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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
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Agenda item 12

DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

Written statement submitted by the following non-governmental
organizations in consultative status: (see attached list)

The Secretary-General has received the following communication which is
circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 August 1988]

International Confederation of Free Trade Unions, Women's International Democratic Federation, World Federation of Democratic Youth, World Federation of Trade Unions (category I); Afro-Asian Peoples Solidarity Organization, Anti-Slavery Society, Arab Lawyers Union, Commission of the Churches on International Affairs, Disabled Peoples International, Human Rights Advocates, International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights, International Federation of Terre des Hommes, International Fellowship of Reconciliation, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of all Forms of Racial Discrimination, International Union of Students, Pax Christi International, Pax Romana, Union of Arab Jurists, Women's International League for Peace and Freedom (category II); International League for the Rights and Liberation of Peoples, Minority Rights Group, World Peace Council (Roster).

We intervene jointly to underscore our concern over the matters which have been raised in the report of the Working Group on Indigenous Populations. The report indicates continued gross violations of the fundamental rights of indigenous peoples. This is a situation requiring the most urgent response by the United Nations, because the well-being and very survival of indigenous peoples will be placed in jeopardy if we cannot effectively act to prevent these abuses.

We are saddened and concerned with the responses of those Governments who reported to the Working Group on benefits and improved conditions for the indigenous peoples resident in those countries, while the indigenous peoples themselves reported on torture and disappearances, treaty violations, denial of subsistence, inadequate food and shelter, and other gross and fundamental human rights abuses. The disparity between the reported conditions is itself symptomatic of a failure by those States to acknowledge the existence of abuses against indigenous peoples within their own jurisdictions.

We note with concern that violations against the rights of indigenous peoples are universal, practised by the most developed States, and by developing States; and that situations involving gross violations are being reported in countries which otherwise are recognized as having the highest regard for the human rights of their residents. We would point out that a universal regard for human rights requires that these States refrain from blocking United Nations initiatives which could result in the improvement of the conditions for indigenous peoples within their own jurisdictions, and could well mean the difference between life and death for indigenous peoples in the developing countries.

We believe that discrimination against indigenous peoples should be accorded the very highest priority by the United Nations, as an urgent issue which has not been previously addressed, and as a continuing global tragedy, causing great suffering and loss of human life, one of the terrible legacies left to us in the wake of colonialism.

We are making this statement in order to endorse the requests being made by the indigenous NGOs and other indigenous representatives to the Working Group. They report a consistent pattern of violations; removals and alienation of indigenous land and other resources; denial of political rights even where indigenous people constitute a majority, such as in certain countries in South and Central America and in the lands of the far North; economic deprivations which subject indigenous people to a régime of poor health, inadequate shelter, reduced life expectancy, high infant mortality, and the lowest standard of living.

Perhaps, more than any other peoples, indigenous peoples require the guarantees provided for by Article I of the International Covenant on Civil and Political Rights which recognizes the right to self-determination and by virtue of that right, proclaims that a people may not "be deprived of its own means of subsistence".

It is that right to "its own means of subsistence", more than any other, which has been historically denied to indigenous peoples. And it is violations against indigenous land rights and treaty rights which are most relevant to the practice of subsistence. Information from the report of the Working Group demonstrates continued widespread abuses against these rights.

We ask the Sub-Commission to endorse the submissions made by the indigenous peoples themselves, in preference to programmes and policies proposed by the interested Governments. The colonial history of rights abuses against indigenous peoples presents a persistent pattern of paternalistic and ultimately destructive proposals by Governments intended to solve "the native problem". That is why the indigenous people are supporting the important proposals made last year by this Sub-Commission.

We regard with approval the numerous references in the Working Group's report to the significance of the application of Article 27 of the International Covenant on Civil and Political Rights to the protection of indigenous peoples. The Working Group reaffirms their finding that indigenous peoples are not minorities, and that the collective protection of indigenous rights, which is so urgently needed, cannot be accomplished under Article 27. This emphasizes the need for the proclamation of international standards, and we welcome the real progress that has now been achieved with the tabling by Dr. Erica Daes of a full set of draft standards for consideration by this Sub-Commission.

In support of this work, and in light of the important role of land, and subsistence rights for the protection of indigenous peoples, we ask the Sub-Commission to give speedy approval to the study of treaties. Treaties, the Working Group's report points out, are an issue of particular concern to the indigenous peoples. Although the report indicates that treaties between States and indigenous peoples are often violated by Governments, it also notes optimistically, that treaties could provide the legal framework to protect indigenous peoples. The need, however, for international protection of treaty rights is very evident in the report.

We stated earlier that rights abuses against indigenous peoples are a direct consequence of colonialism. Nothing could make this fact more evident than the response by certain States to the proposal to declare 1992 the Year of Indigenous Rights. The failure to approve this simple request, to commemorate a date of such importance to the indigenous peoples of the "new world", demonstrates that the colonial conquests of 500 years ago are not mere history.

For Europeans this is the 500th anniversary of the discovery of a new world. For the indigenous peoples it marks the beginning of their impoverishment, destruction of their culture, their oppression and in many cases their genocide. These wounds are still open and painful, and for this reason alone the United Nations must assure that indigenous peoples are not hidden from the world during 1992 to suffer further in ignominy the tragic distortion of their history. It is the consequence of our blindness to their tragic conditions that permits States to continue to violate their basic and fundamental human rights.