

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/476/Add.4
30 July 1981

ENGLISH
Original: ENGLISH/SPANISH

COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
Thirty-fourth session
Item 10 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

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

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Chapter I. MEASURES ADOPTED BY THE UNITED NATIONS	1 - 106	3
A. Basic provisions	1 - 13	3
B. Measures adopted in matters of concern to indigenous populations but not aimed specifically at such populations	14 - 82	5
1. Preliminary observations	14	5
2. International agreements, conventions and recommendations of a general nature adopted under United Nations auspices	15 - 23	7
(a) International Covenant on Economic, Social and Cultural Rights	16 - 17	7
(b) International Covenant on Civil and Political Rights	18 - 20	7
(c) Optional Protocol to the International Covenant on Civil and Political Rights	21 - 22	7
(d) Convention on the Prevention and Punishment of the Crime of Genocide	23 - 24	7
(e) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery	25 - 26	8

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
(f) International Convention on the Elimination of All Forms of Racial Discrimination	27 - 28	8
3. Action and initiatives by <u>ad hoc</u> committees and commissions	29 - 42	8
(a) Slavery and servitude	30 - 32	9
(b) Forced labour	36 - 42	9
4. Action and initiatives by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities	45 - 49	10
5. Action by Working Groups or Special Rapporteurs under the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities	50 - 62	13
(a) Initial remarks	50	13
(b) Working Group to inquire into the situation of human rights in Chile and Special Rapporteur who continued the group's work ...	51 - 53	13
(c) Working Group on slavery	54 - 62	15
6. Action by Committees established by provisions of International Instruments on Human Rights	63 - 74	19
(a) Initial Remarks	63	19
(b) Human Rights Committee	64 - 69	19
(c) Committee on the Elimination of Racial Discrimination	70 - 74	21
7. Decade for Action to Combat Racism and Racial Discrimination	75 - 82	23
(a) Initial remarks	75 - 77	23
(b) World Conference to Combat Racism and Racial Discrimination	78 - 79	24
(c) Seminars on special aspects of combating racism and racial discrimination	80 - 82	24
C. Measures adopted in matters relating specifically to the indigenous populations of independent countries which are States Members of the United Nations	83 - 106	25
ANNEX.		
A. World Conference to Combat Racism and Racial Discrimination		31
B. Seminars on particular aspects of the struggle against racism and racial discrimination		33

Chapter I

MEASURES ADOPTED BY THE UNITED NATIONS

A. Basic provisions

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

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

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

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

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

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

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

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

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

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

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

1. Preliminary observations

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

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

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

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

6/ See paragraphs 84 and 85 below.

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

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

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

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

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

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

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

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

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

(b) International Covenant on Civil and Political Rights

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

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

20. As at 9 January 1981, 15 States parties had made the declaration under article 41 of the Covenant recognizing the competence of the Human Rights Committee to "receive and consider communications to the effect that a State Party claims that another State party is not fulfilling its obligations under the ... Covenant." The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article.

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

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

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

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

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

24. As of 1 January 1980, 33 States had ratified the Convention or acceded or succeeded to it.

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

25. This Convention - adopted on 7 September 1956 by a Conference of Plenipotentiaries held at Geneva (13 August-4 September 1956) in pursuance of a decision taken by the Economic and Social Council in its resolution 608 (XXI) of 30 April 1956 - entered into force on 30 April 1957 in accordance with article 15, which required ratification by two States.

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

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

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

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

3. Action and initiatives by ad hoc committees and commissions

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

(a) Slavery and servitude

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

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

^{8/} This resolution instructed the Secretary-General, after consultation with the bodies having special competence in this field, to appoint an ad hoc committee: (1) to survey the field of slavery and other institutions or customs resembling slavery; (2) to assess the nature and extent of these several problems at the present time; (3) to suggest methods of attacking these problems; (4) having regard to the recognized fields of competence of the various bodies within the framework of the United Nations, to suggest an appropriate division of responsibility among these bodies; and (5) to report to the Council within 12 months of its appointment.

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

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

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

35. In September 1956, a Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted and opened for signature at the Conference of Plenipotentiaries convened by the Economic and Social Council at Geneva. 9/

(b) Forced labour 10/

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

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

9/ See paragraphs 25 and 26 above.

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

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

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

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

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

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

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

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

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

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

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

-
- 12/ United Nations publication, Sales No. 57.XIV.3.
 - 13/ United Nations publication, Sales No. 60.XIV.2.
 - 14/ United Nations publication, Sales No. 63.XIV.2.
 - 15/ United Nations publication, Sales No. 64.XIV.2.
 - 16/ United Nations publication, Sales No. E.68.XIV.3.
 - 17/ United Nations publication, Sales No. E.71.XIV.3.
 - 18/ United Nations publication, Sales No. 71.XIV.2.
 - 19/ United Nations publication, Sales No. 76.XIV.2.
 - 20/ United Nations publication, Sales No. 78.XIV.I.
 - 21/ E/CN.4/Sub.2/416.
 - 22/ E/CN.4/Sub.2/L.629.
 - 23/ E/CN.4/Sub.2/432 and Add. 1-7.

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

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

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

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

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

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

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

(a) Initial remarks

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

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

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

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

Under Commission resolution 8 (XXXI) the Group was mandated to inquire "into the present situation of human rights in Chile" on the basis of various resolutions previously adopted by organs of the United Nations and the International Labour Organisation, as well as a visit to Chile and of oral and written evidence to be gathered from all relevant sources. Since the Group was first established in 1975, its mandate was renewed three times by the Commission on Human Rights, acting at the invitation of the General Assembly, as follows: in 1976 by Commission resolution 5 (XXXII) at the invitation of the General Assembly in resolution 3448 (XXX); in 1977 by Commission resolution 9 (XXXIII) at the invitation of the General Assembly in resolution 31/124; and in 1978 by resolution 12 (XXXIV) at the invitation of the General Assembly in resolution 32/118.

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

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

52. Some of the reports on this subject, prepared by the Working Group for the General Assembly 28/ or for the Commission on Human Rights 29/ or by the Special Rapporteur for the General Assembly 30/ or for the Commission on Human Rights, 31/ examine various aspects of the situation of the indigenous populations of Chile, 32/ and, particularly, that of the Mapuches, the largest of the country's indigenous groups. 33/ The results of those studies will be taken into account in the relevant chapters of the part relating to national measures.

53. The indigenous populations of Chile have been explicitly mentioned in the resolutions adopted in this respect by the General Assembly and by the Commission on Human Rights from 1979 onwards. In 1976, after considering the report on the Working Group's visit to Chile, 34/ the General Assembly, *inter alia*, urged the Chilean authorities in particular to safeguard the human rights of the Mapuche Indians

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

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

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

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

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

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

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

34/ A/33/331, cited above.

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

(c) Working Group on slavery

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

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

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

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

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

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

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

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

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

^{40/} The summary concerned is with the Government for comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58. The Working Group has recommended that "a special study should be undertaken for the Working Group on ... the elimination of debt bondage, especially by land reform". (E/CN.4/Sub.2/373, para. 25) and that:

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

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

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

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

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

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

60. The Working Group has recommend that a special study be undertaken for the Working Group on the problem of the sale of children ... (E/CN.4/Sub.2/375, para. 25).

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

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

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

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

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

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

(a) Initial remarks

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

(b) Human Rights Committee

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

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

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

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

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

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

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

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

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

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

56/ CCPR/C/1/Add.45, vols. I and II discussed at the 205th to 208th and 211th meetings of the Committee on 25, 26 and 28 March 1980, during its ninth session: Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 40, (A/34/40), paras. 134-196. The indigenous populations are discussed in paras. 176 and 195.

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

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

59/ CCPR/C/1/Add.46 discussed at the 236th and 240th meetings on 28 July 1980, (tenth session): Official Records of the General Assembly Thirty-fifth Session, Supplement No. 40 (A/35/40), paras. 334-369. The indigenous populations are discussed in paras. 352 and 368.

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

(c) Committee on the Elimination of Racial Discrimination

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

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

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

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

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

^{62/} Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mexico, 85/ New Zealand, 84/ Norway, 85/ Panama, 86/ Peru, 87/ Philippines, 88/
Sweden, 89/ and Venezuela. 90/

7. Decade for Action to Combat Racism and Racial Discrimination

(a) Initial remarks

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

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

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

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

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

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

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

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

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

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

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

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

(b) World Conference to Combat Racism and Racial Discrimination

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

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

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

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

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

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

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

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

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

^{95/} A/CONF.92/40, pp. 9-14.

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

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

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

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

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

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

98/ See paragraphs 2 to 8 above.

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

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

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

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

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

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

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

The General Assembly

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94. In resolution 159 (VII) IV of 10 August 1948, the Council approved the dispatch of a commission of inquiry to Peru at the earliest possible date to investigate the effects of chewing the coca leaf and the possibilities of limiting its production and controlling its distribution, and recommended that the General Assembly appropriate the necessary funds for the Commission of Enquiry.
95. The General Assembly, at its third session, made an appropriation of \$17,000 for the Commission. 104/
96. During its eighth session (7 February-18 March 1949), the Economic and Social Council, having examined a report of its Social Committee on 2 March 1949, adopted resolution 202 (VIII), requesting the Commission on Narcotic Drugs to choose the experts who were to be the members of the Commission of Enquiry into the Effects of Chewing the Coca Leaf, after consultation with the World Health Organization.
97. On 19 April 1949, the Government of Bolivia, through its Permanent Representative to the United Nations, requested the Secretary-General to instruct the Commission to extend its mission to Bolivia.
98. At its fourth session (16 May to 3 June 1949), the Commission on Narcotic Drugs considered the request by the Government of Bolivia and the other proposed changes, decided that it would be desirable for the Commission to extend its work to Bolivia, and recommended that note should be taken of the request, that satisfaction should be expressed at the offers of co-operation received from the Governments concerned, and that the Secretary-General should be required to make appropriate administrative and financial arrangements.
99. In accordance with Council resolution 202 (VIII), the Commission on Narcotic Drugs appointed four experts and made recommendations to the Council. On the basis of a recommendation by its Social Committee, the Council adopted resolution 246 H (IX), in which it decided:
- "1. To record its satisfaction at the declarations made to the Commission on Narcotic Drugs by the representatives of Bolivia and Peru of the willingness of the Governments of these two States to grant to the Commission of Enquiry all assistance and facilities for the successful performance of its mission;
 - "2. To request the members of the Commission of Enquiry to start work in Peru not later than during the second week of September 1949;
 - "3. To endorse the opinion of the Commission on Narcotic Drugs that the means should be given to the Commission of Enquiry to extend its investigations to Bolivia and to carry out its tasks satisfactorily; and accordingly
 - "4. To request the General Assembly to appropriate before 30 September 1949 the additional funds necessary to enable the Commission of Enquiry, with the terms of reference given in resolution 159 (VII) IV, to spend at least three months in Bolivia and Peru and to prepare a report on its work after the conclusion of its investigations in the field."
100. On 20 October 1949, the General Assembly approved the proposal of the Fifth Committee, which had itself approved the Secretary-General's recommendation, to increase the sum appropriated for the Commission by \$27,000. 105/

104/ Ibid., p. 4.

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

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

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

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

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

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

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

Annex

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

1. Minority groups and persons belonging to them:

(a) Declaration: Declarative part

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

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

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

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

2. Indigenous peoples and indigenous persons

(a) Declaration: Declarative part

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

a/ See paragraphs 78-79 above.

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

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

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

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

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

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

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

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

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

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

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

Seminar in Geneva, 4-20 July 1979

Section IV (Activities at the regional level) of the agenda of the seminar included item 1, "Question of the protection of specific groups of persons such as migrant workers or indigenous populations". In the course of the discussion, the suggestion was made that States with minority populations or ethnically diversified populations should take special measures to prevent inflammatory manifestations from being held by members of the majority population against other groups (para. 179). References were also made to instances of subregional co-operation on behalf of some groups, such as the co-operation among the Nordic countries on the treatment of the Lapps (para. 180). As regards arrangements to complement the existing regional or international procedures, it was suggested that efforts could be made to assist disadvantaged groups such as indigenous populations, migrant workers and gypsies to organize regional co-operation among themselves. That would give them a better opportunity to act in defence of their human rights and to combat discrimination against their members (para. 188). With respect to the Lapps, it was noted that the Nordic countries concerned, individually and within the framework of the Nordic Council, had established systems of co-operation to deal with the problems concerning that group. It was also noted that, in accordance with the wishes of the Lapps, those problems were being considered as part of the global complex of the problems of indigenous people (para. 205).

b/ See paragraphs 80-81 above.

