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STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

Written statement submitted by the Anti-Slavery Society a
non-governmental organization in consultative status,
Category II

Why a special working group on indigenous peoples

The Anti-Slavery Society has written this statement in co-operation with the Workgroup Indian Project, which is the organizing committee of the Fourth Russell Tribunal on the Rights of the Indians in the Americas. This tribunal was held in the Netherlands in 1980. The details about this international event are mentioned in our oral statement presented to the Sub-Commission.

The jury of the Fourth Russell Tribunal mentions as its recommendation C2:

"The Sub-Commission on the Prevention of Discrimination and the protection of minorities of the Commission on Human Rights is requested to set up a permanent committee for the effective and continuous protection of the rights of indigenous peoples. Indigenous peoples 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."

We, the Anti-Slavery Society, want to support this recommendation and would like it to be executed by the Sub-Commission. In this statement we will present some arguments why such a permanent committee (or working group as aimed by the IITC and the special rapporteur on this subject Mr. Martinez de Cobo) is a necessity.

The problems indigenous peoples all over the world are facing in their struggle to continue their way of life show a remarkable resemblance. They are almost in every country under extreme pressure of the national society to assimilate, to integrate and to adapt to that society. Often this is occurring with the use of violence of the national Government. In other countries it is a slower process by which indigenous peoples see themselves limited in their choice for a way of life.

Therefore the rights of indigenous peoples need to be protected by effective international organizations. During the presentation of the 14 volumes of the final document of the Fourth Russell Tribunal to the representative of the Secretary-General of the United Nations, on 28 July 1981, the representative said:

"And then in addition to transmitting this to the Secretary-General, we will of course forward it, for, ally, to the Human Rights Commission in Geneva (....). I want to assure you that - as you have noted already - that the question of the Indigenous Peoples is under active consideration in the United Nations, and specifically in the Sub-Commission. And I am convinced that this is an area that is going to continue to obtain the attention, that it deserves."

Recently indigenous peoples have arrived on the front pages of most newspapers and by that way they attracted the attention of almost every authority in international human rights. This can mainly be explained by the urgency of the problems and the growing consciousness of the indigenous peoples themselves. These are also some of the reasons why the creation of a working group for this problem is necessary. As the main reasons can be mentioned:

1. Many indigenous peoples are facing serious threats for their destruction as a people. Formerly they managed to continue their way of life in so called "regiones de refugio", areas with not very favourable living conditions as regards climate and soil, where they lived relatively isolated from the western society. During the colonial era they had been forced to stay there and/or at least to go there, if they wanted to maintain their identity. In recent times these areas are under pressure of the national societies, mainly because their soils contain the scarce resources modern society is looking for.
2. The second reason is, possibly as an answer to these threats, the growth of indigenous organizations. Not only in every country in the western hemisphere have been created indigenous organizations, but also on a regional and global level. Examples are the International Indian Treaty Council, the Consejo Regional de Indigenas en Central America, the Consejo Indigena de Sud America and the World Council of Indigenous Peoples. All these organizations have found the way to international public opinion. These organizations try to find all possible means for a solution of the problems of their members. They exert a growing pressure on governments and international organizations. A permanent working group could function as a channel for communication for this pressure. This would be a real contribution to the improvement of peaceful inter-ethnic relations.
3. Indigenous nations in many countries do not have effective access to national law courts to settle their specific complaints about violations of human rights. Since governments usually have opted for an integration policy concerning their ethnic (or political) minority, there are not enough provisions in national laws to secure indigenous rights. Therefore they should be provided channels to the international laws.
4. Many indigenous nations in fact have exhausted the possibilities they have in national laws. They have to direct themselves to other channels and the United Nations would be the appropriate body to provide those channels.
5. The recently growing concern for indigenous peoples has made many people aware of the existing body of international law, which is not in all aspects favourable to the rights of indigenous peoples. We refer here only to the ILO Convention 107 which still stresses the integration of indigenous peoples and the suggestions of indigenous nations themselves made in the Declaration of Principles for the defence of the indigenous nations of the western hemisphere adopted at the NGO conference in Geneva in 1977. A permanent working group could pay enough attention to the further development of international law according to the changed opinions on this.
6. Finally the studies of the special rapporteur Mr. Martinez de Cobo, to be finished within short time need to be worked out in concrete measures. Only a working group could pay appropriate attention to this task.