



**International Convention  
on the Elimination of all Forms  
of Racial Discrimination**

PROVISIONAL

For participants only

CERD/C/SR.707  
13 March 1985

ORIGINAL: ENGLISH

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-first session

PROVISIONAL SUMMARY RECORD OF THE 707th MEETING

Held at Headquarters, New York,  
on Friday, 8 March 1985, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

CONTENTS

Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention (continued)

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth periodic report of Mexico (continued) (CERD/C/115/Add.1 and Corr.1)

At the invitation of the Chairman, Mr. Ruiz-Cabafias (Mexico) took a place at the Committee table.

Mr. YUTZIS said that, for historical reasons, the question of racial discrimination was closely related to economic and social discrimination. Racial discrimination might be considered to have begun in Mexico when the conquistadores had killed the eight Aztec emissaries who had met them on the shores of that country. That event had marked the beginning of Mexico's pre-Columbian cultures' lengthy struggle for survival. The fifth periodic report of Mexico made it clear that the problems of the country's indigenous people had become the focus of government policy.

His own reaction to the Mexican report had been very positive, although he would require more time to study the wealth of data which it contained. Particularly commendable was the fact that much of that data complemented the information presented in previous reports.

The fourth periodic report of Mexico had stated that, since there were no problems of racial discrimination in the country, there was no need for the State to devise specific penalties for acts of discrimination. He drew attention to paragraphs 76, 79 and 80 of the fifth report, which reiterated that point of view, and asked whether contemporary Mexican society might not contain some vestiges of the colonial past, which was acknowledged in paragraph 12 of the report, that might have an effect on the economic and social treatment given to certain marginal sectors of the population, despite the many revolutionary changes which had taken place in that society. He himself found it difficult to accept the premise, advanced by countries of widely differing political and social systems, that racial

(Mr. Yutzis)

discrimination simply did not exist in their societies. He did believe, however, that those developing countries which had suffered the most from conquest and colonialism were the most likely to have whole sectors of their population remaining on the fringes of development. In such cases the distinction between social and economic discrimination and racial discrimination was frequently blurred.

He requested more information with regard to gross domestic product annual per capita income, the sectors in which that income was primarily generated, and the participation of women in production, government administration and management in general; it would also be interesting to know the real impact the payment of Mexico's external debt had on the country's capacity to create better living conditions for the population as a whole and for marginal groups in particular. Finally, he wished to know whether emigration of Mexicans to the United States was on the rise or on the decline; if Mexican emigrants were returning to their homeland, more information about that situation should also be provided.

Mr. SHAHI observed that the Mexican Government had answered every question raised by the Committee during its consideration of the fourth periodic report. He had never read such a thorough report. He agreed that Mexico had successfully demonstrated how Mexican legislation adequately fulfilled the country's obligations under the Convention; however, he also shared the view that a more direct approach to the implementation of article 4 of the Convention was required.

The information provided on articles 5 to 7 reflected Mexico's sincerity in maintaining a dialogue with the Committee. Many valuable observations had been made in that context concerning the 8.5 per cent of the total population represented by indigenous ethnic groups. The objectives of the National Institute for Indigenous Affairs described in paragraph 30 of the report (CERD/C/115/Add.1) were commendable. At the same time, paragraph 12 of the report constituted an honest admission of problems which continued to confront the indigenous people.

According to paragraph 18 of the report, the indigenous farmers had been issued handbooks on the subject of land reform; however, he wished to know whether the literacy rate of the indigenous population enabled it to profit from such publications. It would be useful to have information on the impact of the Mexican educational system on the literacy of the indigenous population in general.

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(Mr. Shahi)

A breakdown of enrolment in various programmes of the Mexican educational system was provided in paragraph 167; however, he wished to know what percentage of the enrolment in those programmes was composed of indigenous people.

Mr. RUIZ-CABAÑAS (Mexico) said it was impossible for him to provide the Committee with additional statistics at present; however, all such requests would be taken into account in the preparation of the next report. The question raised by Mr. Yutzis as to the effect of Mexico's colonial past on present policy could be answered to some extent by the information provided in previous reports, particularly the second periodic report (CERD/C/16/Add.1), which described the historical development of the indigenous population of Mexico and the country's general policy with regard to that segment of the population.

While he welcomed the Committee's interest in learning about the de facto situation of Mexico's population, and about that of the indigenous population in particular, it was not possible for a Government to provide exhaustive data on all areas covered by the Convention in a single report. Mexico's fourth periodic report had focused on economic and social questions, and the Government intended to provide much more information in the sixth periodic report on the situation with regard to GNP, per capita income and income distribution. The fifth periodic report had sought to maintain Mexico's dialogue with the Committee by striving to depict the principal problems of one segment of the population, which included, but was not limited to, the indigenous population.

Mr. Cremona had referred to the National Council of Indigenous Peoples. That was a non-governmental organization which gathered information on each ethnic group. It had been established during the Mexican Revolution in order to defend the interests of ethnic groups, in particular with respect to agrarian reform. It was an association of indigenous groups seeking solutions to common problems. His Government would provide additional information on that body in the next report.

Mr. Cremona and others had asked about the differing views in Mexico with respect to article 4 of the Convention. He had very little information to add to the full description of measures for the prevention of racial discrimination set forth in the current report. He wished to reiterate, however, that where the legislation of the various States was incompatible with the Convention, the latter would take precedence.

(Mr. Ruiz-Cabañas, Mexico)

Mr. Cremona had also commented on a decision taken in February 1985 by the Mexican Supreme Court and had compared it to action taken by the United States Supreme Court. The fact was that the Mexican decision was based on a procedure established in the nineteenth century. In any event, he would transmit the comments to the relevant authorities, which would provide more information in the next report.

Mr. Karasimeonov had referred to Mexico's policy on apartheid. Mexico took great pride in that policy, and its activities over the past decade fully demonstrated its categorical opposition to apartheid. The practical measures that it had taken were fully in line with the relevant United Nations resolutions. For example, Mexico prohibited all sale of oil products to South Africa.

Mr. Karasimeonov had also asked about the characteristics of the Mexican population groups. The Mexican population comprised two broad groups, namely, the pre-Columbian indigenous peoples and the Europeans. However, because 80 per cent of the population was of mixed blood, it was difficult to state just who was an indigenous person. An attempt had been made in table 7 of the report (CERD/C/115/Add.1) to give a breakdown of the indigenous population by ethnic group. More than half of that population spoke several dialects, but no Spanish. Since the preparation of the table many more had learned Spanish.

As to whether the indigenous people belonged to the broad majority, it should be noted that they were not counted separately in censuses. In that connection, Mr. Karasimeonov had referred to the figures on the economically active population given in paragraph 165 of the report. The figure of 44,049,462 referred only to the population over 12 years of age. That did not mean that all were in the labour force because that figure included women and students, in other words, a large number of people not gainfully occupied.

Mr. Karasimeonov had asked about the landholding structure. Basically, there were large holdings, small individual holdings and collective holdings. The collective holdings, which had been returned by the State to people who could trace their ancestry back 100 years, could be neither seized nor sold.

With respect to the question on the urban population, it should be noted that 40 years before, 60 per cent of the people had lived in rural areas. Now the opposite was true.

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(Mr. Ruiz-Cabañas, Mexico)

Mr. Song had referred to discrepancies between doctrine and practice with regard to racial discrimination in Mexico. Any discrimination that might exist in Mexico was not racial. In other words, it was not a social problem. There was some discrimination as a result of the different economic situation of the various economic groups. Many indigenous people had reached an adequate level of development, even though economic inequality still existed. That inequality was not based on race, but should be viewed from its historical perspective.

Mr. Song had asked whether the descendants of the Mayas and Aztecs still practised their culture. The Spanish conquest had brought about the end of the indigenous culture as such. For example, the Cathedral in Mexico City was built on the ruins of an Aztec religious centre. Understandably, it would have been difficult after 300 years to maintain the original cultural and religious practices. The Anthropological Museum in Mexico City was a centre for the study of all matters relating to pre-Columbian cultures and practices.

Mr. Song had inquired about the mixture of cultures within Mexico. As many were aware, the Plaza of Three Cultures in Tlatelolco, the home of the Ministry of Foreign Affairs, was an excellent example of the mixture of cultures: pre-Columbian, Spanish colonial, and modern. As for the mixture of the races, that Plaza in Tlatelolco, the site of the last major battle between the Aztecs and the Spaniards, bore an inscription stating that the battle had ended in neither victory nor defeat, but in the painful birth of the mestizos and of the Mexico of today.

Mr. Song had also asked whether the Anthropological Museum had a plan to aid the indigenous people. The answer was in the affirmative. The Federal Government intended to identify the major needs of the people and to ensure their full development, in particular by raising the living standards of the marginal groups. That meant involving the population in all areas of development and raising their cultural awareness without causing them to abandon their cultural past.

Mr. Oberg had asked whether the Government discriminated against certain groups in its National Development Plan. There was no discrimination. It should be understood, however, that Mexico had to contend with a severe economic crisis. The existence of economic and social inequalities did not necessarily mean discrimination. If that were so, then all developing countries would have to be condemned for discrimination.

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(Mr. Ruiz-Cabaffas, Mexico)

Mr. Oberg had also asked about land reform and literacy. Even though Mexico was reversing the former situation in those areas, the process was not as rapid as the Government would have liked. The country's population had risen from 19 million in 1940 to 67 million in 1980. In other words, in 40 years the authorities had had to build three Mexicos, a challenge which few countries had ever had to face.

Mrs. Sadiq Ali had referred to discrepancies between the population data provided by Mexico and that contained in a United Nations study. The situation was that the approximately 5 million indigenous inhabitants constituted 8 per cent of the population and not 27 per cent, as the United Nations study had suggested. Notwithstanding the serious international and internal problems which had confronted it when it had acceded to office in 1982, the present Government had attempted to define a common approach to the problems of economic gaps and income disparities. Open unemployment was currently estimated at approximately 9 per cent, but that did not reflect the fact that about 30 per cent of the population were underemployed. The disparity between those two figures was to be explained by the existence of the parallel economy, the extent of which was not, of course, reflected in official statistics.

Mrs. Sadiq Ali had also requested information about the provision of compensation during the process of agrarian reform. The reality was that land reform had been spread over a period of 60 years and was currently completing its third stage, during which the process had been virtually completed. The principal current need was to provide capital for the proper cultivation of the communal lands created by agrarian reform. Mexico was no longer a rural country as 70 per cent of the population currently lived in cities; nor was it a country which was agriculturally rich as arable land represented a low percentage of the total areas. Incentives to agricultural production were provided through the rural banks and the Ministry of Agriculture, but the amount available was not sufficient to meet the needs.

Information regarding the percentage of public expenditure devoted to public works would be provided in Mexico's next report. Traditionally, social expenditure had always represented one of the major items in the budget. In the view of the international financial institutions, such expenditure was among the least productive, but, notwithstanding the pressure exerted by those institutions, the

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(Mr. Ruiz-Cabafias, Mexico)

Government had tried to reduce it as little as possible. In particular, the Government had made every effort to meet basic food, education and health needs.

Mrs. Sadiq Ali had asked what percentage of social expenditure was devoted to the cities and whether there had been any change in the customs of the population as a consequence. The issue was very complex and related to the entire process of urbanization. It was unlikely that information was available which would make it possible to compare the current situation in the rural and urban areas with what it had been in the 1920s. There were certainly no ghettos for the indigenous population; there was intermarriage between all population groups. There had been virtually no change in traditions and customs. People had not changed their eating habits; beans, corn, vegetables, chicken and meat continued to represent the main items of food consumption. Almost 97 per cent of the population followed the Catholic religion. Some ethnic groups had retained their own religions but used images or symbols of the Catholic Church. In such cases, what continued to exist was really the old rite with symbols borrowed from the rites of the Catholic Church.

Mr. Čičanović had inquired about the participation of the indigenous population in the National Development Plan. The current Government had consulted representatives of the indigenous groups specifically on how to incorporate their needs in the Plan. For example, in the chapter on social policies, there was a section concerning greater access to cultural, recreational and sports activities for the indigenous population. Special emphasis had been laid on the development of bilingual and bicultural systems to take account of the needs of ethnic groups with a view to integrating them into society as a whole; in that way, cultural diversity would contribute to national identity in the rural areas. In that connection, educational facilities were provided for marginal groups with a view to raising their educational standards.

Mr. Partsch had mentioned the need to include in national legislation specific provisions which would outlaw racial discrimination, as had been done by, for example, Ecuador in its Penal Code. The Mexican Penal Code included no such provisions. The National Council of Indigenous Peoples was performing very constructive work by promoting the civil and religious rights of the indigenous population. The current Mexican Constitution dated back to 1917; article 1 had



(Mr. Ruiz-Cabañas, Mexico)

been designed to guarantee equality for all and to eliminate all forms of discrimination, not merely racial discrimination. The Constitution was the outcome of the revolutionary process in which there had been no hint of racial discrimination; it had not therefore been thought necessary to refer specifically to racial discrimination. Indeed there were many historical examples of great achievements by indigenous groups in Mexico. He reiterated that racial discrimination did not exist in Mexico; the only inequalities which existed were social and economic, and the Government was attempting to remedy those.

Mr. Yutzis had asked for clarification of the way in which Mexico interpreted the provisions of the Convention, particularly article 4. There was no doubt that, following the Spanish conquest there had been racial discrimination not only in Mexico but elsewhere in Latin America. The region had experienced two or three centuries of political, economic, social and spiritual domination by the Spaniards. The conquest had not however led to the extermination of the indigenous population, which had gradually intermarried and blended with the descendants of the conquistadores. That process had been accentuated in 1810 when slavery had been abolished; the abolition of slavery had later been ratified in the first Federal Constitution of what was to become the Mexican Republic. In Mexico, therefore the aspiration for freedom had always gone hand in hand with the desire for equality; race had never been a significant factor. Currently some 80 per cent of the population was mixed to a greater or lesser degree.

Information on Mexico's gross national product would be included in the next report. The fourth report had provided information on the participation of women in the political, economic and social life of the country. During the past 20 years, the participation of women, particularly in the economic life of the country had increased greatly. Currently, between 34 and 39 per cent of the economically active population were women; they also participated actively in education and in politics. More than 15 per cent of the total membership of Parliament were women. A number of mayors were women, and there were many associations which had been established for the express purpose of promoting women's rights.

The development possibilities of the country were currently limited by the heavy burden of servicing the external debt; virtually all Mexico's income from oil exports, amounting to about \$15 billion annually, was applied to interest charges alone.

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(Mr. Ruiz-Cabañas, Mexico)

It had been asked whether emigration to the United States was rising. For many years, a number of workers from the north of the country had regularly travelled to the United States in April and had worked there until November, when they had returned to Mexico.

There were not enough jobs in Mexico, and workers could not be prevented from leaving the country in response to the attraction of higher salaries in the United States. Mexico was the only developing country whose territory was contiguous with that of a developed country. Most of the Mexican workers who went to the United States were young agricultural workers or apprentices in various trades, who usually returned to Mexico after six to eight months, sometimes after acquiring land in both countries. It was important to stress the temporary nature of the migration and the fact that it was not likely to disappear as long as the United States needed the cheap labour which Mexico had to offer.

As to the points raised by Mr. Shahi, he said that since there was no ethnic group in which no one spoke Spanish, the content of government handbooks was accessible to the indigenous farmers. As the report showed, his Government was making every effort to integrate the indigenous peoples into the national culture while fully respecting their national characteristics. The next report would answer in detail all the questions which had been raised.

Mr. Ruiz-Cabañas (Mexico) withdrew.

Third, fourth and fifth periodic reports of the Lao People's Democratic Republic (CERD/C/105/Add.4)

At the invitation of the Chairman, Mr. Vongsay (Lao People's Democratic Republic) took a place at the Committee table.

Mr. VONGSAY (Lao People's Democratic Republic) said that the third, fourth and fifth periodic reports had been combined in one document (CERD/C/105/Add.4). During consideration of the initial and second reports, which had also been submitted in one document, some members of the Committee, while showing sympathy and understanding for the special circumstances in which the Convention was being applied in his country, had requested additional information; others had expressed surprise that his country's current régime had abrogated certain laws of the previous régime. That was a common practice after a radical change, but the current leaders had none the less retained those previous laws which they held to be compatible with the higher interests of a democratic, popular

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(Mr. Vongsay, Lao People's  
Democratic Republic)

and multi-ethnic State. A number of new legal instruments had also been adopted, and others were being prepared, in response to the Government's deep concern to guarantee and strengthen the fundamental freedoms of all Lao citizens regardless of race, sex, language or religion, and specifically to implement scrupulously the provisions of the Convention.

Under the new régime, the country had never experienced any kind of racial discrimination within the terms of the Convention. That scourge was incompatible with the nature of socialist society, and it was precisely against that evil, characteristic of the country's colonial and feudal past, that the country had waged a heroic struggle for three decades.

The present Government was making every effort to accelerate the material and cultural development of the many ethnic and national groups in the country, and in its foreign policy it actively supported the efforts of the international community to combat racial segregation and apartheid.

Mr. OBERG expressed respect and admiration for the Lao people, who had suffered so much for decades. He appreciated the fact that the dialogue had been re-established between the Lao Government and the Committee after a lapse of several years. The reports and the excellent introduction showed that the Lao Government and people had obviously made great efforts to establish harmonious relations between the country's various ethnic groups. There was therefore reason to hope for further constructive dialogue between the Lao People's Democratic Republic and the Committee.

The meeting rose at 5.55 p.m.