, should not be disrupted by actions which involve the pollution of land, air and water or the destruction of the natural environment, lands, wildlife and other natural resources.

97. The role of the international and national development agencies such as the World Bank, the International Development Bank, AID and other banks and organizations was considered as a negative one with respect to the indigenous populations, because of their financial support for government development projects which affected unfavourably the rights of the indigenous populations. It was recommended that international development agencies should be invited by the Working Group to discuss the impact of their action on the rights of the indigenous peoples, in particular the negative aspects thereof.

98. Indigenous and NGO representatives expressed the view that the right to land should include full ownership, not merely the right to use the land. Respect should be paid to the existing patterns of communal ownership of land. Transformation to individual ownership was, in most cases, not desirable. Any modification in the legal status of land and land areas should be made only with the consent of the indigenous group concerned and only after a thorough and public discussion involving those populations had been held. Development projects within the areas settled by indigenous populations should also be initiated only with their consent, and they should be given their rightful share in the profits obtained through such projects.

99. Some organizations criticized the "reservation policy" on the grounds that it was being used to abrogate drastically the traditional land rights of the indigenous peoples in order to use the lands for commercial exploitation, without consultation with the indigenous communities. Others criticized certain national legislations permitting government authorities to remove the indigenous populations from the lands they occupy. The legislation mentioned allegedly gave the authorities a discretionary power over lands that had neither been ceded nor seized, for determining the use and disposition of those lands, still occupied by indigenous groups. It was said that such situations existed almost everywhere; as an example one speaker made special mention of certain provisions and practices in Canada.

(e) Civil and political rights

100. The observers of some of the Governments present at the meeting argued that specific international standards must be developed. They also pointed out that existing international instruments applied to indigenous peoples and alleged that they were implemented in their countries to ensure the full enjoyment of the human rights, encompassed in those texts, by members of indigenous populations. It was proposed, as one of the tasks of the Working Group, to study the degree of protection that those instruments in fact provided to the indigenous population.

101. Several representatives of indigenous organizations said that there was little or no recognition of the political rights of the indigenous populations. It was alleged that in some countries, indigenous peoples were equated to minors at law; in others, they were categorized into groups; in some systems there were provisions whereby it was necessary to be able to read and write in order to exercise the right to vote; in some States indigenous persons were obliged to vote or to decide according to the modalities established by the dominant society, or their "representatives" who were chosen by the Government, while the real leaders were not recognized or consulted. One government observer argued that the application of the general principles of election to public office was the most appropriate for indigenous communities which had opted for elective forms of government.

102. It was also alleged that indigenous populations were usually deprived of their lands and resources through the use of "legal" means by the dominant society, because they ignored or rejected the rules of profit and those of civil or commercial negotiations.

103. It was further alleged that indigenous peoples were generally considered as culturally backward, they were seen as children, incompetent, less than human. So, without any consultation the indigenous peoples concerned were displaced, deprived of their lands, houses and resources or forced to accept rules which were alien to them and their culture.

104. Several representatives of indigenous and non-governmental organizations alleged that, in most countries, national agencies dealing with tribes and minorities had a paternalistic approach. It was also alleged that those agencies were more often concerned with counter insurgency warfare and techniques than with promotion of the indigenous communities' rights; high ranking military personnel allegedly occupied prominent positions in those agencies, which in certain cases, were under the Ministry of Defence.

105. In connection with the enjoyment of the civil and political rights, it was stressed that the respect for the forms of autonomy required by indigenous peoples was the necessary condition for ensuring those rights, since their specific forms of internal organization constituted an essential consideration for any arrangement aimed at securing appropriate participation by indigenous groups in all affairs which affected them. The guarantee of the enjoyment of civil and, political rights was thus closely linked to the self-determination of the indigenous populations.

106. It was alleged, in several statements by indigenous representatives, that treaties that recognized the right of indigenous populations to the enjoyment of lands or natural resources had been broken, often very soon after their conclusion. The need was stressed for respect of treaties or other agreements, which should not be subject to unilateral abrogation. It was also expressed that the municipal law of any State should not serve as a defense for the failure to adhere to and implement the terms of treaties and agreements concluded with indigenous peoples.

(f) The right to education

107. Some of the participants expressed the need to guarantee indigenous persons access to public education of all kinds and at all levels, but felt that such education should not be aimed at the integration of the indigenous peoples into the dominant society, and at the deprivation of the indigenous people's own traditions. The indigenous populations should enjoy the right to structure, conduct and control their own educational systems with complete autonomy, so that education could be a way of developing indigenous culture and traditions and not embody forms of aggression against their own culture and life style.

(g) Other rights mentioned

108. In different statements and interventions by members of the Working Group, specialized agencies, NGOs and indigenous organizations, mention was made of other civil, political, economic and social rights, in the enjoyment of which the indigenous populations were subjected to different degrees of discrimination. The rights included the following: right of association, right to social security and labour protection, right to legal assistance and protection in administrative and judicial affairs, right to trade and to maintain economic, technological, cultural and social relations and exchange with other indigenous or non-indigenous communities. Representatives of some Governments made statements on their national constitutions and legislation which provided for non-discrimination, and aimed at ensuring the enjoyment of civil, political, economic and social rights by indigenous populations, as well as the protection of or the effective exercise of those rights and the development of the indigenous populations.

109. The Working Group decided to transmit to the Sub-Commission together with its report, a statement submitted by the World Council of Indigenous Peoples and a document mentioned in that statement entitled "Principles for guiding the deliberations of the Working Group on Indigenous Populations", submitted by the Indian Law Resource Center. Both texts had been unanimously supported by indigenous groups and NGOs participating in the debates of the Working Group. The Working Group also decided to forward to the Sub-Commission, together with its report, a draft resolution concerning the Guatemalan people, that had been submitted by the International Indian Treaty Council. (See paragraphs 77 and 81 above).

CONCLUDING REMARKS

110. The Working Group did not want, at this first and explorative session, to adopt firm recommendations to the Sub-Commission. Nevertheless, it has found it desirable to highlight some of the recommendations presented during the session, without necessarily endorsing those recommendations by the Working Group as such:

Principles to guide the Working Group

111. In fulfilment of its mandate, the Working Group should be open and accessible to representatives of indigenous populations, as well as to non-governmental organizations with consultative status, to intergovernmental agencies and to Governments. The Working Group should encourage a dialogue between all of these in order to advance, as a collective enterprise, the evolution of and respect for standards safeguarding the reasonable concerns of indigenous populations.

112. The Working Group should encourage wide participation by representatives of indigenous peoples and encourage the establishment of a fund to make such participation possible.

113. The Working Group should endeavour to hold some of its sessions away from Geneva, in regions where many indigenous populations can be found.

114. The Working Group should not become a quasi-judicial body or a "chamber of complaints" but should examine developments pertaining to indigenous populations in order to elucidate whether existing or emerging standards are adhered to.

Collection of information

115. There should be provided a guide to existing information relating to human rights as affecting indigenous populations.

116. The guide should include reference to existing international standards on human rights, national standards in constitutions or national laws relating to indigenous populations, information about the actual situation with regard to the fulfilment of rights of indigenous populations. Such information has to a large extent been collected by the Special Rapporteur, Mr. Martinez Cobo, and summarized in his study on the Problem of Discrimination against Indigenous Populations.

117. Information is also available in reports presented by Governments under ILO Convention No. 107, and under the Convention on the Elimination of Racial Discrimination. In reports presented by Governments under the International Convention on Civil and Political Rights, relevant information can also occasionally be found on indigenous populations.

118. In the guide to information, reference should also be made to conferences organized by or about indigenous organizations, and the conclusions adopted at such meetings, as well as to recommendations adopted by other organizations, intergovernmental and non-governmental, about indigenous populations.

119. Under the mandate of the Working Group, the Secretary-General will annually call for the submission of further information concerning developments in this field. Such information will be requested from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples. Care should be taken to avoid that such requests for information do not tend to duplicate information already obtained for the special study or for ILO, the Committee on the Elimination of Racial Discrimination or other United Nations bodies or specialized agencies. Particular attention should be given to information from indigenous populations and from Governments concerned.

Application of standards

120. The Working Group should examine the application of existing human rights standards in relations involving indigenous peoples. Priority should be given to the most basic rights, including the right to life, freedom from torture, and other maltreatment, and equality before the law. Any situation which seems to indicate the occurrence of genocide against an indigenous population should be given special attention.

Evolution of standards

121. The Working Group should discuss the evolution of standards regarding indigenous populations, in the light of real life experience. In order to do so, information should be sought from Governments concerning the standards guiding government policies, and the standards which indigenous populations would prefer to be applied.

122. Special attention should be given to the application of standards in the context of development policies and development projects.

123. Minimum standards should be applied both by Governments and by international agencies involved in development activities. In particular, there should be firm protection of the land rights of indigenous populations, and these populations should play a central role in the planning and execution of development projects affecting the territories in which they live.

124. Standards to be developed could concern:

- right to maintain own culture, language, and way of life;
- land and mineral rights;
- self-management, consultation, participation, self-government or self-determination;
- freedom of religion and traditional religious practices.

125. The Working Group can encourage the evolution of such standards by other agencies, such as ILO and UNESCO in their respective fields of competence. In this connection it was also noted that the ILO is considering the revision of the Indigenous and Tribal Populations Convention No. 107 (1957).

126. The Working Group should also discuss the possibility of drafting one or more declarations on the rights of indigenous populations. At some time in the future it might also contemplate drafting a convention in this field. In that regard, due attention should be given to initiatives taken by representative organizations of indigenous peoples. The Working Group took note of the document presented by the Indian Law Resource Centre, endorsed by the World Council of Indigenous Peoples and many other organizations of indigenous peoples, entitled "Principles for Guiding ...the Deliberations of the Working Group on Indigenous Populations". This document is transmitted to the Sub-Commission with the present report.

AnnexList of documents of the First Session of the Working Group on
Indigenous PopulationsA. Organizational matters

- (a) Provisional Agenda (E/CN.4/Sub.2/AC.4/1982/1).

B. Indigenous Peoples NGOs in consultative statusInternational Indian Treaty Council (Consultative status II)

- (b) - Statement of concerns of the Chiefs of Alberta (with 10 Appendices).
- (c) - Statement concerning Guatemalan Government Genocide against the indigenous population (with an appendix relating to Guatemalan refugees in Mexico).
- (d) - Draft resolution, concerning the Guatemala people, with special reference to indians. */
- (e)

World Council of Indigenous Peoples

- (f) - Statement containing four points of request to the Working Group. */
- (g) - Statement by the Native Council of Canada, endorsed by The World Council of Indigenous Peoples.
- Reports on the Seminar on Ideology, Politics and Philosophy of Indianhood. Commissions. Nos. 1, 2, 3 and 4.
- (h) - Declaration of the Indigenous Peoples - made at the Fourth Russell Tribunal 1980.
- (i)

Indian Law Resource Centre (roster)

- (j) - Principles for guiding the deliberations of the Working Group on Indigenous Populations. */
- (k) - Provisional definition of Indigenous Peoples.
- (l) - Statement on the need for priority attention to the rights of indigenous peoples of Central and South America and Annex (Testimony on Guatemala submitted by Amnesty International, U.S.A.).
- (m) - Note on Standards and communications between the Working Group and the Indians of Central and South America.

*/ Document transmitted to the Sub-Commission with this report.

C. Other NGOs with consultative status

Anti-Slavery Society

(Consultative status II)

- (n) - Paper on the situation of the tribal minority peoples habitually living within the Chitagong Hill Tracts (Bangladesh).
- (o) - Statement on the Tribal Peoples in the Republic of the Philippines.
- (p) - Statement on the Tribal Peoples in the Republic of the Philippines (1. Philippine Law Affecting Minorities, 2. Transnational Corporations and Philippine Minorities; 1. Agri-Business, 2. Logging, 3. Energy programme).

International Federation of Human Rights (Consultative status II)

- (q) - Congress of the International Federation of Human Rights Montreal 21-23 May 1982.
- Press coverage on the Congress of the International Federation of Human Rights (Le Monde, mercredi 26 mai 1982).

Friends World Committee for Consultation - FWCC

(Quakers)

(Consultative status II)

- (r) - Plight of Australian Aborigines in Queensland demands URGENT International Attention.

Survival International

- (s) - Eight documents concerning the situation of the Guaymi Indians of Panama. **/
 - 1. Draft Bill to establish the Guaymi Comarca - government version 1982.
 - 2. Draft Bill to establish the Guaymi Comarca - Guaymi version 1982.
 - 3. Ministerial Resolution No. 171 of 5 October 1981 which ordered the suspension of land titling for non-Indian landholders in the region of the proposed Guaymi Comarca.
 - 4. Ministerial Resolution No. 31 of 25 February 1982 which repealed Resolution 171 and permitted the resumption of land titling for non-Indian occupants of the proposed Comarca.
 - 5. Letter (24 June 1982) from Jorge Eduardo Ritter, Panamanian Minister of Justice, to Guaymi leaders rejecting the Draft Bill prepared by the Guaymi.

**/ English version of Spanish text supplied by Survival International.

6. The public statement from the Guaymi Congress published in the Panamanian press on 13 March 1982.
7. The public statement of the Committee for Solidarity with the Guaymi people published in the Panamanian press (Critica) 19 March 1982.
8. Panama - El futuro de los Indios Guaymies - prepared by the Guaymi Congress and presented to the World Council of Churches on 17 July 1982.

D. Indigenous Peoples Organizations, with the consent of the Working Group

The Houdenousaunes, Indian nation of North America

- (t) - Statement on the Need for Standards Protecting Our Right to Nationhood, Our Political Rights and Treaties; Rights to Land and Resources and our way of life.

Oglala Lakota Legal Rights Fund, Lakota Treaty Council and Standing Rock Sioux Tribal Council

- (u) - Statement on historical and continuing problems that our people suffer under the Federal-Indian policies of the United States of America.

The Santeioi Ihaoioimi Mii'maoei. Iikimak Nation (Canada)

- (v) - Communication concerning Standards and Agenda for examining the rights and status of indigenous populations.
- (w) - Supplemental Statement regarding examples of violations of existing norms.

Nishnawbe, Aski Nation, Grand Council Treaty No. 9

- (x) - Statement to the Working Group on Indigenous Populations.
- (y) - A submission to the third General Assembly of the World Council of Indigenous People, Canberra, Australia, 27 April-3 May 1981.

Indian Nations of Saskatchewan

- (z) - Statement on the World Assembly of First Nations, Regina, Canada, 18-25 July 1982.

E. Experts and recognized Authorities

Special Rapporteur, Study on the Problem of Discrimination against Indigenous Populations, Mr. José R. Martínez Cobo. ***/

- (aa) - Working definition for the collection of information in connection with the Study.
- (bb) - Note containing some basic ideas for the conclusions, proposals and recommendations for the Study. (Five areas: Health, Education, Language, Political Rights and Religious Rights and Practices).

Professor David Weissbrodt

- (cc) - Memorandum on Procedures for the new Working Group on Indigenous Populations.

***/ Mr. Martínez Cobo did not attend the First session of the Working Group on Indigenous Populations. The texts mentioned here were furnished by the Secretariat.