

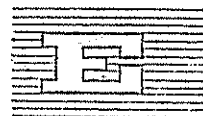
UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/1982/2/Add.1
16 May 1982

ENGLISH
Original: ENGLISH/FRENCH/SPANISH



COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Thirty-fifth session
Item 12 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS

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

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Chapter II

ACTION TAKEN BY THE SPECIALIZED AGENCIES

A. Introductory remarks

1. This chapter deals with the main features of action taken by the specialized agencies of the United Nations, as reported by them and supplemented by information available to the Special Rapporteur. In response to requests from the Latin American countries concerned, post-war activities of the ILO in connection with indigenous populations have concentrated in Latin America particularly, as have those of other agencies that were later established within the United Nations system. The first four sections of this chapter deal separately with material concerning the following specialized agencies: FAO, ILO, WHO and UNESCO. Section F discusses the Andean Indian Programme, a programme of action undertaken jointly by all of the previously mentioned agencies in co-operation with the United Nations.

B. Food and Agriculture Organization of the United Nations (FAO)

1. Introductory remarks

2. In response to invitations to provide information in connection with the present study, communications were received from FAO dated 23 February 1973, 26 February 1974 and 10 June 1981. A communication was also received from the World Food Programme, dated 5 June 1981. The essential elements of the information contained in all these communications are summarized in the following paragraphs.

3. On 23 February 1973, FAO submitted the following statement:

"It would be difficult for FAO to report on measures taken 'to protect indigenous populations'. Our programmes in agrarian reform, education and development of co-operatives and other types of rural organizations are part of an integrated view of development which promotes human improvement both as an objective in itself and as a tool for promoting socio-economic growth and should no doubt imply the development of indigenous groups following the same general purposes and principles adopted for the country as a whole. It is, of course, up to the Governments to decide on purpose, policies and priorities."

4. In a communication dated 26 February 1974, FAO made the following reaffirmation:

"the statement [in para. 3 above] is still valid as it is difficult for us to isolate particular elements of our programmes specifically directed towards indigenous populations."

5. The programmes of FAO are part of an integrated view of development which promotes human improvement both as an objective in itself and as a tool for promoting socio-economic growth and should no doubt imply the development of indigenous groups following the same general purposes and principles adopted for the country as a whole. It is, of course, up to the Governments to decide on purpose, policies and priorities.

2. FAO's early technical assistance programme

6. Some aspects of the varied activities of technical assistance given by FAO at the request of the Governments of the countries concerned seem, nevertheless, clearly to address themselves to problems affecting indigenous populations in particular. At least the following should be mentioned in this connection.

7. In Ecuador, FAO provided an expert in all aspects of the sheep industry, including feeding, breeding and management of wool and meat, under range conditions at high altitudes. 1/ An FAO specialist assigned to help indigenous textile workers recommended improved methods for the processing and dyeing of wool and set up a modern workshop at Otavalo, where courses of instruction could be given and indigenous weavers could learn and apply modern methods in their work. In addition, a number of well-equipped workshops have been set up, mostly with locally built equipment bolstering this industry, which provides supplementary income for many agricultural communities, most of which are indigenous. 2/
8. In Guatemala, an FAO expert assisted the Government in its efforts to provide credit facilities to small farmers, for agricultural development. A preliminary study was made among rural communities which were partly or wholly outside the monetary economy of the country, and agricultural credit specialists from FAO and the United Nations Technical Assistance Administration drew up a plan for a system of supervised rural credit, under which money was to be loaned to small farmers without the usual securities, on condition that they carried out agricultural improvements under technical supervision. 3/
9. In Nicaragua, technical assistance has been provided by FAO in programmes of nutrition and education mainly intended for the indigenous populations. 4/
10. The indigenous populations whose means of livelihood are centred around agriculture and forestry have benefited from the assistance given by FAO in programmes of agrarian reform, of agricultural improvement and of forest protection policies, as well as in programmes designed to promote conservation and rational exploitation of forest products. The training of local technical personnel has been included in many FAO programmes.

3. Current programmes and projects

11. A note dated 10 June 1981 received from FAO contained information on its most recent activities. This information is summarized in the following paragraphs.
12. A major recent contribution of FAO to the development problems of indigenous populations is the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development (Rome, July 1979). The Programme of Action stressed the importance of specific policies and measures for the socio-economic development and participation of disadvantaged groups in rural areas, which would in practice involve special measures for indigenous populations where they are economically and socially disadvantaged.

1/ Information furnished by FAO to the ILO on 20 February 1953, as contained in Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries, Studies and Reports, New Series, No. 35 (Geneva, International Labour Office, 1953), pp. 605-606.

2/ Ibid.

3/ Informe sobre crédito agrícola supervisado para Guatemala (publicación de las Naciones Unidas, No. de venta: 1952.II.H.1); "The Indian Economic Development Service of Guatemala" (SI/TAO/K/Guatemala/2, March 1960); Indigenous Peoples ..., p. 606.

4/ Information furnished by FAO to the ILO on 20 February 1953, as contained in Indigenous Peoples..., p. 608.

13. FAO, in support of Government efforts to achieve rural development goals, is providing the necessary technical and financial assistance to promote and develop the appropriate organizations for small farmers, men and women, many of whom make up indigenous or mixed populations. Through these organizations they have access to the necessary farm supplies, credit, marketing facilities and technical know-how to enable them to increase food production and income. Good examples of such projects are to be found in Ecuador, Honduras, Mexico, Chile and India. Experts and consultants are responsible for the provision of technical assistance to, and the supervision of, these projects.
14. In India, a "People's Self-Development Action Project" with the National Labour Institute in New Delhi commenced in 1979 with the aim of reaching a tribal group in a village of the Bihar State. With the assistance of social workers living in the village and with access to development resource agencies, they have been able to reach a stage of development that can be used as a model for emulation by neighbouring villages. Based on these good results, a new project is being processed in order to: (i) expand the work in a widening circle; (ii) start several other "growth points"; and (iii) use the present village for training new social workers and "delivery system" personnel in tribal areas.
15. With regard to nutritional surveys, paragraph 29 of the outline used for the collection of information, FAO has no specific activities related to indigenous populations. However, samples for FAO's food consumption and household surveys in rural areas of developing countries cover some indigenous groups although it is impossible to extract from these data special information regarding the food consumption of such groups.
16. With regard to preventive sanitary measures, paragraph 30 of the outline, FAO has undertaken programmes and projects that directly benefit indigenous livestock-oriented populations (e.g. the bedouin of the Middle East; Turkana, Karamojongs, Borana, Masai, Tuareg, Bahima and Fulani tribes of Africa, the Koochins of Central Asia, etc.). These populations are transhumant and nomadic by nature and it is mainly because of their movements that supplies and services needed for promoting the production and health of their animals are not readily available to them. FAO activities in this area include: the control of rinderpest, contagious bovine pleuropneumonia, foot-and-mouth disease, anthrax, haemorrhagic septicaemia, ticks and tick-borne diseases, helminthiasis. These have been carried out in recent years by the FAO Technical Co-operation projects and other long-term projects which provide training for indigenous peoples. Apart from transhumant and nomadic indigenous populations whose livelihood depends mainly on livestock, sedentary indigenous populations also derive part of their income from livestock. FAO's rural development programmes and projects invariably have a livestock component that is directed towards improving the health and husbandry of the stocks owned by indigenous populations.
17. With regard to the prevention of harm to the natural environment of forest-dwelling-populations, paragraph 31 of the outline, it should be noted that indigenous populations are included in the target group of the FAO Forestry for Local Community Development Programme.
18. For centuries, individuals and communities have been able to live in harmony with their environment, but during past decades the rapid growth of populations and the higher expectations which have been generated throughout the world have led to an increase in the use of forests to such an extent that in many places they have deteriorated if they have not been razed to the ground. Moreover, the forest dweller's life has, in many places, become one of misery. Industrial exploitation, while sometimes contributing to national and regional economies, has not benefited the rural poor and has often even led to the impoverishment of agricultural soils that are dependent on the protective value of the forests. Forestry for Local Community Development is a new people-oriented policy adopted by FAO, the objective of which is

to raise the standard of living of the rural dweller, to involve him in the decision-making processes which affect his very existence and to transform him into a dynamic citizen capable of contributing to a larger range of activities than he was used to and of which he will be the direct beneficiary. Forestry for Local Community Development is therefore directed at rural people. Its ultimate objective is not physical but human. And one of the vehicles which is advocated to assist in the achievement of these objectives is forestry. ^{5/}

19. Recent examples of FAO technical assistance projects relevant to the right of ownership, with particular reference to land, paragraphs 59-70 of the outline, include:

Papua New Guinea, assistance in the preparation of legislation aimed at providing the indigenous population with increased benefits derived from their customary forest rights;

Vanuatu, provision, upon independence, of an expert in land legislation to assist the Government in its efforts to return all lands to the indigenous owners and to protect the interests of the local population; and

The provision of experts to assist the United Nations Council for Namibia with the preparation for Agrarian Reform and Resettlement Programmes, as part of the Nationhood programme which is aimed towards the objectives of achieving freedom for Namibia, and of meeting the basic needs of the Namibian people. The objective of the assistance is to describe and analyse the existing legal-institutional framework in order to determine the action that would be appropriate to bring it in line with the needs of the people of Namibia. Within this project, FAO will analyse the laws and institutions relating to land, water and fisheries resources, and formulate any necessary proposals for their modification in order to assist in the protection of the interests of the indigenous populations of Namibia. The project is now in progress.

4. The World Food Programme (WFP)

20. In its communication dated 5 June 1981, WFP has included information that is summarized as follows.

21. The World Food Programme, being one of the organs of the United Nations System, operates in accordance with the Universal Declaration of Human Rights, which emphasizes the non-discriminatory rights of individuals.

22. WFP provides food aid to developing countries for specific development projects or emergency operations in response to requests received from the Governments of those countries. Those requests are made within the context of the policies and priorities which are the sovereign responsibility of the Governments concerned. However, according to the Programme's General Regulations, the Executive Director is responsible for assuring that the projects supported by the Programme are "... sound, carefully planned and directed towards valid objectives...".

23. From the inception of the Programme, the Governing Body of WFP, formerly the Intergovernmental Committee (IGC), now the Committee on Food Aid Policies and Programmes (CFA), has maintained that assistance should be provided on a non-discriminatory basis. At its Seventh Session in May 1979, the CFA agreed on a set of Guidelines and Criteria for Food Aid for bilateral as well as multilateral food aid programmes which state, inter alia:

^{5/} Attached to its communication of 10 June 1981, FAO submitted a copy of the booklet Forestry for Rural Communities. FAO Forestry Department, FAO, 1979 (56 pages).

"In the allocation of food aid resources, donor countries should give priority to low-income, food deficit countries. Due attention should also be given to the food aid needs of other developing countries in support of projects specifically designed to benefit the poorest segments of their populations. An important consideration in allocating food aid to the eligible countries should be a strong commitment on the part of their governments to development policies for achieving self-reliance, reducing poverty and improving the nutritional status particularly in rural areas".

24. The proportion of WFP commitments for development projects in the low-income, food-deficit countries, has averaged about 80 per cent per annum over the past four years. The bulk of the Programme's assistance has therefore gone to the poorest countries and to the poorest segments of the populations in those countries, including their indigenous peoples.

25. The General Regulations of the Programme stipulate that:

"In all stages of the development of its activities, the Programme shall, as appropriate, consult with and seek advice and co-operation from the United Nations and FAO. It shall also operate in close liaison with appropriate United Nations agencies and United Nations operating programmes..."

26. Requests for WFP assistance are sent to the United Nations and the specialized agencies of the United Nations system (IAO, ILO, UNESCO and WHO) for technical scrutiny in their fields of competence before they are submitted for approval. This procedure ensures that the principles, regulations and conventions of those organizations are fully taken into account.

27. As a result, no-one should be discriminated against in the distribution of WFP assistance to beneficiaries within approved projects. This applies, for example, in supplementary feeding projects designed to improve the nutritional status of mothers and pre-school children, in school-feeding projects and in training projects. Equally, in food-for-work projects, the Programme observes the ILO Conventions against all forms of discrimination in terms of conditions of work and rates of remuneration.

28. WFP has also assisted a number of development projects which have been explicitly formulated by recipient Governments to address the problems of indigenous groups. For example, the Programme has supported projects in Africa and the Near East for the benefit of nomadic populations. It has also given assistance to a number of countries in Latin America which have served the Andean-Indian population. In other countries, Governments have requested that assistance be focused exclusively on the poorest and most depressed areas. Where different cultural communities exist in a country, the Programme's Governing Body has insisted that WFP assistance should be equitably shared. In projects involving the settlement of people in new agricultural schemes the Committee has sought assurance that potential socio-economic disruption caused by the transfer of people of one ethnic group to regions populated predominantly by people of other groups is avoided and that settlement or resettlement takes place on a voluntary basis.

29. The non-discriminatory distribution of the Programme's assistance in times of disaster, whether caused by nature or man-made, has been one of the corner-stones in the granting of emergency food assistance.

30. The Programme's General Regulations also make provision for support to liberation movements in Africa, which might also involve indigenous populations, provided that they are:

"...recognized by the United Nations and the OAU, implemented with the agreement of the host countries, ... are in conformity with specific resolutions of the United Nations and FAO (and) meet the aims of WFP, the implementation being carried out in accordance with the criteria and procedures of the Programme as appropriate".

C. International Labour Organisation (ILO)

1. Introductory remarks

31. In response to requests for information in connection with the present study communications dated 3 February 1973, 28 February 1974 and 22 May 1981 were received from ILO. As far as possible, these communications have been used in toto in the paragraphs constituting this section. 6/ Consequently, what appears in this section contains basically the ILO's own approach to this matter as well as its own assessment of the impact of ILO action in this field.

32. Ever since its inception ILO has adopted resolutions, conventions and recommendations, issued publications and undertaken different types of projects concerning the condition of indigenous populations throughout the world.

33. In its early years ILO confined its activity almost exclusively to the framing of international labour standards; but in 1953 it entered the operational field with the Andean Indian Programme, which is discussed in section E of this chapter.

2. Historical background

34. ILO states that as early as 1921 the International Labour Office had carried out a series of studies on indigenous workers in the independent countries. 7/

35. Later, in May 1926, the Governing Body of ILO set up a Committee of Experts on Native Labour, which held its first meeting in July 1927 and whose work resulted in the adoption of a series of international labour conventions and recommendations concerning, among others, nationals of independent countries, including aboriginals.

36. These conventions and recommendations were adopted by the ILO Conference at its fourteenth session (Geneva 10-28 June 1930), its twentieth session (Geneva 4-24 June 1936) and its twenty-fifth session (Geneva 8-28 June 1939) and are: the Forced Labour Convention, 1930 (No. 29); 8/ the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35); 9/ the Forced Labour (Regulation)

6/ The present section provides a brief historical review of the main ILO activities in this field and discusses particular aspects of them which are relevant in connection with the Special Rapporteur's study. The summary submitted here is based on the information furnished by ILO in response to the request for information for the preparation of the present study, and on materials contained in one or more of the following publications: Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries, Studies and Reports, New Series, No. 35 (Geneva, International Labour Office, 1955); Conventions and Recommendations adopted by the International Labour Conference, 1919-1966 (Geneva, ILO, 1966); G.A. Johnston, The International Labour Organisation, Its Work for Social and Economic Progress (London, Europa Publications, 1970), pp. 258-261.

7/ Information furnished on 23 February 1975.

8/ Adopted on 28 June 1930, it came into force on 1 May 1932 (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 155-163).

9/ Adopted on 28 June 1930 (ibid., pp. 164-165).

Recommendation, 1930 (No. 36); 10/ the Recruiting of Indigenous Workers Convention, 1936 (No. 50); 11/ the Elimination of Recruiting Recommendation, 1936 (No. 46); 12/ the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); 13/ the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); 14/ the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 15); 15/ and the Labour Inspectorates (Indigenous Workers) Recommendation, 1939 (No. 59). 16/17/

37. The International Labour Conference, in article 2 (b) of the Recruiting of Indigenous Workers Convention, 1936 (No. 50), defined "indigenous workers" as "workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organisation and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organisation".

38. According to the terms of this definition, this and other conventions 18/ applied not only to indigenous workers in non-self-governing territories, but also to certain classes of workers known as indigenous or aboriginal in the independent countries where they existed.

39. The first Regional Conference of American States Members of the ILO, held at Santiago, Chile, in 1936, asked countries with a substantial proportion of indigenous peoples among their population to "supply the Office with all the necessary information concerning the economic and social problems affecting the life and labour of that section of the population so that the Office may consider the possibility of international action leading to practical results".

10/ Adopted on 28 June 1930 (*ibid.*, pp. 166-167).

11/ Adopted on 20 June 1936, it came into force on 8 September 1939 (*ibid.*, pp. 301-308).

12/ Adopted on 20 June 1936 (*ibid.*, p. 309).

13/ Adopted on 27 June 1939, it came into force on 8 July 1948 (*ibid.*, pp. 421-429).

14/ Adopted on 27 June 1939, it came into force on 8 July 1948 (*ibid.*, pp. 430-432).

15/ Adopted on 27 June 1939 (*ibid.*, p. 433).

16/ Adopted on 27 June 1939 (*ibid.*, p. 434).

17/ A selected list of ILO Conventions, Recommendations, Resolutions, Special Technical Meetings and Publications concerning Indigenous Populations and Rural Workers, as provided by ILO, appears in annex I, q.v.

18/ This definition recurs in subsequent conventions dealing with indigenous workers, i.e. the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), art. 1 (a), and the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65), art. 1.1 (see para. 36 above).

40. The second Regional Conference of American States Members of the ILO, held at Havana, Cuba, in 1959, called attention to the social and cultural state of "these proletarian masses and particularly of those among which the descendants of the aboriginals play a prominent role".
41. In 1943, ILO took part in the work of a commission set up jointly by the Governments of Bolivia and the United States to inquire into living and working conditions among Bolivian workers, and more especially among the miners, most of whom are indigenous.
42. The Recommendation concerning minimum standards of social policy in dependent territories, 19/ adopted in 1944 at the Philadelphia Conference, drew attention to the special problems of the populations of these territories, also called non-self-governing territories or non-metropolitan territories. The Governing Body of ILO decided in June 1945 to set up a Committee of Experts on Social Policy in Non-Metropolitan Territories. 20/ From then on, a clear distinction was drawn between workers in the non-metropolitan territories and the aboriginal workers of the independent countries.
43. A resolution passed in Mexico City in April 1946 at the Third Conference of American States Members of the ILO called upon the Governing Body of the International Labour Office to "establish a Committee of Experts on social problems of the indigenous populations of the world" and requested the Governing Body to "have prepared for presentation to the next Conference of the American States Members of the International Labour Organisation, which should take place within two years, a full report on the situation of the Indian population of the American countries based on the work of the Committee of Experts".
44. The Governing Body of the International Labour Office approved in principle the setting up of a Committee of Experts in September 1946 and decided that this new committee should not duplicate the work of the Committee on Social Policy in Non-Metropolitan Territories. It recognized, however, that certain problems would be likely to interest both committees. It was decided that the new committee would be composed of three members of the Governing Body and 10 experts on indigenous questions, at least five of whom should be specialists in problems relating to the aboriginal populations of Latin America. It was also decided that consideration should first be given to conditions in Latin America and that a special item on this subject should be placed on the agenda of the Fourth Conference of American States Members of ILO.

19/ Social Policy in Dependent Territories Recommendation, 1944 (No. 70), adopted on 12 May 1944, at the twenty-sixth session (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 492-503).

20/ See ILO, Minutes of the 94th Session of the Governing Body, pp. 113-114 and 208, 209; ILO, Minutes of the 95th Session of the Governing Body, pp. 109, 110.

45. The Fourth Conference of American States Members of ILO, held at Montevideo in April-May 1949, also passed a resolution on the living and working conditions of indigenous populations. The preamble states that problems affecting these populations, and action required to solve them, are essentially social and economic in character; that numerically, these populations constitute important manpower resources in several Latin American countries; that a more effective utilization of these resources would result in an improvement of the social and economic conditions of these populations and, at the same time, in a fuller development of the national economy of each of the countries concerned; and that important groups of these populations "are living in precarious conditions and are working under special circumstances which prevent them from enjoying the benefit of the protection afforded by legislation to workers in general".

46. After enunciating these principles, the text expressly reaffirms the "principles of equality of rights and opportunities without distinction of race or nationality" contained in the Declaration of Philadelphia, the Universal Declaration of Human Rights and documents of other international and regional organizations.

47. In the operative part of this resolution, the Governing Body of ILO is requested to:

"Recommend that governments should take steps to put into effect legislation to adapt to the real needs and the special characteristics of life and work of the respective indigenous populations concerning, in particular -

"(a) equal pay for equal work;

"(b) regulation of the activities of private recruiting agents with respect to contracts of employment so as to provide adequate protection and guarantees for the workers, taking into account where appropriate standards established in international Conventions;

"(c) provision of adequate housing and medical, hospital and pharmaceutical care as an obligation to be established by contracts of employment;

"(d) recognition of the family as an economic unit in the extension of social insurance benefits and other forms of social assistance;

"(e) inclusion of indigenous workers in plans for land settlement;

"(f) general education and technical training of indigenous workers as a means to ensure their integration in the social and economic life of their respective countries."

The Governing Body is also requested to:

"Instruct the Office to study and co-ordinate the experience acquired by the various countries with respect to indigenous workers concerning -

"(a) the development of programmes of vocational training;

"(b) the extension of social insurance and other forms of social assistance;

- "(c) the systems of land ownership and agricultural credit;
- "(d) the application of legislation concerning labour inspection and the prohibition of unpaid services;
- "(e) the division of agricultural wages between payment in cash and in kind;
- "(f) the conversion of Indian comunidades into agricultural and livestock co-operatives;
- "(g) measures for protecting the economic interests of indigenous homecrafts (problems of access to raw materials, credit, technology, marketing, etc.);
- "(h) recruitment of indigenous agricultural labourers and mine workers for work within the country as well as abroad;
- "(i) adaptation of industrial safety devices to the risks of industry and in particular to mining, and methods of instructing workers concerning occupational risks and in the observance of safety regulations."

and is further requested to:

"ensure co-ordination of the activities of the International Labour Office in this field with any similar work that may be undertaken by the Economic and Social Council of the United Nations, the Economic Commission for Latin America of the United Nations, the Economic and Social Council of the Organization of American States, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Pan American Sanitary Bureau as the Regional Office of the World Health Organization and the Inter-American Indian Institute."

48. The first session of the Committee of Experts on Indigenous Labour was held at La Paz, Bolivia (15-27 January 1951). Its members were drawn from the following countries: Bolivia, Brazil, Canada, Ecuador, Guatemala, India, Mexico, New Zealand, Peru, Philippines, and United States of America. Pursuing the themes of the Montevideo Conference, the Committee adopted a number of resolutions, all of them revolving round the dominant idea that the legislation of each country should be extended to the whole population, including the aborigines, who had hitherto been excluded from its scope. 21/

21/ The report was published in: ILO, Minutes of the 114th Session of the Governing Body, appendix V, pp. 85-90. See also "First session of the ILO Committee of Experts on Indigenous Labour" in International Labour Review, vol. LXIV, No. 1 (July-November 1951), pp. 61-84.

49. These resolutions stressed the desirability for the aboriginal peoples of general education, vocational training, social security, protection of handicrafts, protection at the time of recruitment for employment, research into safety and health in the mines where they were employed, etc.

50. The Committee's report and recommendations, approved by the Governing Body at its 114th session, in March 1951, 22/ formed the basis of much of the subsequent work of ILO in this field.

51. In one of its resolutions, the Committee asked ILO "to ascertain how the International Labour Office, in close collaboration with the United Nations and appropriate specialized agencies, can best assist indigenous workers through the medium of the Expanded Technical Assistance Programme". 23/ The Technical Assistance Board early in 1952 appointed an interagency field planning mission made up of the United Nations and the specialized agencies.

52. In its report, later approved by the United Nations Technical Assistance Board, the mission proposed that a series of projects be started in Bolivia, Ecuador and Peru. Thereupon, the International Labour Office drew up a detailed working plan. This formed the point of departure for what has since become a large-scale technical co-operation project known as the "Andean Indian Programme", described more extensively below (see paras. 198-239).

53. In another of its resolutions the Committee of Experts suggested that the Governing Body of ILO should instruct the latter to intensify its activities in the collection of information to all facilities and studies concerned with the problem of indigenous labour. Following this recommendation, ILO, in 1953, published a major survey of social conditions among aboriginal populations throughout the world (see para. 62 below).

54. At its second session, held at Geneva (15-26 March 1954), the ILO Committee of Experts on Indigenous Labour was composed of members from 15 countries, members from Burma, Colombia, Pakistan and Venezuela having been added to the original 11 members. 24/ At its Geneva session, the Committee focused attention on the conditions of life and work of indigenous forest-dwelling populations, examining legislative measures, methods and results thereof. The Committee adopted a programme of action for the protection and integration of indigenous forest-dwellers that

22/ ILO, Minutes of the 114th Session of the Governing Body, pp. 14, 15.

23/ International Labour Review, vol. LXIV, No. 1, p. 82. (Resolution on the organization of a Joint Field Working Party, para. 3 (c), pp. 81, 82.)

24/ ILO, Minutes of the 125th Session of the Governing Body, pp. 11 and 40, 41. The Governing Body approved the report of the second session of the Committee on Indigenous Labour (p. 41). The report was mentioned in appendix III (pp. 40, 41). The text of the report was published in International Labour Review, vol. LXX, No. 5 (November 1954), pp. 418-441, q.v.

envisaged action to be developed in several interrelated fields. 25/ The Committee recommended the advisability of consulting the United Nations, FAO, UNESCO, WHO and the Inter-American Indian Institute as it became evident to the Committee that any action to implement its resolutions would have to be taken in co-operation with the international organizations when appropriate. 26/

55. Resolutions were adopted by the Committee concerning indigenous forest-dwelling populations, in connection with raising living standards, social protection and integration, land problems, ways and means of action and international technical assistance. 27/ In a resolution on the study entitled Indigenous Peoples, the Committee requested

"the Governing Body of the International Labour Office to instruct the Office to secure the widest possible dissemination by whatever means seems appropriate for the said report among all the persons and groups, governmental, official and unofficial concerned; to continue its work of collecting comprehensive information on indigenous peoples so that developments regarding the problems of such peoples may be followed with close attention; and to make readily available such information regarding these developments so that official and non-official policy may be based upon the widest comparative knowledge." 28/

56. In a resolution on international action on indigenous populations in independent countries, 29/ the Committee requested

"the Governing Body of the International Labour Office to consider now the desirability of giving attention to placing on the agenda of a forthcoming session of the International Labour Conference the item 'the social problems of indigenous populations of independent countries' as was requested by the resolution adopted by the 29th Session of the International Labour Conference."

57. In another resolution, considering the need to study the factors affecting the success of planned social and technological change, 30/ the Committee recommended

"that the International Labour Office, as the responsible organization for the implementation of the Andean Indian Programme undertaken by the United Nations and specialized agencies, appoint such an anthropologist to the staff of the Programme, whose sole task it will be to analyse the whole process of social and technological change as it occurs so as to draw up conclusions which can be of service to others desiring to institute comparable programmes of change;"

and further recommended that any similar project of technical assistance and economic development undertaken in indigenous communities in the future should likewise include an anthropologist with such a responsibility.

25/ International Labour Review, vol. LXX, No. 5, pp. 420-428.

26/ Ibid., p. 428.

27/ Ibid., pp. 429-439.

28/ Ibid., p. 441.

29/ Ibid., p. 439.

30/ Ibid., pp. 439, 440.

58. Since the beginning of the Andean Indian Programme, ILO has continued its standard-setting work in the field of indigenous labour, as a result of which a convention and a recommendation were adopted by the International Labour Conference in 1957 (see paras. 64-99). It is of interest to note that the standards set forth in those instruments were framed by ILO in close co-operation with the four other international organizations that had taken part in the Andean Indian Programme from the time of its inception - the United Nations, FAO, WHO and UNESCO. 31/

59. The ILO Permanent Agricultural Committee recommended at its sixth session (Geneva, 1960) that high priority in rural development activities should be given to studies of problems raised by the sedentarization of nomadic and semi-nomadic tribes, in order to assist Governments in carrying out programmes of economic and social development and in facilitating the integration of such tribes in rural areas.

60. From 1962 to 1967, the ILO organized the first session of the Panel of Consultants on Indigenous and Tribal Populations and a Technical Meeting on Problems of Nomadism and Sedentarization. In addition, the ILO organized a seminar and study tour financed by UNDP on the sedentarization of nomadic populations in the Kazakh and Kirghiz Soviet Socialist Republics.

61. ILO has always enlisted the co-operation of the other international organizations concerned - the United Nations, FAO, UNESCO, and WHO - in any programme of action it sought to undertake for the benefit of nomads.

3. ILO source book on indigenous populations

62. In 1953, ILO published a comprehensive reference book entitled Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries. 32/ This 628-page volume contains a world-wide survey of the status of those populations as well as of national and international action taken on their behalf.

63. The ILO reports 33/ that

"there have been proposals to prepare a complementary volume on nomadic and semi-nomadic populations, and to update the book Indigenous Peoples, but lack of resources has prevented the ILO from undertaking this work".

31/ Last preambular paragraph of the Convention (Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, p. 901.).

32/ Studies and Reports New Series, No. 35 (Geneva, International Labour Office, 1953).

33/ Information furnished on 23 February 1973 for the present study.

4. International standards of 1957

64. On the basis of careful preparatory work carried out by the International Labour Office in close consultation with the United Nations, FAO, WHO and UNESCO, the International Labour Conference at its fortieth session, held at Geneva in June 1957, adopted two basic texts setting out general international standards of action concerning indigenous and other tribal and semi-tribal populations in independent countries, namely: (a) Convention 107, concerning the Protection and Integration of Indigenous and other Tribal and Semi-tribal Populations in independent countries (Convention on indigenous and tribal populations, 1957), adopted on 26 June 1957; 34/ and (b) Recommendation 104, concerning the Protection and Integration of Indigenous and other Tribal and Semi-tribal Populations in independent countries (Indigenous and Tribal Populations Recommendation, 1957), adopted on 26 June 1957. 35/

65. The Convention entered into force on 2 June 1959, 36/ and as at January 1982 had been ratified by 27 countries. 37/ States parties to the Convention are required to report regularly on the measures taken to ensure its application. On receipt, these reports are sent for comment to the United Nations and the specialized agencies concerned. They are then processed by ILO, together with all the comments received, and examined by the ILO Committee of Experts on the Application of Conventions and Recommendations. This Committee is responsible for ascertaining the extent to which ratified conventions are applied and may call on Governments to supply further information or to take further measures in regard to given provisions of these conventions. A tripartite Committee on the Application of Conventions, which is a regular feature of the International Labour Conference, periodically examines the reports submitted by Governments, together with the comments made thereon by the Committee of Experts.

66. In four paragraphs of the preamble to the Convention, its fundamental reasons and purposes are set out in clear terms, as follows:

"Considering that the Declaration of Philadelphia confirms that all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

34/ Conventions and Recommendations adopted by the International Labour Conference, 1919-1966, pp. 901-908. See annex II.

35/ Ibid., pp. 909-915. See annex III.

36/ Ibid., p. 901.

37/ Angola, Argentina, Bangladesh, Belgium, Bolivia, Brazil, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Malawi, Mexico, Pakistan, Panama, Paraguay, Peru, Portugal, Syrian Arab Republic, Tunisia (information furnished by the ILO as obtaining on 5 March 1981).

"Considering that there exist in various independent countries indigenous and other tribal and semi-tribal populations which are not yet integrated into the national community and whose social, economic or cultural situation hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population, and

"Considering it desirable both for humanitarian reasons and in the interest of the countries concerned to promote continued action to improve the living and working conditions of these populations by simultaneous action in respect of the factors which have hitherto prevented them from sharing fully in the progress of the national community of which they form part, and

"Considering that the adoption of general international standards on the subject will facilitate action to assure the protection of the populations concerned, their progressive integration into their respective national communities and the improvement of their living and working conditions."

67. The operative part of this Convention contains 37 articles organized into eight parts covering: I. General policy (articles 1-10); II. Land (articles 11-14); III. Recruitment and conditions of employment (article 15); IV. Vocational training, handicrafts and rural industries (articles 16-18); V. Social security and health (articles 19-20); VI. Education and means of communication (articles 21-26); VII. Administration (article 27); and VIII. General provisions (articles 28-37).

68. The Convention defines the populations to which it applies (article 1) and the circumstances in which special measures for their protection may be adopted (article 3), in the following manner:

"Article 1

"1. This Convention applies to -

"(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

"(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

"2. For the purposes of this Convention, the term 'semi-tribal' includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

...

"Article 3

"1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

"2. Care shall be taken to ensure that such special measures of protection:

"(a) Are not used as a means of creating or prolonging a state of segregation; and

"(b) Will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

"3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection."

69. In article 2, paragraph 1, the Convention specifies that Governments have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

70. The Convention leaves to the Governments the choice of the specific measures and programmes to be applied within the framework of the general principles set forth. In this respect it is provided that the nature and scope of the measures to be taken to give effect to the Convention shall be determined in a flexible manner, having regard to the characteristic conditions in each country (article 28).

71. This freedom of choice and this flexibility in the application of measures to be taken are, of course, not absolute. The Convention contains limiting norms for its application, as it provides that, in promoting the integration of these populations into the national community, there shall be: (a) no trespass upon human dignity and individual initiative (article 2, para. 3); (b) no recourse to force or coercion (article 2, para. 4); (c) no use of measures tending towards their artificial assimilation (article 2, para. 2 (c)); and (d) no adverse effects on benefits conferred on them in pursuance of other conventions and recommendations (article 29). 38/

72. On the other hand, the Convention also contains certain fundamental guidelines on organizational matters and concrete basic norms on action which is deemed indispensable to give effect to the Convention's provisions. For instance, article 27 of part VII, on administration, stipulates:

38/ See also articles 12 and 13, in paras. 77 and 78, below.

"1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.

"2. These programmes shall include -

"(a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;

"(b) proposing of legislative and other measures to the competent authorities;

"(c) supervision of the application of these measures."

73. Other provisions, in part I of the Convention, make it clear that such action shall include measures enabling indigenous populations to benefit, on an equal footing with other elements of the population, from the rights and opportunities established by national laws or regulations; promoting their social, economic and cultural development and raising their standard of living, seeking the collaboration of indigenous populations, and providing them with opportunities for the full development of their dignity, usefulness and initiative; stimulating the development of civil liberties among them, and their participation in elective institutions; creating possibilities of national integration to the exclusion, as mentioned in paragraph 71, above, of measures tending towards their artificial assimilation. (articles 2 and 5).

74. This part of the Convention also provides that: (a) due account shall be taken of the cultural and religious values and of the forms of social control existing among indigenous populations, and of the nature of the problems that face them, both as groups and as individuals, when they undergo social and economic change; (b) the danger involved in disrupting the values and institutions of indigenous populations, unless they can be replaced by appropriate substitutes which they are willing to accept, shall be recognized; (c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted; (d) regard shall be had for the customary laws of indigenous populations in defining their rights and duties (articles 2, 4 and 7).

75. Further, the Convention stipulates, in part I, that: (a) indigenous populations shall be allowed the retention of their own customs and institutions which are not incompatible with the national legal system or the objectives of integration programmes, while not preventing them from exercising the rights granted to all citizens and assuming the corresponding duties (article 7); (b) the customs of indigenous populations in regard to penal matters shall be borne in mind and their methods of social control shall be used as far as possible in dealing with offences committed by members of these populations (article 8); and (c) the exaction of compulsory personal services in any form, whether paid or unpaid, which are not prescribed for all citizens shall be prohibited and punished by law (article 9).

76. Special provisions are made in matters of penal proceedings and sanctions against persons belonging to indigenous populations, who shall be especially guarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights. It is stipulated that preference shall be given to methods of rehabilitation rather than confinement in prison and that, in imposing penalties laid down by general law on members of these populations, account shall be taken of the degree of cultural development of the populations concerned (article 10).

77. On the very important matter of rights to ownership and use of land and the transmission thereof, the Convention provides:

"Article 11

"The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised."

"Article 15

"1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.

"2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members."

78. Regarding the question of removal of indigenous populations from their ancestral land, which is always to be viewed as an exceptional measure and is to be undertaken with all the necessary precautions, it is stipulated:

"Article 12

"1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.

"2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.

"3. Persons thus removed shall be fully compensated for any resulting loss or injury."

79. National agrarian reform programmes should not be allowed to work to the detriment of indigenous populations. It is provided in this respect:

"Article 14

"National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to -

"(a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;

"(b) the provision of the means required to promote the development of the lands which these populations already possess."

80. The Convention then turns to other important matters. With regard to health services, the Convention stipulates that Governments shall assume the responsibility of providing indigenous populations with adequate health services which shall be organized on the basis of systematic studies of their social, economic and cultural conditions and developed in co-ordination with general measures of social, economic and cultural development (article 20, paras. 1, 2 and 3).

81. As far as vocational training is concerned, the Convention provides (a) that persons belonging to the indigenous populations shall enjoy the same opportunities as other citizens (article 16), and (b) that whenever programmes of vocational training of general application do not meet the special needs of members of those populations, Governments shall provide special training facilities for such persons. These special facilities shall: (i) be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations and shall include, in particular, those enabling the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude; and (ii) be provided only so long as the stage of the indigenous populations' cultural development requires them and, when this is no longer so, they shall be replaced by the facilities provided for other citizens (article 17, paras. 1, 2 and 3).

82. Concerning matters of recruitment and conditions of employment, States parties to the Convention shall do everything possible to prevent all discrimination between workers belonging to the population concerned and other workers, in particular as regards (a) admission to employment, including skilled employment; (b) equal remuneration for work of equal value; (c) medical and social assistance, the prevention of employment injuries, workmen's compensation, industrial hygiene and housing; and (d) the right of association and freedom for all lawful union activities and the right to conclude collective engagements with employers and employers' organizations (article 15).

83. The Convention further stipulates that existing social security schemes shall be extended progressively, where practicable, to cover wage earners and other members of the indigenous populations of the country (article 19).

84. As regards matters of education and means of communication (part VI), the Convention includes five articles dealing with the education of the indigenous populations and one on that of the non-indigenous sections of the national community.

85. On provisions for the education of indigenous populations, it is provided that measures shall be taken to ensure that members of indigenous populations be afforded the opportunity to acquire education at all levels on an equal footing with the rest of the national community (article 21); that one of the aims of primary education for the indigenous populations shall be imparting knowledge and skills that will help children to become integrated into the national community (article 24); that children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not possible, in the language most commonly used by the groups to which they belong, making provision for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country, and for the preservation, as far as possible, of the mother tongue or the vernacular language (article 25); and that Governments shall adopt measures appropriate to the social and cultural characteristics of indigenous populations, to make known to them their rights and duties, especially in regard to labour and social welfare. If necessary, this shall be done in the language of those populations by means of written translations and through the use of mass communication media (article 26).

86. As regards non-indigenous populations, it is stipulated that educational measures shall be taken among the non-indigenous sections of the population, particularly among those that are in most direct contact with the indigenous populations, with the object of eliminating prejudices that those sections of the population may harbour in respect of indigenous populations (article 25).

87. Articles 30 to 36 of the Convention deal with matters of ratification and denunciation of the Convention, 39/ its revision by subsequent conventions, and the communication of all these acts to the United Nations under Article 102 of the Charter of the United Nations. Article 37 declares the English and French versions of the Convention to be equally authoritative.

88. The Recommendation (104 of 1957), 40/ elaborates on the principles set forth in the Convention and makes detailed provisions on the different matters contained therein. The Recommendation consists of 37 provisions organized into 11 parts, as follows: I. Preliminary provisions (1); II. Land (2-8); III. Recruitment and conditions of employment (9-15); IV. Vocational training (16-21); V. Handicrafts and rural industries (22); VI. Social security and measures of assistance (23, 24); VII. Health (25-27); VIII. Education (28-32); IX. Languages and other means of communication (33, 34); X. Tribal groups in frontier zones (35); Part XI. Administration (36, 37).

89. In the appropriate chapters of future reports on his study the Special Rapporteur will make a thorough analysis of the provisions of the Convention and of the Recommendation. In the present report, however, he purposely abstains from any comments in this regard and merely makes reference to the contents of the provisions contained in these extremely important international instruments, with a brief description of those of the Convention, as it is binding upon many countries today.

39/ States parties to the Convention may denounce it only after the expiration of a period of 10 years. If they fail to do so at the appropriate time, they are bound for another 10-year term (article 32).

40/ See para. 64.

90. The International Labour Office, in the information transmitted in 1973 in response to the request for information for the present study, makes the following general comments on the Convention: 41/

"There is now general acceptance by governments that any policy directed at improving the conditions of work and life of indigenous populations is in the long run beneficial to the country as a whole.

"The application of many of the principles contained in the Convention can best be assured by giving indigenous peoples full access to technical and higher education; this will help remove obstacles preventing them from benefiting from economic development and social progress.

"The widespread lack of public funds in developing countries makes it impossible for them to apply the Convention to the letter. It must be noted however that measures advocated in the Convention can be introduced progressively and spread over a number of years within the context of national development plans. Technical co-operation obviously has a big role to play but should preferably be inspired to a greater extent than it is now on the ILO international standards mentioned above.

91. In connection with article 3, paragraph 2, of the Convention 42/ ILO states: 43/

"The practice followed in some countries of setting up indigenous parks or reservations appears to run counter to the spirit of the Convention since although they purport to protect indigenous populations from extermination and land appropriations, there is the risk of indefinitely prolonging their segregation, which the Convention aims to eradicate. A more effective means of protecting indigenous populations may be the establishment of specialized institutes of the type already existing in several countries, provided they are staffed by honest and dedicated people with a thorough understanding of the problems, adequate resources and that there is good co-ordination with other government services."

92. On the stipulation that "enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection" (Convention, article 3, para. 3), ILO states: 44/

"Most legislations provide for full equality before the law of indigenous inhabitants to facilitate their rapid integration. In fact, however, the situation of near serfdom and of utter poverty in which many indigenous populations have lived and still live, prevents legal equality from becoming a reality."

41/ Information-submitted on 23 February 1973.

42/ See para. 68.

43/ Information furnished on 23 February 1973.

44/ Idem.

and adds: 45/

"Certain governments have undertaken energetic campaigns in the field of education, vocational training, public health and environmental sanitation, and have promoted the protection of land rights, the improvement of cultivation methods and of agrarian structures as well as technical and financial assistance needed to make indigenous integration programmes part of their general social and economic development programmes, and ensuring that indigenous populations do in fact enjoy equality of opportunities."

93. In the information transmitted in 1981, ILO stated: 46/

"The basis of the ILO's activities concerning indigenous populations remains the Indigenous and Tribal Populations Convention, 1957 (No. 107) and its accompanying Recommendation (No. 104), which are still the only international instruments ever adopted covering the entire spectrum of the life and work of these population groups. The Convention has now been ratified by 27 countries (see attached ratification list) in all areas of the world, and including most of the countries which have major indigenous populations. Consultations are going on with other countries which are examining the possibility of ratifying the Convention."

94. It was added that the Committee of Experts on the Application of Conventions and Recommendations has continued to make observations and direct requests on the application of the Convention in ratifying countries, on the basis of the regular reports received from them under article 22 of the ILO Constitution. In doing so, it has raised a number of points about particular situations which have come to its attention and which affect the rights or situation of these populations in the countries concerned. The observations have been published and may be found in the annual reports of the Committee of Experts to the International Labour Conference (published as Report III (Part 4A) of each session on the International Labour Conference), while direct requests have been communicated directly to these Governments, with copies to the employers' and workers' organizations in each country.

95. In making its comments, the Committee has continually emphasized the need to adopt an attitude of collaboration with the indigenous populations themselves in planning and implementing development and other programmes which affect them (in this connection, see article 5 of the Convention). In doing so, it has suggested that Governments might wish to forward copies of their reports on the application of the Convention to representatives of the indigenous populations in each country for their comments, and for suggestions on how the Convention might be better applied, and a few countries have responded positively to this suggestion.

96. The Committee has also stressed the need to review the approach to "indigenous affairs" in each country. In many cases legislation concerning indigenous populations is badly out of date, sometimes having been adopted during the past

45/ Idem.

46/ Information furnished on 22 May 1981.

century. This legislation should be revised to bring it more into accord with the needs and aspirations of indigenous populations today, and this should be done with the active collaboration of representatives of these populations. In addition, in many cases the structure of the administration of indigenous affairs should be reviewed and revised. There are several countries in which non-governmental organizations (aside from organizations of the indigenous peoples themselves, such as religious or other groups) have assumed or been assigned major responsibility for the administration of indigenous affairs, and this would not necessarily seem to be in the best interests of the indigenous populations. The Committee has therefore recommended that the primary responsibility be assumed by the Governments, in consultation with representatives of indigenous populations, thus increasing the accountability of the authorities actually responsible in this area.

97. In this connection, requests have recently been received from two countries (Colombia and Ecuador) for ILO technical assistance in the revision of their legislation concerning indigenous populations, in the light of Convention No. 107, and the International Labour Office has begun furnishing the assistance requested. The Sub-Commission will be informed of subsequent developments in this regard.

98. ILO is also collaborating with the Inter-American Indian Institute of the Organization of American States in the implementation of the Five-Year Inter-American Indian Action Plan begun in 1980. Arrangements have been made for the Institute to receive copies of the reports sent by ratifying countries on the implementation of Convention No. 107, and to make any comments which may assist the Committee of Experts in its examination of these reports. This supplements arrangements which already exist with regard to the United Nations, FAO, UNESCO and WHO.

99. Finally, ILO will continue its efforts to improve the situation of indigenous populations, particularly in countries which have ratified Convention No. 107. In doing so it will as usual co-operate with other intergovernmental and non-governmental organizations, in particular with representatives of indigenous populations, to do whatever is possible to safeguard the interests of indigenous populations and assure their continued existence.

5. Panel of Consultants

100. Appointed by the Governing Body of ILO, a Panel of Consultants on Indigenous and Tribal Populations met in Geneva in 1962. This meeting was attended by consultants from all regions of the world.

101. Their principal conclusions and recommendations are summarized by ILO as follows: 47/

"1. National Policies:

(a) use of the integral approach, both as it relates to national (inter-ministerial co-ordination) and international (interagency co-ordination) bodies in the social and economic development of tribal areas;

47/ Information furnished on 22 May 1973.

(b) adoption of systems of training of national personnel adapted to the conditions and needs of those areas with particular emphasis on the training of social promoters and auxiliary workers;

(c) adaptation of methods and techniques in the fields of education, health, vocational training, co-operative organization, etc., to the economic, social and institutional characteristics of the populations concerned;

(d) formulation of national integration plans within which specific social and economic programmes could be carried out in a co-ordinated manner;

(e) inclusion in such plans of the necessary studies in order to be duly aware of the economic, social and institutional characteristics of the areas in which they were being implemented.

"2. International Exchange of Experience:

(a) periodic regional and international meetings with the participation of the technical and administrative authorities responsible for integration programmes and international experts assigned to such programmes;

(b) publication by the Regional Office of the Andean Indian Programme of a bulletin designed to diffuse the results of investigations, development of indigenous policies, national legislation, action programmes, progress achieved in the implementation of the latter, selected bibliographies, etc.;

(c) publication, with the assistance of the competent international and regional agencies of a series of monographs and reports concerning the indigenous problems which had a practical bearing on the formulation and implementation of integration programmes;

(d) fuller use of an expanded international fellowships programme with the twofold purpose of completing the training of personnel and facilitating the exchange of national experience within the Andean region and outside it.

"3. Training of National Personnel in Integration Techniques:

(a) incorporation of the social sciences in the programme of studies of the professional and technical personnel whose services were required for the implementation of the various aspects of the integration programmes, as was the case in Mexico, and had been initiated in the Agronomic, Catholic and Engineering Universities of Peru and in the Cochabamba University in Bolivia, the latter as part of the Special Fund project which was being executed by the FAO within the general framework of the Andean Indian Programme;

(b) organization of complementary training courses for work in the rural indigenous environment; these courses could be given regularly by an institution especially established for this purpose - as was the case of Guaslán in Ecuador - or in different operational centres - as was the case of the courses for teachers in Bolivia and in Peru (Puno). Such courses should always include theoretical instruction and practical work directly linked with the normal activities of the integration programmes;

(c) the last phase in the training of personnel should consist of in-service training on the basis of an objective evaluation of the results obtained in practice in all and every one of the activities carried out by the operational centre to which such personnel was attached; and

(d) the organization of periodic seminars in order to discuss questions of doctrine and the implementation of integration programmes, with the participation of the competent authorities, experts and students of the matter at the local and national levels.

"4. Special Problems of Nomadic and Semi-Nomadic Populations:

(a) the ILO should explore, in close consultation with the other organizations concerned, ways and means of developing a programme of research and operational activities designed to assist requesting governments in the formulation and execution of national and regional projects for the improvement of the conditions of life and work of their nomadic and semi-nomadic tribal populations, and the integration of these populations into national life, by means of settlement schemes or any other action which might prove to be necessary;

(b) in the development of such a programme special attention should be given to the need for carrying out intensive field research with a view to obtaining basic information on the tribal values and institutions of these populations which might facilitate the implementation of operational projects and in this connection the possibility should be examined of promoting the establishment or development of national or regional institutes for the study of the social and economic problems of tribal groups in the desert and semi-desert areas and the training of specialists in this field;

(c) the ILO should offer assistance to interested governments in the implementation of the norms incorporated in the Indigenous and Tribal Populations Recommendation 1957 and in particular those concerning tribal groups in frontier zones."

6. Organizations of Rural Workers and their Role in Economic and Social Development

102. Although it is not explicitly concerned with indigenous population, a recent convention concerning improvements in the living and working conditions of peasants and rural development should also be mentioned, namely, Convention No. 141, adopted in 1975, concerning organizations of rural workers and their role in economic and social development, which has already been ratified by 21 member States. This instrument and the corresponding recommendation (149) establish: (1) the basic criteria and guarantees required for the constitution and development of such organizations, and (2) social policy objectives and standards concerning their participation in economic and social developments. 48/

7. Symposium on equality of opportunity in employment in the American region

103. The Symposium was convened in accordance with a decision taken by the Governing Body of the International Labour Office at its 188th session (Geneva, November 1972). The Symposium was held at Panama City, at the invitation of the Government of Panama, from 1 to 12 October 1973.

104. In establishing the terms of reference of the Symposium, the Governing Body decided that the meeting should deal with the following two main questions:

(a) General discussion of the problems and policies relating to equality of opportunity and treatment in employment and occupation, with particular reference to the problems encountered by different racial ethnic, religious and cultural groups, including the problems of migrant workers;

(b) Methods for the promotion of equality of opportunity in employment, including legislation, employment policy and practice, administrative action, educational action and action by employers' and workers' organizations, with particular reference to the role of collective bargaining.

105. The purpose of the Symposium was to facilitate the exchange of opinions and experience on these questions in the light of conditions in the Americas. The results of the Symposium will serve in particular to promote national and international action in this field in the American region.

106. Representatives of 12 countries took part in the Symposium (Barbados, Canada, Chile, Colombia, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, United States of America, Uruguay and Venezuela), as well as representatives of the United Nations and UNESCO and a Panamanian expert. The report, which was issued under the signatures of the Chairman and the Rapporteur of the Symposium on 12 October 1973 (SEE/AM/1973/R), consists of two main parts: I. General discussion of problems and policies relating to equality of opportunity and treatment in employment and occupation; and II. Methods for the promotion of equality of opportunity and treatment in employment. The conclusions of the Symposium are reproduced at the end of the report.

107. Among the many interesting statements contained in the report, the following passages relate directly to the indigenous populations of various countries:

(a) Part I:

"15. Reference was made to the problem of indigenous populations in several countries of the region. It was indicated that in Peru, the Indian population, which had a highly organized civilization in pre-colonial times, had since suffered four centuries of oppression, colonialism, dependence and subsequent governmental neglect. This population had become a marginal group inside its own country, and the very term Indian had become a pejorative concept. Although the Constitution had laid down the rights of Indians, in particular, to the possession of their community lands, until recently no effective legislation had been enacted to make these rights a reality. Having been deprived of their ancestral lands, many Indians had been forced to seek employment elsewhere, mainly in the mines, and had in particular suffered discrimination from foreign companies operating in the country. There had also been inequalities between the labour legislation applicable to manual workers, the category in which Indians predominated, and non-manual workers. There was also a linguistic problem, since

most Indians spoke one or two native languages; and many did not speak Spanish. It was pointed out in this connection that a general problem facing indigenous populations in many countries was the lack of educational and training facilities in their own languages. It was only recently that the new Government of Peru had begun to take positive measures to promote the economic and social development of the Indian population, to restore their human dignity, to give them back their lands, and respect their rights. It was stated that in Canada some of the indigenous peoples were attached to their traditional culture and way of life, and these generally had no desire to be integrated into the mainstream of national economic life. One of their main aspirations was ownership of their lands and natural resources for their own use. There existed a number of programmes for their economic and social advancement. Reference was also made to the situation of indigenous populations in Mexico and Venezuela, and to measures taken in those countries to improve the health and educational standards of those populations in their own areas and languages and to ensure their protection in agricultural employment respectively.

"16. As regards the principal factors affecting equality of opportunity in employment in the American region, there was general agreement that problems of economic under-development, rapid population growth, high rates of unemployment and under-employment and serious imbalances in economic and social development, which were closely interrelated factors affecting the majority of countries in the region, were among the most serious obstacles in the achievement of equality of opportunity in employment in the region."

(b) Part II:

"38. Among disadvantaged groups, the problems of indigenous populations were felt to require special attention. The approach to these problems would of course vary according to whether the objective was to integrate them into national economic and social life or to maintain their separate identity and traditional way of life. It was suggested in particular that there should be adequate protection against expropriation of their land. Governments should recognize and financially support organizations of indigenous peoples and, whenever possible, native languages should be used as the vehicle for primary education, and adult literacy programmes, with the official language taught as a second language. It was also felt that employment and training opportunities should be brought to the areas of the indigenous people, and adapted to their specific attitudes, rather than being made available in the urban environment, to which these people were generally poorly adapted. However, those who wished to take up employment in towns, with their families, should be given assistance to find suitable employment and to adapt themselves to urban life."

(c) Among the conclusions, the following are particularly relevant to indigenous populations:

"(1) The main problems of discrimination based on race, ethnic origin or national origin in the region were basically rooted in causes of economic and educational inequalities, and notably the disparities between rural and urban areas.

"...

"(5) Unemployment and under-employment were fundamental elements aggravating problems of discrimination and social tensions in so far as they affected certain groups more seriously than others in different parts of the region.

"(6) The experience of the American region had shown that clearly defined national policies, comprising both appropriate legislation and a social, economic and educational strategy, as well as general policies designed to reduce disparities between groups, were indispensable if one was to tackle effectively the different problems which existed, and not only some of their aspects.

"(7) The experience of the region had particularly revealed the need for the following elements of national policy:

A full employment policy, which would particularly take into account the need to eliminate disparities in the levels of unemployment affecting different groups, and at the same time ensure adequate social mobility.

A manpower policy linked with educational policy, which would be designed to offer equal opportunities to members of all groups.

A rural development strategy designed to eliminate, among others, economic, social and educational disparities between rural and urban areas, which would take into account the cultural particularities of populations, which were often of different race, ethnic origin or language, and would seek, among other objectives, the creation of non-agricultural employment in rural areas.

The existence of appropriate methods for the examination and redress of cases in which discrimination in employment may have occurred.

General educational action designed to promote awareness of all citizens, and particularly workers and employers, of the principles of equality of opportunity and treatment.

Co-operation between all social groups concerned, particularly employers, workers and Governments, through tripartite machinery with a view to promoting the interests of all sections of the population, especially through the collective bargaining process.

Special measures designed to make up for the disadvantages suffered by certain groups, which should be based on socio-economic criteria and technical skill considerations rather than on considerations of race, origin, sex, etc. and should include in particular the provision of educational and training grants to members of such groups.

"...

"(9) All States Members of the region, which have not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), should consider associating themselves with the great majority which had ratified it. The other relevant ILO standards should also generally be ratified and applied in the region.

"(10) Co-operation between the different countries of the region should be further developed under the auspices of the ILO, particularly through the organization of further symposia, as appropriate, at a subregional level or on particular topics. Advantage should also be taken of the assistance which the ILO can provide to States in the form of technical co-operation for the

elaboration of measures to promote equal opportunity and eliminate discrimination. The ILO could also undertake special surveys bearing on situations existing in particular countries or groups of countries and in particular sectors of the economy, which could be conducted by an expert or group of experts. In addition, the methods for the promotion of equal opportunity in the American region could be studied in depth by a select group of experts on the basis of the conclusions of the present Symposium."

3. Special Technical Projects

103. Information was transmitted on three aspects of the technical assistance provided by ILO in the form of projects carried out in various countries, one directly by that agency and two by it as the executing agency for United Nations Development Programme (UNDP) projects in co-operation with other agencies.

(a) Project carried out in Ecuador

109. The purpose of this project was to assist the Government - in particular the Andean Mission of Ecuador - in planning zonal programmes for the modernization of rural life in the Andes. Financed by UNDP, it began in February 1971 and was completed in July 1973. The executing agency was the International Labour Office in co-operation with the United Nations, FAO, UNESCO and WHO. International assistance consisted in providing the project director, eight experts and consultant services. The zone for action selected by the Government was a region in the north-western part of the country with a population of 366,000 inhabitants. The practical activities of an experimental nature focused on rural education (establishment of school centres and training of rural teachers), health (training of auxiliary nurses), social organization of the rural inhabitants (establishment of 72 local committees and one regional commission of rural inhabitants), organization of a co-operative movement (setting up of pre-co-operative groups), agriculture and animal husbandry (introduction of improved methods), marketing of agricultural products (establishment of centres for the collection and storage of cereals), small processing industries (canneries and abattoirs) and road infrastructure.

110. ILO makes the following comment:

"The project has also made it possible to co-ordinate more effectively the activities of various services and agencies operating in rural areas and to collect information and basic data essential for the planning and application of a rural development policy adapted to the conditions in the Andean zones."

(b) "Multinational project for community development in the Andes"

111. The project was carried out, between February 1971 and January 1974, on a regional basis comprising three countries: Bolivia, Ecuador and Peru. The technical assistance provided, under UNDP, by ILO as executing agency, the United Nations and FAO, included the project director, 14 experts for periods varying from 6 to 18 months and consultant services. The areas studied were: agricultural economy and development, rural employment, rural sociology, training of professional and technical staff, the building of small irrigation works and of local roads. The information that was gathered and the experiments undertaken in these areas were analysed and discussed in a series of meetings held by the executive committee for the project made up of national co-ordinators, the technicians responsible for the various subprogrammes and representatives of the rural inhabitants of the three countries.

112. ILO states:

"As a result of these meetings at three different levels, it was possible to ensure effective co-ordination between the various national bodies participating in the project and the active participation of the organizations of rural inhabitants in the preparation and execution of community programmes. In accordance with its objectives, the project has thus been of assistance in drawing up a regional development strategy and in launching integrated community activities in the three countries. Moreover, the studies relating to the socio-economic conditions in rural areas which were carried out in each of the countries by experts working in multidisciplinary teams made it possible to define the direction and general outlines of a plan for the execution of rural development programmes geared to the economic and social integration of the countries that are parties to the Andean Pact. Accordingly, a proposal has been made for the elaboration of a further multinational project that could be carried out in the near future with the assistance of UNDP and ILO."

(c) Technical assistance by ILO in Venezuela

113. An ILO expert has been assisting the Government of Venezuela since 1972 on all questions relating to the indigenous population.

(d) Bhoomi Sena - A "Land Army" in India, and other similar projects ^{49/}

114. In 1977-1978 ILO collaborated in a participatory research project to study, jointly with the UN Asian and Pacific Development Institute (Bangkok) and the National Institute of Bank Management (Bombay), the indigenous Bhoomi Sena (Land Army) movement of poor tribal peasants in the Thana district of Maharashtra, India. The movement is more than a decade old by now, and is focused on the liberation of bonded labour, recovering land usurped by the money lenders, obtaining a legal minimum wage, and implementation of the Employment Guarantee Scheme. The movement has developed innovative methods of raising collective awareness among the poor peasants, and encourages people's initiatives as opposed to centralist methods. In 1978 Bhoomi Sena formed an Agricultural Workers' Union in the Thana district.

115. The participatory study of the movement in which the Bhoomi Sena were active partners was financially supported by the Dag Hammarskjöld Foundation and the International Foundation for Development Alternatives. The objective was to assist Bhoomi Sena to document and analyse their movement and understand it in a broader social context. The study was given wide circulation by the Dag Hammarskjöld Foundation and has stimulated thinking about participatory development at the grass-root level. ILO is providing ad hoc advice to Bhoomi Sena and is exploring possibilities for further support to the movement.

116. The authors of the study were stimulated by this experience to apply elements from Bhoomi Sena's method of awareness raising in Sri Lanka, through a UNDP-supported government project on Cadre Training and Action Research in Self-reliant Rural Development. ILO provided advisory inputs to this project, which started in 1978. The Sri Lankan project has by now generated a number of small rural producers' organizations, and an NGO, called the Participatory Institute for Development Alternatives,

^{49/} The content of paras. 114-124 was provided by ILO on 22 May 1981.

has been set up to extend the work in other areas of Sri Lanka. Encouraged by the success of the Sri Lanka experiment ILO has initiated TCDC exchanges among the Rural Workers' Office of the Philippine Government Ministry of Labour which has an ILO-supported pilot project in participatory rural development in the sugar-crop-dominated regions, the Sri Lanka project and Bhoomi Sena. This is having a profound impact on the Philippine project which is reorienting its effort towards greater grass-roots participation and self-reliance.

(c) Rehabilitation of Destitute Tribal (DHIL) Labour in Selected Areas of Rajasthan, India

117. This project was launched in the early 1980s by the National Labour Institute, New Delhi in co-operation with and with the financial support of ILO. The first phase, which was for a period of one year, envisaged the implementation of an intensive survey; education and training of people; and identification of critical support systems and enhancement of their preparedness. In terms of activities covered under the first phase were preliminary visits; awareness-raising camps; fact-finding surveys; identification of critical support systems; interfacing with the tribal youth and the personnel from the support systems; and joint efforts to identify the alternative employment potential of the areas.

118. The review of the progress made during the first phase was concluded by the end of 1980. Significant achievements of the first phase include:

- (i) Emergence of around 200 tribal youth leaders as a result of the awareness-raising process practised in the areas;
- (ii) Identification of the alternative employment potential in a number of areas for promoting economic activities;
- (iii) Creation of organizations of the rural poor, now active in collecting evidence on, and taking action in, cases of injustice;
- (iv) Interfacing and persuading the contractors to pay minimum wages;
- (v) Contact with government officials to ensure that justified claims of local people under developmental schemes are met;
- (vi) Initiating joint efforts by development agencies and tribal youth for identifying alternate economic opportunities and utilizing existing facilities for achieving them in the context of ongoing development programmes.

119. The youth workers, after the interface work with the development agencies in January 1981, returned to their villages to organize Gaon Sabhas (Village Councils) for executing the plan of action for economic activities. Second phase: the objectives of the second phase of the project are as follows:

- (i) Development of viable economic units and programmes for rehabilitation of destitute workers;
- (ii) Initiation and implementation of the schemes of rehabilitation.

The second phase is expected to start in 1982 with multi-bilateral funding and ILO technical support.

(f) Special labour-intensive public works programme to provide employment and income opportunities for indigenous populations

120. Opportunities for employment and income for depressed indigenous groups also arise, though on a limited scale, within another important ILO programme, namely the special labour-intensive public works programme.

121. One pilot project in the Jhagram subdivision of the West Midnapore district in the West Bengal State of India (project ILO/AUS/75/IND/2) carried out from 1976 to early 1980, resulted in the creation of substantial job opportunities for the very poor Santal and Munda tribal workers through forestry and minor irrigation activities. Over 76 per cent of the total project cost of \$US 193,000 was disbursed as wages of workers. An interesting aspect of this project was the organization of some 200 tribal workers into four labour construction co-operatives. These co-operatives are now being regularly awarded departmental reforestation and small-scale irrigation works - worth approximately Rs. 30,000 annually, i.e. \$US 10,000 or \$US 80 per member - thereby cutting down the long periods of seasonal idleness of their members.

122. A similar, but somewhat larger and more ambitious pilot project has just started in another predominantly tribal and drought-prone community development block in the Purulia district of West Bengal (ILO/DANIDA/79/IND/3 - Pilot Project for promotion of employment and income opportunities for tribal workers/share-croppers through systematic development of labour-intensive public works, skills training and workers' organization in Bundwan Block, Purulia). DANIDA has provided \$US 497,162 for this three-year pilot project which aims at undertaking a variety of labour-intensive community works e.g. village woodlot, wells and surface-tank construction, contour-bunding and bench terracing, planting of sabia grass for rope-making etc. (which will create over 500,000 man-days of employment) besides training-cum-production centres, based on locally available materials in a number of trades, e.g. blacksmith, bamboo crafts, rope-making, bricks and tile-making, babai rope-making etc. Roughly 825 tribal workers will be trained in these trades and the centres will eventually be handed over to the trained tribal workers. As in the previous project, an effort will be made to organize the tribal workers into labour construction and craft/trade co-operatives as subsidiaries to the local large-sized agricultural multi-purpose societies.

123. These two modest ILO projects in West Bengal are helping the poor tribesmen who suffer long spells of unemployment and earn less than half the average wage of West Bengal workers as a whole to learn that development projects can assist, or not to be ignored, and are even worth supporting.

124. Several other projects in this field in Africa, supported by ILO and its bilateral partners and designed specifically to mitigate droughts and to prevent environmental degradation through soil conservation and erosion control measures, are also indirectly helping tribal and nomadic populations both by augmenting their employment and earning prospects and by improving infrastructure facilities and amenities in their habitats. Mention may be made in this connexion of the ILO/Norway project in Cape Verde, costing \$US 441,000 which started in January 1979; the ILO/Netherlands project in Mali to support a special public works programme costing over \$US 5 million (the project's contribution will be over \$US 1.6 million); the ILO-UNDP-Netherlands project in Uganda to support a crash employment programme (UNDP contribution for technical assistance \$US 192,000 and UNDP and Netherlands contribution for support of programme costs \$US 2.57 million).

(g) Activities directed towards the rural environment 50/

(i) General rural development activities

125. In addition to operations in its field of competence that are specifically adapted to the characteristics of the rural environment: peasant organizations and participation, co-operatives and other forms of rural association,, rural workers' training, development of appropriate technologies, rural handicrafts and cottage industries, job creation, social security and extension of public services, ILO, together with other organizations of the United Nations system, participates in integrated rural development work and projects. In that context, ILO took part in the Working Group on Rural and Community Development appointed by the Administrative Committee on Co-ordination, the senior body inside the system, to unify criteria and co-ordinate the activities of its components with a view to relieving rustic poverty which principally affects the indigenous population in that part of the world. In that capacity, ILO also participated in the visiting mission to Bolivia in 1977 and in the formulation of the subsequent project, the initial phase of which is currently under way.

126. As for rural employment, within the overall framework of the World Employment Programme, ILO's work is primarily directed towards meeting the basic needs of the poorest sectors of the population - which include the peasant population that is mainly indigenous in various Latin American countries - in accordance with the Programme of Action adopted by the World Employment Conference in 1976. At the regional level, the Regional Employment Programme for Latin America and the Caribbean (PREALC), with its headquarters at Santiago, has carried out studies on employment in Ecuador and Bolivia, both of which provide ample information on the traditional rural sector.

127. With regard to rural vocational training, the Inter-American Vocational Training Research and Documentation Centre (CINTERFOR), with its headquarters at Montevideo, held a special seminar on vocational training policies for the rural sector at Asunción, Paraguay (1977) and published some textbooks on the subject. A methodological guide to rural vocational training is in the final stages of revision.

128. The ILO Advisory Committee on Rural Development makes a periodic general review of the Organization's activities and puts forward recommendations for their future development. In 1979, it drew attention to the need to adopt special methods to establish organizations representing indigenous workers, in view of the fact that they usually had their own cultural models and forms of organization.

129. In such special fields as integrated rural development activities, ILO provides technical co-operation for the implementation of projects with varied scope and content. For example, in Bolivia, it is participating in the project for the organization and supply of vulnerable groups, in which UNDP and the World Food Programme are co-operating, with a view to promoting the establishment of small-scale productive units based on groups of countrywomen; and, in Ecuador, in co-operation with the Fondo de Desarrollo Rural Marginal (FODERUMA) (marginal rural development fund), it is participating in the appropriate endogenous technologies project, which is being implemented in the inter-Andean provinces and aims at preserving, improving and disseminating forms and methods of work, many of which are deeply rooted in the indigenous culture.

(ii) Special activities connected with indigenous populations

130. Among those which concern them specifically, reference may be made to two activities:

Research into traditional forms of social organization and authority in indigenous Andean groups, for which a plan has just been completed. This project will be carried out in co-operation with the Inter-American Indian Institute in view of the fact that it deals with a similar theme to the participating research programme on traditional forms of social organization among indigenous peoples, which forms part of the Five-Year Inter-American Indian Action Plan. Similarly, research into the living conditions of indigenous persons who migrate to the cities is a project which will be entrusted to a working group appointed by ILO to study the problems of urban marginality and will be linked with the programme for seeking solutions to marginality and discrimination which is also part of the afore-mentioned Five-Year Plan.

Advice on the preparation of draft legislation in accordance with the standards contained in the international conventions relating to indigenous populations, particularly No. 107. To that end, two missions have been sent to Colombia, last year and this year, and similar work will begin in the next few weeks in Ecuador at the Government's request.

Exchange of information and documentation. In order to facilitate such exchanges the ILO Regional Office has begun to reorganize and classify the records of the Andean Programme, a technical co-operation programme that was mentioned at the beginning of this report.

(h) Relations with the Inter-American Indian Institute and collaboration in the Five-Year Indian Action Plan

131. Early in August 1980, a meeting was held at Lima between the Director of the Institute and the competent officials of the Regional Office, with a view to exchanging information and discussing new forms of co-operation and joint action. The Chief of Anthropological Research of the Institute also visited that Office twice and had talks on various matters.

132. With a view to formalizing the positive conclusions of those discussions, the ILO Regional Office for the Americas and the IIA signed a Co-operation Agreement at Mexico City.

133. ILO welcomed the approval of the Five-Year Inter-American Indian Action Plan, because it considered it to be the ideal instrument, at least potentially, to combat the poverty and marginality of the indigenous populations on the American continent, as it stated at the meeting of international organizations held in Washington (21-22 August 1980) to discuss co-operation with and support for the implementation of the Plan. On that occasion, ILO expressed its readiness to co-operate fully in the Plan, indicating the specific programmes in which it was particularly interested in participating.

134. ILO attended the eighth Inter-American Indian Congress with a view to contributing to the common aim of improving the living and working conditions of the indigenous populations of America and assisting the efforts being made to achieve those purposes at the national and regional level.

D. United Nations Educational, Scientific
and Cultural Organization
(UNESCO)

1. Introductory comments

135. In response to requests to do so, UNESCO has submitted some information relevant to this study. Its contributions were sent on 8 February 1973, 27 August 1973, 4 March 1974 and 17 July 1981.

136. Various subjects were considered in those communications, namely: (a) normative action and application of the norms; (b) studies and research; (c) UNESCO participation in meetings and seminars on racism; (d) educational activities; (e) activities concerning public museums and (f) information on specific projects.

2. Normative action and application of the norms

(a) Introductory comments

137. At very least, reference should be made in this connection to the Convention and Recommendation against Discrimination in Education, of 1960, and to two more recent texts: the UNESCO Declaration on Race and Racial Prejudice of 1978 and the Athens appeal of 1981.

(b) Convention and Recommendation against Discrimination in Education (1960)

138. The Convention and Recommendation against Discrimination in Education were adopted on 14 December 1960 by the General Conference of UNESCO at its Eleventh Session. 51/ The Convention contains substantive provisions which will be cited in appropriate parts of the study. Article 7 and section VII of the Recommendation foresee the submission of periodic reports on measures taken to implement these provisions. In fulfilment of these obligations, States parties have submitted two periodic reports, the first in 1961. 52/ The second periodic reports were submitted in 1971 and are those referred to by UNESCO in its information.

139. Regarding the reports by States Members on the implementation of the Convention and Recommendation against Discrimination in Education, it was stated that:

"The second periodic reports, which were submitted by Member States in 1971 on the implementation of the Convention or Recommendation against discrimination in education, did not contain information regarding any direct or indirect impediments, limitations, restrictions or obstacles affecting indigenous persons or communities." 53/

140. Reference was made, however, to the fact that the reports of Australia and New Zealand, which are States parties to the Convention, refer to certain measures taken to overcome educational inequalities affecting indigenous populations. 54/ The same information was subsequently furnished with regard to the report of Canada. 55/

141. The information concerning Australia, Canada and New Zealand will be included in the appropriate paragraphs of the study as substantive information.

51/ UNESCO, General Conference, Eleventh Session. Resolutions. See the status of the Convention as at June 1981 in chapter VIII (E/CN.4/Sub.2/Add.3, paras. 111-113).

52/ (UNESCO, General Conference, Initial special reports of Member States on Action taken by them upon the Convention and Recommendation adopted by the General Conference at its Eleventh Session, item 13 of the provisional agenda, document 12 C/11).

53/ Information furnished in 1973.

54/ Ibid.

55/ Information furnished in 1974.

(c) Declaration on Race and Racial Prejudice (1978)

142. While the first UNESCO Declarations on Race of 1950 and 1960 were drawn up by groups of experts meeting in their personal capacity, the Declaration on Race and Racial Prejudice, solemnly adopted on 27 November 1978 by the General Conference at its Twentieth Session, was the outcome of a meeting of the governmental representatives of over 100 States members of UNESCO. The Declaration is undoubtedly one of the most significant of UNESCO's instruments in the fight against racism and racial prejudice.

143. It contains 10 preambular paragraphs. It is an instrument which, although not legally binding, constitutes a moral and ethical commitment by the international community as a whole against racism and racial prejudice. It covers all aspects of the problem: biological, social, cultural, economic and political. It is original in that it not only reaffirms the fundamental unity of mankind, but also proclaims the diversity of culture, environment and history. Three novel aspects of the Declaration deserve particular attention.

144. First, the right of all individuals and all groups to be different - in other words the right to be themselves - because every human being per se constitutes a unique entity that is therefore irreplaceable, was affirmed for the first time at the international level. Thus article 1, paragraph 2 states that: "All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism."

145. Obviously it was a gamble to affirm the right to be different in a declaration on race. There are two ways of evaluating the difference. The first is racist in inspiration: it affirms the immutable nature of the differences, establishes a hierarchy, particularly of ethnic, cultural and social differences, and attributes a permanent superiority to genetic or even sociological factors. The second values the difference, because it is a source of mutual enrichment, because its social reality reflects a harmony based on diversity, plurality of cultural and spiritual aspirations and, of course, change. It is this second way of understanding the difference that the Declaration on Race and Racial Prejudice proposes should be recognized.

146. The Declaration thus reaffirms both the unity of the human race and its diversity, the need for pluralism. This is a fundamental requirement for an international community based on justice, equality and solidarity.

147. As the Director-General of UNESCO stated in August 1978 at the World Conference to Combat Racism and Racial Discrimination: "It was (...) in the twentieth century - I would even say in our own generation - that mankind discovered its multiplicity. And people then began to understand that mankind as a whole could not take on the appearance of any specific ethnic group or civilization, but that, on the contrary, its strength lay in the extent to which it learned to acknowledge, without exception or exclusion, the entire heritage of its past and all the specific expressions of its future. There is no privileged way of thinking, being or dreaming, but an infinite diversity of ways, in space and in time, which have expressed the different potentialities of man throughout his history. However, over longer or shorter periods of time, certain societies managed to believe that they were self-sufficient, and personified to some extent the destiny of mankind. In varying degrees, all

societies are beginning to understand the extent of such an illusion. They are beginning to see not only what they can bestow upon others, but also what they stand to gain by learning from others".

148. Second, the right to development is reaffirmed as a consequence of the requirements of a just international order. Thus article 5 states that: "Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development, is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide."

149. Third, for the first time the principle of the international responsibility of States for any form of racial discrimination is expressed. Thus article 9, paragraph 1 states that: "The principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practised by a State constitutes a violation of international law giving rise to its international responsibility."

150. It will be noted that the General Conference duly completed the Declaration on Race and Racial Prejudice with a resolution for its implementation inviting the Director-General: "to prepare a comprehensive report on the world situation in the fields covered by the Declaration, on the basis of the information supplied by Member States and of any other information (...) which he may have gathered ..."

151. There can be no doubt that UNESCO intends resolutely to pursue the implementation of the Declaration on Race and Racial Prejudice. It will continue to give it wide publicity and to encourage its translation into vernacular languages. A meeting of experts is planned in 1982 for the purpose of improving the ways of implementing the Declaration.

(d) Athens appeal

152. At a time when there was a resurgence of racist phenomena and when some people were trying to give them and the ideologies inspiring them a scientific and rational basis, UNESCO organized a symposium at Athens from 30 March to 3 April 1981, at the invitation of the Athens human rights foundation, which brought together some 20 eminent scientists. They reviewed the main conclusions of recent work carried out in the areas most closely linked to the question, such as anthropology, ethnology, biology and psychology.

153. The participants launched an appeal "to the peoples of the world and to every human being" which denounced the misinterpretation of certain areas of scientific work and stressed that to engage in science is to assume a large share of responsibility for the social future of one's contemporaries". It also states that: "any scientific research, particularly in the field of the human and social sciences, must respect the dignity of man".

154. The participants once again emphasized that "the most recent anthropological discoveries confirm the unity of the human species" and that "its geographical dispersion has resulted in racial differentiation which has not however undermined its fundamental biological unity".

155. They also indicated that "biology provides no grounds for establishing a hierarchy among individuals or populations" and that "it is not possible to proceed from the observation of a difference to the conclusion that there is a superiority/inferiority relationship without being arbitrary".

156. The appeal also made it plain that it is unacceptable and scientifically unjustifiable to make use of the results of scientific tests, such as the intelligence quotient, for purposes of racial discrimination.

3. Studies and research

157. A whole series of works attempt to analyse the consequences of apartheid in UNESCO's various fields of competence. 56/

158. Reference may also be made to Sociological Theories: Race and Colonialism, UNESCO 1980. This work, which contains contributions by a number of authors of different schools of thought, shows how different sociological theories have contributed to the study of racism and, by extension, the study of colonialism. It stresses, inter alia, the strengths and weaknesses of conventional sociological theories based on the works of Marx, Weber and Durkheim, and includes a critical analysis of the most recent theoretical approaches, for example those connected with the fundamentalist American school. It also indicates the economic, political and social factors which led to the emergence of relatively structured racist ideologies in the nineteenth century and the role they played in maintaining or developing certain social structures at both the national and international level.

159. Three books have been published by UNESCO in a series on ethnicity: The first, Two Studies on Ethnic Group Relations: Senegal and the United Republic of Tanzania, discussed ethnic relations in two African countries. The second, Race and Class in Post-colonial Society, dealt with race and ethnicity in Bolivia, Chile, Mexico and the English-speaking Caribbean. The third is Trends in Ethnic Group Relations in Asia and Oceania.

160. The studies, in all cases, have been preceded by a historical analysis of the circumstances under which particular groups come into contact. The account in the publications have been backed by field work.

56/ Reference can be made to: Apartheid its effects on Education, Science, Culture and Information (1967 and 1972 editions, the third edition is being prepared). Portuguese Colonialism in Africa: The end of an era. The effects of Portuguese colonialism on education, science, culture and information. (UNESCO, 1974); Southern Rhodesia: the effects of a conquest society on education, culture and information (UNESCO 1977). Namibia: the effects of apartheid on culture and education, (UNESCO 1977). There are also works by A.K.H. Weinrich concerning former Rhodesia, i.e. Mucheke: race, status and politics in a Rhodesian community. (UNESCO 1976); Women and Racial Discrimination in Rhodesia. (UNESCO 1979). [French version entitled: La situation de la femme au Zimbabwe avant l'indépendance (UNESCO 1981)].

Furthermore, in the historical field reference can be made to the work of Marianne Cornevin entitled Apartheid: Power and Historical Falsification, (UNESCO, 1979). In this publication, the author exposes the fallacious historical postulates on which the ideology of apartheid is based.

161. For Race and Class in Post-colonial Society and Trends in Ethnic Group Relations, UNESCO invited a social scientist, from outside the regions concerned, to contribute an introductory chapter as a way of broadening the approach by including aspects of such theory which go beyond regional studies. Moreover, the relevance of models commonly used in discussing group conflicts can now be reassessed in the light of the new material provided and the different ways available for interpreting it. This series should make those interested in comparative research more aware of the complexity of ethnicity, and of the need for basic research. Countries were selected, not because of the presence, absence or intensity of group conflicts but because of the opportunities they offered for investigating questions posed by different methods of incorporating ethnic minorities politically and economically into a nation-State. The aim was not to underline instances of discrimination-- although these exist -- but to unravel social situations in which ethnicity is perceived as a factor of social importance.

162. In 1981, UNESCO reported in connection with these works that, following the two studies on ethnic group relations in Senegal and the United Republic of Tanzania (published by UNESCO, Paris, in 1973), a series of studies on relations between ethnic groups in Bolivia, Chile, Mexico and the English-speaking countries of the Caribbean had been made by social science experts belonging to the region. The purpose was to analyse the extent to which the colonial structure had influenced relationships between the race or ethnic group and social stratification during the post-colonial period, and how far changes in the economic pattern, such as the exploitation of tin mines in Bolivia, coffee-growing in Mexico or tourism in the English-speaking countries of the Caribbean had facilitated the social mobility of certain groups. These studies were published under the title: Race and Class in Post-colonial Society: A study of ethnic group relations in the English-speaking Caribbean, Bolivia, Chile and Mexico, in 1977.

163. Research institutes and individual research workers in India, Nepal, the Philippines and New Zealand have carried out studies on ethnicity in those countries. In the case of India, historical and sociological analyses were combined to permit the study of the relationship of the Chota Nagpur region with Hindu society as a whole. Reference was made, inter alia, to the effects on the region of Mongol domination, British colonialism, tea plantations and the introduction of local industries during the post-colonial period. The chapter on Nepal analyses the complexity of social relations in a pre-industrial society, the evolution of the caste system and the effect of resettlement in new zones on relations between ethnic groups.

164. In the case of the Philippines, two separate studies were carried out: the first dealt with the evolution of the nature of the Philippino-Chinese community, its social, economic and cultural institutions and the way in which the group was integrated into Philippine society as a whole; while the second analysed the relationship between urban Muslims and the Muslims in rural areas as well as the influence of the growing national Philippine culture.

165. The changes in the structure of land ownership among the Maoris of New Zealand and the effect of those changes on their status in New Zealand society form the subject of the last study carried out under this project. The ways in which the traditional forms of social relationships could be used as the basis for a modern economy were also analysed. These studies were published under the title: Trends in Ethnic Group Relations in Asia and Oceania in 1979.

166. A copy of the final report on the Meeting of Experts on the Concepts of Race, Identity and Dignity was attached to the communication of 8 February 1973. This

meeting, held at UNESCO headquarters, Paris, from 3 to 7 July 1972 ^{57/} considered four topics: (a) separatism as an attempt to maintain or create cultural forms different from those valued by other groups in the society; (b) pre-independence movements which have used culture as a part of the struggle for independence; (c) the plural society; and (d) Messianic movements. The papers submitted, particularly those on separatism and on the plural society, contain important data that will be useful in other parts of the present study.

4. UNESCO participation in meetings and seminars on racism

(a) Co-operation between UNESCO and the Committee on the Elimination of Racial Discrimination (CERD)

167. The possibility of establishing useful co-operation between UNESCO and CERD (constituted under article 8 of the Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965) to combat racism, racial discrimination and apartheid goes back to the Committee's decision 2 (VI) of 21 August 1972. ^{58/} Since then, UNESCO has made every effort to participate actively in various sessions of the Committee, particularly with regard to the agenda items falling within its competence.

168. In this connection, it will be noted that CERD held its nineteenth session at UNESCO from 26 March to 13 April 1979. This gave the Committee an opportunity to make: "arrangements for co-operation between UNESCO and the Committee in implementation of article 7 of the Convention".

169. It will be remembered that the aforementioned article 7 provides that: "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration of the Elimination of All Forms of Racial Discrimination, and this Convention."

170. The twenty-first and twenty-third sessions of the Committee gave UNESCO the opportunity to react positively to the Committee's request in Decision 2 (XIX) by submitting two documents concerning: (a) preliminary observations by UNESCO on the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, and (b) draft guidelines for the implementation of article 7.

171. UNESCO's intention in that respect can be fairly accurately summarized by stating that, generally speaking, it endeavours to co-operate actively with all institutions, particularly those of the United Nations system, which are concerned with human rights and the fight against racism, racial discrimination and apartheid.

(b) Seminar on "Children under the régime of apartheid"

172. On the occasion of the International Year of the Child, UNESCO acted as host for the above-Seminar from 18 to 20 June 1979 at its headquarters, under the auspices of the United Nations Special Committee against Apartheid. The Director-General took the opportunity, during his opening statement at the seminar, to which UNESCO made a

^{57/} "Final Report of the Meeting of Experts on the Concepts of Race, Identity and Dignity" (UNESCO document SHC/MD/21, Paris, 17 November 1972).

^{58/} Decision 2 (VI) of 21 August 1972. Co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the report of CERD, Official Records of the General Assembly, Twenty-seventh session, Supplement No. 18, document A/8718, p.39.

significant contribution with its paper on the condition of children under Nazi laws and South African legislation, to denounce vigorously racism and the régimes which made use of it, declaring, inter alia, that: "Freedoms will recover their rightful place in South Africa only to the extent that apartheid is combated, isolated and finally overcome there".

(c) United Nations round table on the teaching of problems of racial discrimination

173. This round table, held at Geneva from 5 to 9 November 1979 as part of the Programme of the Decade for Action to Combat Racism and Racial Discrimination in implementation of General Assembly resolution 33/99 of 16 December 1978, enabled the UNESCO representative to introduce the study which the Organization had been requested to make on the teaching of problems of racial discrimination. The first part of that study outlined the role of education in the fight against racism; the second part was devoted to aspects of the UNESCO programme concerning education and teaching against racism, while the third and last part put forward some comments and suggestions on the promotion of education against racism and racial discrimination.

(d) United Nations Seminar on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination (Nairobi, Kenya 19-30 May 1980)

174. This seminar, which was also organized within the framework of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, enabled the representative of the Director-General of UNESCO to introduce the study for which the Organization had been asked concerning its activities in the struggle against racism. The document first referred to UNESCO's normative action in the fight against racism and racial discrimination. It went on to consider the problem of failure to recognize the cultural identity and cultural contribution of certain population groups, with a view to preserving and maintaining their cultural heritage. Lastly, it dealt with discriminatory practices concerning the right to education and training, and the lack of measures in the field of information to dispel the preconceived ideas that various groups in the population might entertain concerning each other.

(e) International Conference of Teachers to Combat Racism, Anti-Semitism and Human Rights Violations (Tel Aviv, 9-14 November 1980)

175. This Conference was organized by the Union of Israeli Teachers together with teachers associations from the Netherlands, Germany, France and America. It gave the representative of the Director-General of UNESCO an opportunity to recall that, since its creation, the Organization had organized a number of international conferences to review genetic work concerning populations and social science research into the "racial problem", that it had also published several works on that question and had constantly developed its study and research programme on the subject. In his statement, he analysed the contribution of the various UNESCO declarations on race, giving pride of place to the most recent: the Declaration on Race and Racial Prejudice adopted on 27 November 1978 by the UNESCO General Conference.

(f) Meeting of Experts on the analysis of the bases and forms of individual and collective action by which violations of human rights can be combated

176. This Meeting, held in Sierra Leone from 3 to 7 March 1981, provided an opportunity to consider, on the one hand, specific forms of action to oppose apartheid and colonialism and, on the other, the sanctions against human rights violations, and more particularly against apartheid and racism.

(g) Meetings to promote ethnic development and combat ethnocide

177. Three meetings, to be held in turn in Latin America, Africa and Asia, will bring together ethnologists, anthropologists and sociologists as well as the representatives of ethnic movements, to consider ways to promote ethnic development and combat ethnocide.

178. The first of these meetings was held at San José, Costa Rica, from 7 to 12 December 1981. On Friday, 11 December 1981, the Meeting adopted by acclamation a text entitled the "San José Declaration": this text is reproduced in annex VI.

5. Activities in the Field of Education

179. Among UNESCO's many activities in the broad field of education, at least the following should be mentioned as directly affecting indigenous populations.

(a) Social integration

180. At its sixth session in 1951 the General Conference of UNESCO, in resolution No. 3.22, authorized the Director-General to "undertake, in collaboration with Member States concerned, a critical inventory of the methods and techniques employed for facilitating the social integration of groups which do not participate fully in the life of the national community by reason of their ethnical or cultural characteristics or their recent arrival in the country". 59/

181. Under this resolution studies were made, in collaboration with national institutions in several countries, including Brazil (with an expert from the ILO) and Mexico. 60/

182. Forest-dwelling tribes of the Huallaga basin. In 1948, in agreement with the Peruvian Government, UNESCO sent a scientific expedition to the central Huallaga basin, which is inhabited by small groups of forest-dwelling Indians. The results of its investigations have been published in a work dealing with the geographical, economic, ethnographic and health problems of the area. 61/

183. Regional Fundamental Education Centre for Latin America. In 1949 the General Conference of UNESCO adopted a resolution authorizing the Director-General to co-operate with Member States in the establishment of regional centres for the training of teachers and the production of materials for fundamental education. In May 1951 a Regional Fundamental Education Centre for Latin America 62/ was set up at Pátzcuaro, Mexico, by virtue of agreements concluded in 1950 between the United Nations, the Organization of American States and the Government of Mexico. The ILO, FAO and WHO also collaborate in the work of the Centre.

184. The aims for which the Centre was set up are to assist the Governments of the Latin American countries in their efforts to provide fundamental education, to train teachers for the purpose and to produce the necessary educational materials. The teachers are trained through active participation in the Centre's general experimental programme for the development in selected Indian communities

59/ UNESCO Records of the General Conference, Sixth Session, Resolutions, p. 23.

60/ Indigenous Peoples ..., p. 602.

61/ Informe sobre el Huallaga (Lima, Organismo, Coordinador de la Hilea Peruana, 1950).

62/ See Regional Fundamental Education Centre for Latin America, UNESCO document EC/196 (Paris 1951); and El CINEPAL en América (Pátzcuaro, Mexico, CINEPAL, 1957).

of agriculture, stock-raising and handicraft; the conservation and exploitation of natural resources; the improvement of nutrition; the prevention of disease; the improvement of domestic hygiene and economy; the participation by individuals in community enterprises; the encouragement of sports, games and recreational activities; the employment of leisure time in intellectual and cultural pursuits; and, in particular, the eradication of illiteracy.

185. The second branch of the Centre's activities is mainly concerned with the production of educational materials adapted to the needs, resources and cultural levels of each community, and the training of teachers or instructors in the production, use and choice of these materials.

186. The Centre has a permanent staff consisting mainly of educational specialists. In addition, experts in weaving, ceramics, dyeing, agronomy, hygiene and domestic economy have been sent by other specialized agencies.

187. UNESCO is executing agency for a UNDP project entitled "The Regional Education Centre for Community Development (CREFAL)", which was approved in September 1968, with an estimated completion date of January 1975, according to a 1972 UNDP publication. 63/

(b) Other activities

188. Further, UNESCO has published a series of monographs on fundamental education, some of which should be mentioned here in connection with problems affecting indigenous populations: Fundamental Education; 64/ Co-operatives and Fundamental Education by Maurice Colombain; 65/ The Mexican Cultural Mission Programme by Lloyd H. Hughes; 66/ and The Use of Vernacular Languages in Education. 67/ Also relevant are two studies on illiteracy: Progress of Literacy in Various Countries 68/ and World Literacy at Mid-century, a Statistical Study. 69/

189. In addition, UNESCO has provided expert assistance in many programmes directly dealing with the welfare and development of indigenous populations. Suffice it to mention here UNESCO's important collaboration with the Inter-American Indian

63/ Compendium of Approved Projects as of 30 June 1972
(UNDP/MIS/Series A/No. 1), p. 276.

64/ UNESCO Monographs on Fundamental Education, Publication No. 363 (Paris, 1949).

65/ Ibid., Publication No. 652 (Paris, 1950).

66/ Ibid., Publication No. 637 (Paris, 1950).

67/ Ibid., Publication No. ED.52.III.8.A. (Paris, 1952).

68/ UNESCO Publication No. ED.52.III.6.A. (Paris, 1953).

69/ UNESCO Publication No. ED.56.III.12.A. (Paris, 1957).

Institute in the material and cultural development of the Mezquital Valley in Mexico; 70/ the survey made of the use of vernacular languages for education; 71/ its contributions in campaigns against illiteracy in many countries; 72/ and its efforts in favour of adult education in its new conception 73/ and for the introduction of compulsory education in Asian countries. 74/ UNESCO provided experts for the joint mission sent to three Andean countries in 1952 and continued to make important contributions to the Andean Indian Programme which evolved from this and which is discussed in section E below.

6. Activities regarding Public Museums

190. UNESCO has stated that libraries and museums could play a great role in the future cultural development of indigenous populations in several ways. In this respect UNESCO communicates that:

"(a) UNESCO adopted a recommendation (in 1960) concerning the most effective means of rendering museums acceptable to everyone. This means that no discrimination can keep 'indigenous populations' away from museums provided they have the physical possibility to visit them.

"(b) The same attitude is taken by the UNESCO Public Library Manifesto marking the International Book Year in 1971."

191. The "Manifesto" referred to contains the following statements which are considered particularly relevant to the present study:

70/ Carried out in collaboration with the Inter-American Indian Institute, the plan of action included education; the establishment of a textile industry with appropriate techniques; the elimination of exploiting intermediaries; the protection of marketing for indigenous products; and the introduction of new agricultural methods. See "Investigación y entrenamiento en el Valle del Mezquital" in América Indígena, vol. X, No. 4 (October 1950), pp. 279-281.

71/ See, for example, "Problem of the use of vernacular languages for education", preliminary report by UNESCO submitted to the United Nations Committee on Information from Non-Self-Governing Territories (A/AC.35/L.103 of 28 August 1952).

72/ An idea of the importance of this problem, work done in this field and tasks ahead can be gathered from the publications mentioned in paragraph 188 above, foot-notes 68 and 69.

73/ For the changing ideas on adult education see, for instance, A.S.M. Hely, New Trends in Adult Education - From Elsinor to Montreal, Monographs on Education, publication No. ED.62/XVI.4/E (Paris, UNESCO, 1963).

74/ Indigenous Peoples ..., p. 604.

"The Public Library

"To fulfil its purposes, the Public Library must be readily accessible, and its doors open for free and equal use by all members of the community regardless of race, colour, nationality, age, sex, religion, language, status or educational attainment.

"Resources and services

"Its contents should be a living demonstration of the evolution of knowledge and culture, constantly reviewed, kept up to date and attractively presented. In this way it will help people form their own opinions and develop their creative and critical capacities and powers of appreciation. The public library is concerned with the communication of information and ideas, whatever the form in which these may be expressed.

"...

"The total collection should include material on all subjects, to satisfy all tastes at differing educational and cultural standards.

"All languages used by a community should be represented, and there should be books of world importance in their original languages.

"...

"The public library is a natural cultural centre for the community, bringing together as it does people of similar interests. Space and equipment are therefore necessary for exhibitions, discussions, lectures, musical performances and films, both for adults and children.

"Branch libraries and mobile libraries should be provided in rural and suburban areas.

"Trained and competent staff in adequate numbers are vital to select and organize resources and assist users. Special training will be required for many activities such as work with children and handicapped, audio-visual materials, and the organization of cultural activities.

"The Public Library in the community

"The public library should be active and positive in its outlook, demonstrating the value of its services and encouraging their use.

"It should link itself with other educational, social and cultural institutions, including schools, adult-education groups, leisure-activity groups and with those concerned with the promotion of the arts.

"It should be watchful for the emergence of new needs and interests in the community, such as the establishment of groups with special reading requirements and new leisure interests to be represented in the library's collections and activities." 75/

7. Information with regard to certain rural development projects

192. UNESCO communicates the following information with regard to certain rural development projects:

"UNESCO also wishes to mention that, although the Organization faces necessarily the problem of 'indigenous populations' in a project such as teaching by satellites in Alaska [see below in this section for further information on this project], projects of this type do not aim at the preservation of indigenous cultures as such but at promoting rural development. UNESCO has for instance a project in Peru, which involves production and diffusion of radio programmes in Quechua language for the Indians living on the High Andean plateaux. UNESCO also tries to develop the installation of rural newspapers in Africa in autochtone languages ..." 76/

193. The material received as UNESCO's contribution to the study includes information on a report entitled "Alaska: Implications of Satellite for Education", which was prepared on the basis of work done in September 1970 by a group of consultant experts. Some of the substantive aspects taken up in that report will be dealt with in the appropriate chapters of the study. Some of the conclusions of the group which have a general bearing on this matter and do not relate solely to Alaska are reproduced in the following paragraphs.

"Production of radio and television programmes which are truly responsive to the needs and conditions of rural Alaska is not an easy task. It requires both skill in the handling of equipment and imagination in its use. Experience of educational broadcasters in the lower 48 who have worked mainly in urban areas and have applied the media within the context of existing school systems or for generally enriching public service purposes is only a limited base for such training. The Public Broadcasting Corporation has noted in recent studies that the media have hitherto been misused rather than used as far as continuing education is concerned. The transformation of an educational system to meet the cultural and material needs of a native rural population is an entirely novel task. The value and justification not only of satellite communication but of every type of educational radio and television in Alaska will depend upon the quality, originality and imagination of the staff which is responsible for it. Facilities, funds and time for training are therefore considered a vital necessity. A training programme should be set up which calls on the best talent in the rest of the United States and also elsewhere.

"Equally important is the training of users, whether they be teachers, health workers, community leaders or others. Such training is not only concerned with the technical manipulation of equipment, but with the pedagogical use of the media, the handling of follow-up work and discussion and the evaluation of impact. All such personnel should be trained for this purpose, both initially and continuously. There is also need for some field supervision with respect to the use of these media. This requires both staff and transportation.

"The key to educational usefulness of the media is not their existence but what they transmit. There is no denying that the mere availability of radio and television in the villages will make a profound impact. They are a symbol of modern technology and a link with the outside world. But most villagers are already familiar with modern media of communication. They may not have seen television, but they are used to radio receivers and even audio tape recorders seem quite widespread. Films are shown in all schools and are also regularly seen by adults. The media revolution has already penetrated the rural areas. But it has not yet hit them with its full impact. One may be concerned with the impact on native populations of the full blast of commercial radio and television, for its values, content and consumer stimulation seem ill adapted to meet the specific needs and aspirations of people who already are torn in conflict between two cultures. This is not to say that commercial programming would not be highly popular; but it may alienate people from their own bonds and traditions without enabling them to adapt themselves healthily to another society. Such use of the media may sharpen the conflict between cultures rather than contribute to cross cultural communication.

"The educational use of the media, and their responsiveness to native culture, assumes therefore particular importance under present circumstances. Satellite communication, far from contributing to inter-cultural communication, may in fact lead to greater polarization and alienation. A conscious, deliberate effort to use satellite communication for educational purposes should be aware of these pitfalls and seek to counterbalance them.

"Radio and television, whether distributed by satellite or other means, have their inherent limitations and inadequacies. They are not self-sufficient and become fully valuable only when integrated into a comprehensive educational programme (multi-media as well as inter-personal). The cost of production, especially of television is high, though the cost per viewer may be low. Hence, there is need to make sure that the media are employed in the most appropriate and effective manner. The key issue of each program should be presented not only through statements, interviews, and discussions at the central studio but largely through field recordings which air the voice and views of the people themselves. They should be open-ended and provocative so that they give incentive to discussion, reaction, and practical follow-up at the receiving end. In addition to home listening, arrangements should be made wherever possible for the reception of these programs by community groups, so that they may examine the issue with respect to the particular condition of their village and make their comments accordingly either on the air or through recordings and the mails. In places where the audience listens to the programs from a transceiver, feedback on the air is possible. Such feedback might be scheduled one hour after the termination of the original broadcast so that groups have time to formulate their response. This might lead to an on-the-air discussion not only with the originating station but also with other communities listening under the same condition.

"Many villages will, however, receive the program through rebroadcast by a local station. In that case, response can only come by mail or by tape recordings made of the discussion. A report of these reactions and comment on them would have to be carried in a subsequent program.

"Natives should be intimately involved in the selection of topics and their presentation on the air." 77/

E. World Health Organization (WHO)

194. On 26 February 1973, WHO communicated the following information:

"WHO has for many years co-operated with the ILO, which has special responsibilities for matters relating to indigenous populations. The Organization reviews on behalf of ILO reports received from Governments which ratified the ILO's Convention 107 of 1957. These reports usually contain information relevant to two sections of the Convention which are of concern to WHO, namely Article 19 which deals with 'social security' and Article 20 which deals with 'health'. These reports are submitted by the Governments on a biannual basis and together with the views of the specialized agencies they are studied by the ILO's Committee of Experts on the Application of Conventions and Recommendations which meets annually. WHO is represented at the ILO's Committee of Experts by a senior staff officer from headquarters who provides the Committee with advice on the public health aspects of actions taken by the Governments relevant to their social security and their health programmes for the benefit of indigenous populations in their countries.

"The 'measures taken by the Organization to protect indigenous populations' ... are normally part of the assistance provided on request by the Organization to the Governments. These are usually implemented either as health activities for the total populations including the indigenous groups, or, in some cases, are especially designed for groups of indigenous populations. The latter activities usually constitute part of the over-all programmes for which the ILO is the executing agency and WHO is one of the participating or associated agencies. A typical example is the WHO assistance in connection with the programme for the Andean Indian Indigenous Populations in Latin America."

195. On 1 February 1974, in a communication relating to the study, WHO reaffirmed the information provided in 1973, which appears in the preceding paragraph. ... In essence, WHO states that its technical assistance activities are as a rule directed towards the entire population of the country concerned, including the indigenous groups, although in some cases they were "especially designed for groups of indigenous populations". The latter type of activities were usually part of over-all programmes for which the ILO was the executing agency and WHO was one of the participating or associated agencies. WHO points out that, as regards the Indigenous and Tribal Populations Convention, 1957 (No. 107), it is concerned with articles 19 and 20, entitled "Social Security and Health", and that through its representative on the ILO's Committee of Experts it provides assistance in such matters in accordance with those two articles.

196. In a special communication relating to the present study, dated 7 May 1981, WHO has transmitted the following statement

"In WHO's views health development is not limited to any specific group or community. The Organization's programmes are, therefore, generally not geared towards group-specific activities, unless explicitly requested by Member governments. Nevertheless, the over-all thrust of WHO's present programmes is particularly relevant to the provision of health care to such underprivileged and marginal population groups as indigenous and tribal groups, as its focus is on the development of the health system infrastructure starting with primary health care for the delivery of country-wide programmes that reach the whole population.

"In 1977 the World Health Assembly decided that the main health target of governments and of WHO in the coming decades should be the attainment by all the people of the world of a level of health that will allow them to work productively and to participate actively in the social life of the community in which they live. To attain such a level of health, every individual should have access to primary health care and through it to all levels of a comprehensive health system. Primary health care includes measures for health promotion, disease prevention, diagnosis, therapy and rehabilitation.

"The main objectives of primary health care are health coverage of the total population, self-reliance which implies the acceptance of individuals of a high degree of responsibility for their own health, and community involvement and participation in shaping its own health and socioeconomic future.

"The development of a country-wide primary health care system should, no doubt, accelerate the solution of the main health problems prevalent among indigenous populations such as high infant and maternal mortality, lack of health manpower, inadequate sanitary facilities, lack of safe drinking water, nutritional and dietary deficiencies."

197. Although geared toward the population in general, several assistance programmes undertaken by WHO have sought the solution of health and sanitary problems that are highly prevalent among the indigenous populations of the countries concerned. Instances to be mentioned in this connection are efforts to reduce high infant and maternal mortality rates; programmes to cope with the rising needs for trained paramedical and nursing personnel; and action to help overcome serious nutritional and dietary deficiencies.

F. The Andean Indian Programme (AIP) 78/

1. Introductory remarks

198. The Andean Indian Programme is a joint programme of action undertaken within the framework of the United Nations Expanded Programme of Technical Assistance by the United Nations, ILO, UNESCO, FAO and WHO.

199. The programme is directed towards improvement of the conditions in which some 10 million Indians live in the Altiplano, the high and barren plateau of the Andes, 10,000 or more feet above sea level and straddling six South American countries: Argentina, Bolivia, Chile, Colombia, Ecuador and Peru. For decades this Indian population has lived in conditions of great poverty, suffering from lack of housing, water, food, clothes and medical care. The aim of the Andean Programme, according to the Director-General of ILO, is "to raise the living standards of these people to integrate them into the life of their nations, to bring them hope for the future and to give their countries the full strength of their hitherto untapped human resources".

200. The Programme, which was organized in 1953, became operational in 1954 under the co-ordination and general administration of ILO. Initially established at the request of the Governments of three Latin American countries, the Programme is at present also operational in four other Latin American countries, at the request of their Governments, and similar activities have been started in another.

201. ILO states in this regard: 79/

"The Andean Indian Programme, an interagency, multisectoral and multicountry action programme, financed initially by the Technical Assistance Board of the United Nations, and under the co-ordination of ILO, began with the establishment of action centres in Bolivia, Ecuador and Peru in 1954. Subsequently, it was extended to Colombia in 1960, to Chile and Argentina in 1961 and to Venezuela in 1964, while similar activities were also undertaken in Guatemala."

78/ This summary is based on materials contained in the ILO contribution to this report on the study (23 February 1973); in the book Indigenous Peoples ..., pp. 610-614; and in articles published in the International Labour Review: Jef Rens, "The Andean Programme", vol. LXXXIV, No. 6 (December 1961); "Vocational training and the establishment of service workshops in a poor rural area: the experience of the Andean Indian Programme", vol. LXXXV, No. 2 (February 1962); "The use of social promoters at the Puno base of the Andean Indian Programme", vol. LXXXVI, No. 5 (September 1962), Jef Rens, "The development of the Andean Programme and its future", vol. LXXXVIII, No. 6 (December 1963); and G.A. Johnston, The International Labour Organisation, Its Work for Social and Economic Progress (London, Europa Publications, 1970), pp. 258-261.

For additional information on AIP, see also Ernest Beaglehole, "A technical assistance mission in the Andes", International Labour Review, vol. LXVII, No. 6 (June 1953), pp. 520-534; and reports submitted by the Director of the office of AIP, Lima, issued in mimeographed documents bearing the symbol ACC/WGRCD.

79/ Information furnished for the present study (February 1973).

2. Inception

202. As a result of one of the resolutions adopted at its first session (La Paz, 1951) by the Committee of Experts on Indigenous Labour, ^{80/} the Technical Assistance Board began from the early part of 1952 onwards to receive applications for assistance in the field of aboriginal labour of the kinds mentioned in the various resolutions adopted at that meeting. ^{81/}

203. The Governments of Bolivia, Ecuador and Peru requested the Director-General of the International Labour Office to give practical effect to those recommendations, and the Technical Assistance Board, at its seventeenth session (January-February 1952) approved a programme of action to be carried out in those countries jointly by the United Nations and ILO, UNESCO, FAO and WHO.

204. The first stage of this programme consisted in appointing a joint planning mission of the United Nations and the specialized agencies and sending it to the three countries concerned, with the tasks of:

"(a) reviewing previous attempts at social and economic rehabilitation of indigenous populations, assessing causes of past failures or success in order to determine the types of technical assistance that would ensure the maximum success in the continuation and expansion of existing projects or in the development of new projects;

"(b) exploring, in consultation with the governments concerned, the practical possibilities and conditions for carrying out a first demonstration pilot project;

"(c) determining the nature of this first pilot project;

"(d) selecting an area for this first pilot project." ^{82/}

205. In the second stage, the international organizations participating in the planning mission were to carry into effect the technical projects of a practical nature prepared in consultation with the interested Governments.

206. The members of the mission were appointed by the various organizations involved. The administration of the mission was the responsibility of the United Nations while the International Labour Office was in charge of technical direction.

207. To ensure that the planning mission would achieve its objectives the Technical Assistance Board laid down the general principles that should guide its work. Two of these principles deserve particular mention: (a) the programme was to be primarily regional and (b) the problems facing indigenous populations in the Andean Plateau could best be solved by intergovernmental co-operation. Nevertheless,

^{80/} See paras. 51 and 52 above.

^{81/} Some of the other resolutions are referred to in paras. 48-53 above.

^{82/} As quoted in Jaf Rens, "The Andean Programme", loc cit., p. 8.

it was emphasized that the programme should take into account existing national characteristics and difficulties. After consulting the various organizations concerned, the mission set off in the second half of 1952 for the Andean high plateau, visiting Mexico and Guatemala on its way, to acquaint itself with work being done by the Mexican and Guatemalan National Indigenist Institutes. The mission then moved to Bolivia, Ecuador and Peru to discharge its tasks.

208. The planning mission's report was submitted simultaneously to the United Nations Director of Technical Assistance and to the Director-General of the International Labour Office in a letter dated 16 January 1953, signed by the head of the mission. The report contained recommendations regarding the second stage of the initial programme.

209. Among the main recommendations made, the following should be singled out here: it was considered that the approach should be organic and comprehensive, that is, that experts should be organized into teams to tackle all the problems arising out of the living and working conditions of the indigenous peoples; each project should, so far as possible, be carried out with a view to the complete and comprehensive resolution of problems affecting the conditions of life and work of indigenous populations and with active participation of national experts; the programme should be regional, but it should comprise a number of localized projects appropriate to the countries in which they were to be carried out; projects should fit into a regional programme requiring active participation by the Governments concerned; due consideration should be given to the opinions and policies of the countries concerned; technical assistance provided should be thoroughly realistic; projects should be such that they could continue to be carried out after the withdrawal of international assistance.

210. As a result of its investigations on the spot in Bolivia, Ecuador and Peru, the planning mission proposed that a series of projects should be started in each of these countries. In Bolivia, the mission focused attention on the Jesús de Machaca-Tiahuanacu region and in the department of Cochabamba in the light of planned agrarian reforms; in Ecuador, it concentrated on the Otavalo region and in Peru it studied problems raised by migrations from Puno to the Arequipa region.

211. After consulting with the other organizations that had taken part in the mission, the Director-General of the International Labour Office drew up a detailed working plan, covering most of the recommendations made by the mission.

212. At its twenty-fourth session (Geneva, March 1953) the Technical Assistance Board approved the mission's report and the working plan containing the programme of action submitted by ILO. The Board further decided to entrust ILO with the co-ordination of projects to be carried out.

213. In August 1953 agreements on the provision of technical assistance were signed with the Governments of Bolivia and Peru; a similar agreement was concluded with the Government of Ecuador in January 1954. A regional field office to launch and direct a co-ordinated scheme in the three countries was opened in Lima in September 1953.

214. The Colombian Government joined AIP in 1960. In 1961 the Governments of Argentina and Chile asked ILO to extend the programme to certain parts of their countries. The Venezuelan Government joined in 1964.

215. From the outset, the United Nations and the specialized agencies have collaborated in a decisive way in the Andean Indian Programme, contributing, inter alia, many specialists in different fields. . . . FAO has provided agricultural and animal breeding specialists; ILO, vocational training instructors, and handicrafts and co-operative experts; WHO, doctors and nurses; the United Nations, social welfare assistance; and UNESCO, teachers and anthropologists.

216. Since the inception of the Programme, the Governments of the countries receiving this assistance have contributed money, manpower and materials. The indigenous populations themselves have provided voluntary labour and surrendered land for the setting up of training centres and experimental farms. In each country pilot "action bases" were established.

3. Objectives

217. The main aim of the programme has been to improve the living and working conditions of the indigenous peoples of the Andes, so as to facilitate their integration into the economic, social and political fabric of their respective national communities. Action centres have been set up in appropriate sites, from which teachers, agronomists, doctors, veterinary surgeons, vocational training instructors, etc., have operated among various indigenous communities. The Programme's main activities have centred on the provision of vocational training, the establishment of communal workshops, the encouragement of handicrafts, the building and operation of schools, the diversification and improvement of agricultural production, the introduction of more modern techniques, the establishment of medical services, the expansion of agricultural credit and the co-operative movement, and home improvements. The Programme has also paid particular attention to the training of staff recruited from the countries concerned and especially to the training of indigenous social promoters and leaders.

4. Achievements

218. This multidisciplinary approach has been applied within prudent limits, since one of the main objectives has been to avoid, on the one hand, expensive schemes difficult to reproduce elsewhere and, on the other, any sudden impact that might upset the balance of the indigenous cultural setting by not allowing sufficient time for a gradual process of transition. A fair number of positive results, although individually not spectacular, have been achieved in the various fields of action. Specific achievements described in ILO reports are outlined below.

219. In Bolivia, Ecuador, Peru and Venezuela increases have been obtained in several types of agricultural production and new crops have been introduced for marketing; in Ecuador and Peru school gardens have been set up as part of an over-all effort to introduce better nutrition habits; in Argentina (Jujuy), Chile (Arica), Ecuador and Peru, programmes have been launched to improve stockbreeding methods, in some cases accompanied by schemes to produce better pasture land and fodder; in Argentina, Bolivia, Chile, Ecuador and Peru production, consumers' and agricultural credit co-operatives have been organized. Schools have been opened in areas where instruction had not been available previously and adult literacy courses have been arranged in a number of countries. Vocational training institutes or workshops have also been set up for training indigenous workers as carpenters, blacksmiths, mechanics, weavers, masons or potters. The Programme has helped many of the trainees to set up workshops of their own. As part of the Programme, home improvement activities have been undertaken in a number of countries, including Bolivia, Chile, Peru and Venezuela.

220. In the public health field, the institution of medical services in the Andean region has made it possible to launch health campaigns and improve environmental sanitation in Bolivia, Chile, Ecuador and Peru, thereby bringing the benefits of medical progress to the indigenous populations. In Bolivia, for example, the health centres opened at the "action bases" maintained by the Programme were the first centres of the kind to be established in rural areas. Encouraging results have been obtained from the training courses organized as part of the Andean Indian Programme for staff, community leaders and indigenous social promoters in Bolivia, Chile, Ecuador and Peru. The trainees, after attending theoretical and practical courses in farming, health, hygiene, community development, etc., have gone back to their native communities to put their new knowledge into practice. The increased activity observed in some communities has been attributed to the effective influence of the social promoters trained by the Programme.

221. Over the years considerable amounts have been invested in AIP integration plans. These investments have been made from national budgets, International Development Bank loans, the United States Agency for International Development, and the Andean Indian Programme through UNDP. In addition, contributions of manpower and materials have been made by the peoples themselves.

222. With international assistance, action bases were established in the late 1960s in the 31 areas of operation. They have been supplied with teams of agronomists, veterinarians, doctors, nurses, sanitary experts, social workers, education officers and vocational instructors, and with equipment and means of transport. In some, special facilities have been set up, such as the Centre for Personnel Training at Guaslán (Ecuador); the Vocational Training Centre at Guano (Ecuador); the National Instructor Training Institute at Huancayo (Peru); the centres for vocational and handicrafts training in Taraco, Chucuito and Camicachi (Puno, Peru); the School for Rural Development Auxiliary Training at Pillapi (Bolivia); the Rural Handicrafts Polytechnic "Bélgica" at Paracaya (Bolivia); the Abra Pampa Monotechnical School (Argentina); and the Vocational Training Centre at present being organized at Imbabura (Ecuador).

223. Since 1972 an ILO expert on indigenous populations has been assisting the Government of Venezuela. His activities cover the whole country.

224. There has also been a regional project, financed by the Special Fund, devoted to community development in the Andean region of Bolivia, Ecuador and Peru, which will be operational until February 1974. One of its purposes has been to ensure that national community development programmes effectively achieve the structural changes in the social groups, localities and regions that have traditionally remained marginal and dominated necessary to enable them to participate fully in the development process and enjoy the benefits that development implies.

225. Seen as a whole, the main value of the Programme has undoubtedly been to provide the Governments in the Andean region with a useful experimental tool with which they could determine more clearly the kind of action required for a sizable segment of their population. The projects undertaken as part of the Programme have served to demonstrate fairly conclusively that the indigenous peoples respond constructively to an outside stimulus that respects their individuality and cultural values. The Programme has furnished conclusive evidence that the alleged apathy and inertia of the inhabitants disappear and their attitude changes when they are convinced that the assistance offered them is useful and practical and does not serve as a cover for exploitation.

226. After a first phase consisting of direct action through international technical co-operation, the Governments set up various national institutions, such as the Andean Mission in Ecuador, to broaden the scope of action in their countries. Several Governments, including those of Bolivia, Ecuador and Peru, drew up national rural development and integration projects based on the principles of the Andean Indian Programme, with the object of extending the benefits of that Programme to an increasingly greater number of indigenous communities. This initiative by the Governments has been backed up by a new feeling of confidence among the populations concerned in their ability to make progress through their own efforts. They quickly understood the advantages and usefulness of such programmes and volunteered to take part in building roads, irrigation systems and schools and in other public works.

227. Apart from the Governments of the countries in the Andean region, several other Governments of the American continent (Mexico and the United States) and Europe (Belgium, Denmark, France, the Federal Republic of Germany, Norway, Sweden, Switzerland and the United Kingdom) have shown an interest in the Andean Indian Programme and have helped by contributing in cash or kind (for example, machinery, tools, equipment, teaching aids and medical supplies). Many non-governmental organizations, most of them employers' and workers' associations, have also provided financial assistance or donated schools, workshops and clinics with the necessary equipment.

228. The Andean Indian Programme has had the support of the World Food Programme in Chile, Colombia, Ecuador and Peru and that of UNICEF in Colombia, Ecuador and Venezuela.

229. Close co-operation has been maintained with other bodies, such as the Inter-American Indian Institute, the Organization of American States and the Inter-American Development Bank.

5. Assessment and future prospects 83/

230. The projects making up the Andean Indian Programme have constituted an entirely new approach to the problems involved. Difficulties were encountered on account of the lack of sufficiently detailed and realistic preparatory studies of the various local conditions, and this, in practice, resulted not only in imbalances and delays but also in failures fully to achieve the aims that had been set. The resources made available proved to be inadequate to cope with the magnitude of the problems encountered. An additional impediment, particularly at the outset, was that international action did not always coincide with parallel efforts on the part of Governments to provide the necessary counterpart funds and other facilities in their respective countries. The international staff also had some initial difficulty in establishing direct contact with the local population because they lacked knowledge of the vernacular languages.

231. International assistance, however, has been particularly useful in training a relatively large number of national personnel and imbuing them with a sense of purpose and a dedication to help resolve problems facing indigenous peoples and communities.

83/ This summary is based on material provided by ILO. The Special Rapporteur did not have access to other statements of assessment which might have confirmed or contradicted the ILO statements.

252. ILO, in its contribution to this report, states that a testimony to the success of the Programme lies in great measure in the fact that:

"The national agencies to which the field teams were attached generally had a higher morale and interest in their projects than most other government services and agencies. Furthermore, these agencies and their personnel gained a stature in the eyes of politicians and among the communities in which they work to make them relatively secure even during periods of governmental instability and change."

235. Generally speaking, the experience gained through AIP has confirmed the need to select very carefully the international advisory staff having to deal with problems of this type. The main qualifications would seem to be a sound knowledge of the cultural background of the groups of people that are to be assisted and also an awareness of the possibilities afforded by the areas where such people live and by the resources of local, regional and national governments.

234. The activities of AIP, with its international and national staff, have resulted in direct or indirect benefit for many persons and for the community as a whole.

235. In round figures it may be said that 250,000 indigenous people have benefited directly from the various activities carried out by the integration plans. It is estimated that almost twice as many benefit indirectly.

236. There has been a considerable increase in the number of national personnel responsible for the realization of these plans in each of the countries.

237. Furthermore, in focusing attention on the problems of the indigenous communities, AIP has provided solid support for other programmes, policies and plans for national and rural development. The intimate relationship between the integration of indigenous populations and changes in the agrarian structure cannot be overlooked, and close links have therefore been maintained between AIP and plans for agrarian reform and agricultural development. The work of AIP in the development of handicrafts and small-scale industry ties in closely with plans for rural industrialization and over-all national development. Concern with the development of educational and social services for these populations has a national spillover as well.

238. Since the integration process is necessarily slow, the improvements that have been achieved in the living conditions of the people concerned have been gradual. The social and economic integration of the poorest sections of the population living in outlying areas is a gigantic and expensive undertaking that can only be brought to fruition over a span of many years, and even generations. Governments are obliged to establish an order of priorities and usually have to contend with a shortage of money and skilled staff to carry out their various regional development projects successfully.

239. The latest development in the matter has been the decision of UNDP in February 1975 to extend the execution in Ecuador of phase I of a project for the planning of zonal programmes for the modernization of rural life in the Andes. The object is to help the Government of Ecuador to identify, programme and plan the details of specific activities designed to increase output, introduce a system of marketing, encourage social participation and create jobs in one or more priority rural areas. This programming project - the implementation of which has been entrusted to ILO, in co-operation with the United Nations, FAO, UNESCO and WHO - may be followed by a phase II devoted to implementation of programmes formulated in phase I.

ANNEX I

INTERNATIONAL LABOUR ORGANISATION

Selected ILO conventions, recommendations, special technical meetings and publications concerning indigenous populations and rural workers ^{1/}

I. International Labour Conference

- Recruiting of Indigenous Workers Convention, No. 50, 1936
- Contracts of Employment (Indigenous Workers) Convention, No. 64, 1939
- Penal Sanctions (Indigenous Workers) Convention, No. 65, 1939
- Contracts of Employment (Indigenous Workers) Convention, No. 86, 1947
- Abolition of Penal Sanctions (Indigenous Workers) Convention, No. 104, 1955
- Indigenous and Tribal Populations Convention, No. 107, 1957
- Right of Association (Agriculture) Convention, No. 11, 1921
- Minimum Wage Fixing Machinery (Agriculture) Convention, No. 99, 1951
- Abolition of Forced Labour Convention, No. 105, 1957
- Plantations Convention, No. 110, 1958
- Rural Workers' Organisations Convention, No. 141, 1975
- Human Resources Development Convention, No. 142, 1975
- Elimination of Recruiting Recommendation, No. 46, 1936
- Contracts of Employment (Indigenous Workers) Recommendation, No. 58, 1939
- Labour Inspectorates (Indigenous Workers) Recommendation, No. 59, 1939
- Minimum Wage Fixing Machinery (Agriculture) Recommendation, No. 89, 1951
- Vocational Training (Agriculture) Recommendation, No. 101, 1956
- Indigenous and Tribal Populations Recommendation, No. 104, 1957
- Plantations Recommendation, No. 110, 1958
- Co-operatives (Developing Countries) Recommendation, No. 127, 1966
- Tenants and Share-croppers Recommendation, No. 132, 1968
- Labour Inspection (Agriculture) Recommendation, No. 133, 1969
- Organisation of Rural Workers Recommendation, No. 149, 1975

^{1/} Text furnished by ILO as an appendix to one of the documents submitted on 22 May 1981.

Resolution concerning agrarian reform, with particular reference to employment and social aspects, 1965

Resolution concerning Rural Development, 1975

II. Labour Conferences of American States Members of ILO

Resolution concerning the living and working conditions of native populations in American countries (Santiago 1936)

Resolution concerning the abolition of latifundism (Havana, 1939)

Resolution concerning the study of problems of indigenous populations (Mexico, 1946)

Resolution concerning the living and working conditions of native populations (Montevideo, 1949)

Resolution concerning land reform (Petrópolis, Brazil, 1952)

Resolution concerning co-operatives (Havana, 1956)

Resolution concerning native populations in independent countries (Havana, 1956)

Resolution concerning the integration of native populations (Buenos Aires, 1961)

Resolution concerning the working conditions of rural workers (Buenos Aires, 1961)

Conclusions and Recommendations concerning the Improvement of the Conditions of Life and Work of Peasants, Agricultural Workers and other comparable Groups (Mexico, 1974)

Resolution concerning Social Development and Employment in the Americas (Mexico, 1974)

III. Meetings of Experts

Committee of Experts on Indigenous Labour. First Meeting 1951, La Paz

Committee of Experts on Indigenous Labour. Second Meeting 1954, Geneva

Panel of Consultants on Indigenous and Tribal Populations. 1962, Geneva

IV. Selected Bibliography

International Labour Conference

Living and Working Conditions of Indigenous Populations in Independent Countries. Report VIII, Geneva 1956.

Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries. Report VI, Geneva 1957.

Contribution of the International Labour Organisation to the Raising of Incomes and Living Conditions in Rural Communities with Particular Reference to Countries in Process of Development. Report VI, Geneva, 1960.

Agrarian Reform, with Particular Reference to Employment and Social Aspects.
Geneva, 1965

Organisations of Rural Workers and their Role in Economic and Social Development.
Report VI. Geneva, 1974

Organisations of Rural Workers and their Role in Economic and Social Development.
Report IV. Geneva, 1975.

Reports of regional conferences

Conditions of Employment of Agricultural Workers. Report III of the Regional
Conference, Montevideo, 1949.

Conditions of Life and Work of Indigenous Populations of Latin American Countries.
Report II of the Regional Conference, Montevideo, 1949.

Application and Supervision of Labour Legislation in Agriculture. Report I of
the Regional Conference, Petrópolis, Brazil, 1952.

Co-operatives. Report IV of the Regional Conference, Havana, 1956.

Conditions of Agricultural Workers (Wage-Earning, Semi-Independent and Independent).
Report IV, Mexico, 1961.

Improvement of the Conditions of Life and Work of Peasants, Agricultural Workers
and other Comparable Groups. Report II, Mexico, 1974.

ANNEX II

ILO

Convention No. 107, concerning the protection and integration of
indigenous and other tribal and semi-tribal populations
in independent countries

(Indigenous and Tribal Populations Convention, 1957) 1/

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to the
protection and integration of indigenous and other tribal and semi-tribal
populations in independent countries, which is the sixth item on the agenda
of the session, and

Having determined that these proposals shall take the form of an international
Convention, and

Considering that the Declaration of Philadelphia affirms that all human
beings have the right to pursue both their material wellbeing and their spiritual
development in conditions of freedom and dignity, of economic security and equal
opportunity, and

Considering that there exist in various independent countries indigenous
and other tribal and semi-tribal populations which are not yet integrated into
the national community and whose social, economic or cultural situation hinders
them from benefiting fully from the rights and advantages enjoyed by other elements
of the population, and

Considering it desirable both for humanitarian reasons and in the interest
of the countries concerned to promote continued action to improve the living
and working conditions of these populations by simultaneous action in respect of
all the factors which have hitherto prevented them from sharing fully in the
progress of the national community of which they form part, and

Considering that the adoption of general international standards on the
subject will facilitate action to assure the protection of the populations
concerned, their progressive integration into their respective national
communities, and the improvement of their living and working conditions, and

1/ Adopted by the International Labour Conference at its Fortieth Session
at Geneva on 26 June 1957.

Noting that these standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Indigenous and Tribal Populations Convention, 1957:

PART I. GENERAL POLICY

Article 1

1. This Convention applies to:

(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

2. For the purposes of this Convention, the term "semi-tribal" includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

3. The indigenous and other tribal or semi-tribal populations mentioned in paragraphs 1 and 2 of this Article are referred to hereinafter as "the populations concerned".

Article 2

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

2. Such action shall include measures for:

(a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;

(b) promoting the social, economic and cultural development of these populations and raising their standard of living;

(c) creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations.

3. The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative.

4. Recourse to force or coercion as a means of promoting the integration of these populations into the national community shall be excluded.

Article 3

1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

2. Care shall be taken to ensure that such special measures of protection:

(a) are not used as a means of creating or prolonging a state of segregation; and

(b) will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

Article 4

In applying the provisions of this Convention relating to the integration of the populations concerned:

(a) due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;

(b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognized;

(c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

Article 5

In applying the provisions of this Convention relating to the protection and integration of the populations concerned, governments shall:

(a) seek the collaboration of these populations and of their representatives;

(b) provide these populations with opportunities for the full development of their initiative;

(c) stimulate by all possible means the development among these populations of civil liberties and the establishment of or participation in elective institutions.

Article 6

The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the over-all economic development of areas inhabited by these populations. Special projects for economic development of the areas in question shall also be so designed as to promote such improvement.

Article 7

1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.
2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.
3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties.

Article 8

To the extent consistent with the interests of the national community and with the national legal system:

(a) the methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these populations;

(b) where use of such methods of social control is not feasible, the customs of these populations in regard to penal matters shall be borne in mind by the authorities and courts dealing with such cases.

Article 9

Except in cases prescribed by law for all citizens the exaction from the members of the populations concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law.

Article 10

1. Persons belonging to the populations concerned shall be specially safeguarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights.
2. In imposing penalties laid down by general law on members of these populations account shall be taken of the degree of cultural development of the populations concerned.
3. Preference shall be given to methods of rehabilitation rather than confinement in prison.

PART II. LAND

Article 11

The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized.

Article 12

1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.
2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.
3. Persons thus removed shall be fully compensated for any resulting loss or injury.

Article 13

1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.
2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.

Article 14

National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to:

- (a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these populations already possess.

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 15

1. Each Member shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to the populations concerned so long as they are not in a position to enjoy the protection granted by law to workers in genera.
2. Each Member shall do everything possible to prevent all discrimination between workers belonging to the populations concerned and other workers, in particular as regards:
 - (a) admission to employment, including skilled employment;
 - (b) equal remuneration for work of equal value;
 - (c) medical and social assistance, the prevention of employment injuries, workmen's compensation, industrial hygiene and housing;
 - (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organizations.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 16

Persons belonging to the populations concerned shall enjoy the same opportunities as other citizens in respect of vocational training facilities.

Article 17

1. Whenever programmes of vocational training of general application do not meet the special needs of persons belonging to the populations concerned governments shall provide special training facilities for such persons.
2. These special training facilities shall be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations; they shall, in particular, enable the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude.
3. These special training facilities shall be provided only so long as the stage of cultural development of the populations concerned requires them; with the advance of the process of integration they shall be replaced by the facilities provided for other citizens.

Article 18

1. Handicrafts and rural industries shall be encouraged as factors in the economic development of the populations concerned in a manner which will enable these populations to raise their standard of living and adjust themselves to modern methods of production and marketing.

2. Handicrafts and rural industries shall be developed in a manner which preserves the cultural heritage of these populations and improves their artistic values and particular modes of cultural expression.

PART V. SOCIAL SECURITY AND HEALTH

Article 19

Existing social security schemes shall be extended progressively, where practicable, to cover:

- (a) wage earners belonging to the populations concerned;
- (b) other persons belonging to these populations.

Article 20

1. Governments shall assume the responsibility for providing adequate health services for the populations concerned.
2. The organization of such services shall be based on systematic studies of the social, economic and cultural conditions of the populations concerned.
3. The development of such services shall be co-ordinated with general measures of social, economic and cultural development.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 21

Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.

Article 22

1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and cultural integration into the national community.
2. The formulation of such programmes shall normally be preceded by ethnological surveys.

Article 23

1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.
2. Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country.
3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.

Article 24

The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned.

Article 25

Educational measures shall be taken among other sections of the national community and particularly among those that are in most direct contact with the populations concerned with the object of eliminating prejudices that they may harbour in respect of these populations.

Article 26

1. Governments shall adopt measures, appropriate to the social and cultural characteristics of the populations concerned, to make known to them their rights and duties, especially in regard to labour and social welfare.
2. If necessary this shall be done by means of written translations and through the use of media of mass communication in the languages of these populations.

PART VII. ADMINISTRATION

Article 27

1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.
2. These programmes shall include:
 - (a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;
 - (b) proposing of legislative and other measures to the competent authorities;
 - (c) supervision of the application of these measures.

PART VIII. GENERAL PROVISIONS

Article 28

The nature and the scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 29

The application of the provisions of this Convention shall not affect benefits conferred on the populations concerned in pursuance of other Conventions and Recommendations.

Article 30

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 31

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 32

1. A Member which has ratified this Convention may denounce it after the expiration of 10 years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of 10 years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of 10 years and, thereafter, may denounce this Convention at the expiration of each period of 10 years under the terms provided for in this Article.

Article 33

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 34

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 35

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 36

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 32 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 37

The English and French versions of the text of this Convention are equally authoritative.

ANNEX III

ILO

Recommendation No. 104 concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries

(Indigenous and Tribal Populations Recommendation, 1957)^{1/}

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1975, and

Having decided upon the adoption of certain proposals with regard to the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, supplementing the Indigenous and Tribal Populations Convention, 1957, and

Noting that the following standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Recommendation, which may be cited as the Indigenous and Tribal Populations Recommendation, 1957:

The Conference recommends that each Member should apply the following provisions:

I. PRELIMINARY PROVISIONS

1. (1) This Recommendation applies to -

(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

^{1/} Adopted by the International Labour Conference at its Fortieth Session at Geneva on 26 June 1957.

(2) For the purposes of this Recommendation, the term "semi-tribal" includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

(3) The indigenous and other tribal or semi-tribal populations mentioned in subparagraphs (1) and (2) of this paragraph are referred to hereinafter as "the populations concerned".

II. LAND

2. Legislative or administrative measures should be adopted for the regulation of the conditions, de facto or de jure, in which the populations concerned use the land.

3. (1) The populations concerned should be assured of a land reserve adequate for the needs of shifting cultivation so long as no better system of cultivation can be introduced.

(2) Pending the attainment of the objectives of a settlement policy for semi-nomadic groups, zones should be established within which the livestock of such groups can graze without hindrance.

4. Members of the populations concerned should receive the same treatment as other members of the national population in relation to the ownership of underground wealth or to preference rights in the development of such wealth.

5. (1) Save in exceptional circumstances defined by law the direct or indirect lease of lands owned by members of the populations concerned to persons or bodies not belonging to these populations should be restricted.

(2) In cases in which such lease is allowed, arrangements should be made to ensure that the owners will be paid equitable rents. Rents paid in respect of collectively owned land should be used, under appropriate regulations, for the benefit of the group which owns it.

6. The mortgaging of land owned by members of the populations concerned to a person or body not belonging to these populations should be restricted.

7. Appropriate measures should be taken for the elimination of indebtedness among farmers belonging to the populations concerned. Co-operative systems of credit should be organized, and low-interest loans, technical aid and, where appropriate, subsidies, should be extended to these farmers to enable them to develop their lands.

8. Where appropriate, modern methods of co-operative production, supply and marketing should be adapted to the traditional forms of communal ownership and use of land and production implements among the populations concerned and to their traditional systems of community service and mutual aid.

III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

9. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, recruitment of workers belonging to these populations should be regulated by providing, in particular, for -

- (a) licensing of private recruiting agents and supervision of their activities;
- (b) safeguards against the disruptive influence of the recruitment of workers on their family and community life, including measures -
 - (i) prohibiting recruitment during specified periods and in specified areas;
 - (ii) enabling workers to maintain contact with, and participate in important tribal activities of, their communities of origin; and
 - (iii) ensuring protection of the dependants of recruited workers;
- (c) fixing the minimum age for recruitment and establishing special conditions for the recruitment of non-adult workers;
- (d) establishing health criteria to be fulfilled by workers at the time of recruitment;
- (e) establishing standards for the transport of recruited workers;
- (f) ensuring that the worker -
 - (i) understands the conditions of his employment, as a result of explanation in his mother tongue;
 - (ii) freely and knowingly accepts the conditions of his employment.

10. So long as the populations concerned are not in a position to enjoy the protection granted by law to workers in general, the wages and the personal liberty of workers belonging to these populations should be protected, in particular, by providing that -

- (a) wages shall normally be paid only in legal tender;
- (b) the payment of any part of wages in the form of alcohol or other spirituous beverages or noxious drugs shall be prohibited;
- (c) the payment of wages in taverns or stores, except in the case of workers employed therein, shall be prohibited;
- (d) the maximum amounts and manner of repayment of advances on wages and the extent to which and conditions under which deductions from wages may be permitted shall be regulated;
- (e) work stores or similar services operated in connection with the undertakings shall be supervised;
- (f) the withholding or confiscation of effects and tools which workers commonly use, on the ground of debt or unfulfilled labour contract, without prior approval of the competent judicial or administrative authority shall be prohibited;
- (g) interference with the personal liberty of workers on the ground of debt shall be prohibited.

11. The right to repatriation to the community of origin, at the expense of the recruiter or the employer, should be ensured in all cases where the worker -

(a) becomes incapacitated by sickness or accident during the journey to the place of employment or in the course of employment;

(b) is found on medical examination to be unfit for employment;

(c) is not engaged, after having been sent forward for engagement, for a reason for which he is not responsible;

(d) is found by the competent authority to have been recruited by misrepresentation or mistake.

12. (1) Measures should be taken to facilitate the adaptation of workers belonging to the populations concerned to the concepts and methods of industrial relations in a modern society.

(2) Where necessary, standard contracts of employment should be drawn up in consultation with representatives of the workers and employers concerned. Such contracts should set out the respective rights and obligations of workers and employers, together with the conditions under which the contracts may be terminated. Adequate measures should be taken to ensure observance of these contracts.

13. (1) Measures should be adopted, in conformity with the law, to promote the stabilization of workers and their families in or near employment centres, where such stabilization is in the interests of the workers and of the economy of the countries concerned.

(2) In applying such measures, special attention should be paid to the problems involved in the adjustment of workers belonging to the populations concerned and their families to the forms of life and work of their new social and economic environment.

14. The migration of workers belonging to the populations concerned should, when considered to be contrary to the interests of these workers and of their communities, be discouraged by measures designed to raise the standards of living in the areas which they traditionally occupy.

15. (1) Governments should establish public employment services, stationary or mobile, in areas in which workers belonging to the populations concerned are recruited in large numbers.

(2) Such services should, in addition to assisting workers to find employment and assisting employers to find workers -

(a) determine the extent to which manpower shortages existing in other regions of the country could be met by manpower available in areas inhabited by the populations concerned without social or economic disturbance in these areas;

(b) advise workers and their employers on provisions concerning them contained in laws, regulations and contracts, relating to wages, housing, benefits for employment injuries, transportation and other conditions of employment;

(c) co-operate with the authorities responsible for the enforcement of laws or regulations ensuring the protection of the populations concerned and, where necessary, be entrusted with responsibility for the control of procedures connected with the recruitment and conditions of employment of workers belonging to these populations.

IV. VOCATIONAL TRAINING

16. Programmes for the vocational training of the populations concerned should include provision for the training of members of these populations as instructors. Instructors should be conversant with such techniques, including where possible an understanding of anthropological and psychological factors, as would enable them to adapt their teaching to the particular conditions and needs of these populations.

17. The vocational training of members of the populations concerned should, as far as practicable, be carried out near the place where they live or in the place where they work.

18. During the early stages of integration this training should be given, as far as possible, in the vernacular language of the group concerned.

19. Programmes for the vocational training of the populations concerned should be co-ordinated with measures of assistance enabling independent workers to acquire the necessary materials and equipment and assisting wage earners in finding employment appropriate to their qualifications.

20. Programmes and methods of vocational training for the populations concerned should be co-ordinated with programmes and methods of fundamental education.

21. During the period of vocational training of members of the populations concerned, they should be given all possible assistance to enable them to take advantage of the facilities provided, including, where feasible, scholarships.

V. HANDICRAFTS AND RURAL INDUSTRIES

22. Programmes for the promotion of handicrafts and rural industries among the populations concerned should, in particular, aim at -

(a) improving techniques and methods of work as well as working conditions;

(b) developing all aspects of production and marketing, including credit facilities, protection against monopoly controls and against exploitation by middlemen, provision of raw materials at equitable prices, establishment of standards of craftsmanship, and protection of designs and of special aesthetic features of products; and

(c) encouraging the formation of co-operatives.

VI. SOCIAL SECURITY AND MEASURES OF ASSISTANCE

23. The extension of social security schemes to workers belonging to the populations concerned should be preceded or accompanied, as conditions may require, by measures to improve their general social and economic conditions.

24. In the case of independent primary producers provision should be made for -

- (a) instruction in modern methods of farming;
- (b) supply of equipment, for example implements, stocks, seeds; and
- (c) protection against the loss of livelihood resulting from natural hazards to crops or stock.

VII. HEALTH

25. The populations concerned should be encouraged to organize in their communities local health boards or committees to look after the health of their members. The formation of these bodies should be accompanied by a suitable educational effort to ensure that full advantage is taken of them.

26. (1) Special facilities should be provided for the training of members of the populations concerned as auxiliary health workers and professional medical and sanitary personnel, where these members are not in a position to acquire such training through the ordinary facilities of the country.

(2) Care should be taken to ensure that the provision of special facilities does not have the effect of depriving members of the populations concerned of the opportunity to obtain their training through the ordinary facilities.

27. The professional health personnel working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations.

VIII. EDUCATION

28. Scientific research should be organized and financed with a view to determining the most appropriate methods for the teaching of reading and writing to the children belonging to the populations concerned and for the utilization of the mother tongue or the vernacular language as a vehicle of instruction.

29. Teachers working among the populations concerned should have training in anthropological and psychological techniques which will enable them to adapt their work to the cultural characteristics of these populations. These teachers should, as far as possible, be recruited from among such populations.

30. Pre-vocational instruction, with emphasis on the teaching of subjects relating to agriculture, handicrafts, rural industries and home economics, should be introduced in the programmes of primary education intended for the populations concerned.

31. Elementary health instruction should be included in the programmes of primary education intended for the populations concerned.

32. The primary education of the populations concerned should be supplemented, as far as possible, by campaigns of fundamental education. These campaigns should be designed to help children and adults to understand the problems of their environment and their rights and duties as citizens and individuals, thereby enabling them to participate more effectively in the economic and social progress of their community.

IX. LANGUAGES AND OTHER MEANS OF COMMUNICATION

33. Where appropriate the integration of the populations concerned should be facilitated by -

- (a) enriching the technical and juridical vocabulary of their vernacular languages and dialects;
- (b) establishing alphabets for the writing of these languages and dialects;
- (c) publishing in these languages and dialects readers adapted to the educational and cultural level of the populations concerned; and
- (d) publishing bilingual dictionaries.

34. Methods of audio-visual communication should be employed as means of information among the populations concerned.

X. TRIBAL GROUPS IN FRONTIER ZONES

35. (1) Where appropriate and practicable, intergovernmental action should be taken, by means of agreements between the governments concerned, to protect semi-nomadic tribal groups whose traditional territories lie across international boundaries.

(2) Such action should aim in particular at -

- (a) ensuring that members of these groups who work in another country receive fair wages in accordance with the standards in operation in the region of employment;
- (b) assisting these workers to improve their conditions of life without discrimination on account of their nationality or of their semi-nomadic character.

XI. ADMINISTRATION

36. Administrative arrangements should be made, either through government agencies specially created for the purpose or through appropriate co-ordination of the activities of other government agencies, for -

- (a) ensuring enforcement of legislative and administrative provisions for the protection and integration of the populations concerned;
- (b) ensuring effective possession of land and use of other natural resources by members of these populations;
- (c) administering the property and income of these populations when necessary in their interests;
- (d) providing free legal aid for the members of the populations concerned that may need legal aid but cannot afford it;
- (e) establishing and maintaining educational and health services for the populations concerned;

(f) promoting research designed to facilitate understanding of the way of life of such populations and of the process of their integration into the national community;

(g) preventing the exploitation of workers belonging to the populations concerned on account of their unfamiliarity with the industrial environment to which they are introduced;

(h) where appropriate, supervising and co-ordinating, within the framework of the programmes of protection and integration, the activities, whether philanthropic or profit-making, carried out by individuals and corporate bodies, public or private, in regions inhabited by the populations concerned.

37. (1) National agencies specifically responsible for the protection and integration of the populations concerned should be provided with regional centres, situated in areas where these populations are numerous.

(2) These agencies should be staffed by officials selected and trained for the special tasks they have to perform. As far as possible, these officials should be recruited from among the members of the populations concerned.

ANNEX IV

UNESCO

DECLARATION ON RACE AND RACIAL PREJUDICE

Paris, 27 November 1978

Text taken from the leaflet published by UNESCO entitled "Declaration on Race and Racial Prejudice adopted by the General Conference of UNESCO at its twentieth session, Paris, 27 November 1978". The leaflet also contains in an annex, the four declarations drafted in 1950, 1951, 1964 and 1967 by experts convened by UNESCO in their personal capacity. Paris 1979, pp. 9-18.

DECLARATION ON RACE AND RACIAL PREJUDICE

November 1978

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris at its twentieth session, on 27 November 1978 adopted unanimously and by acclamation the following Declaration:

Preamble

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting at Paris at its twentieth session, from 24 October to 28 November 1978,

Whereas it is stated in the Preamble to the Constitution of UNESCO, adopted on 16 November 1945, that "the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races", and whereas, according to Article I of the said Constitution, the purpose of UNESCO "is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms ... which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations",

Recognizing that, more than three decades after the founding of UNESCO, these principles are just as significant as they were when they were embodied in its Constitution,

Mindful of the process of decolonization and other historical changes which have led most of the peoples formerly under foreign rule to recover their sovereignty, making the international community a universal and diversified whole and creating new opportunities of eradicating the scourge of racism and of putting an end to its odious manifestations in all aspects of social and political life, both nationally and internationally,

Convinced that the essential unity of the human race and consequently the fundamental equality of all human beings and all peoples, recognized in the loftiest expressions of philosophy, morality and religion, reflect an ideal towards which ethics and science are converging today,

Convinced that all peoples and all human groups, whatever their composition or ethnic origin, contribute according to their own genius to the progress of the civilizations and cultures which, in their plurality and as a result of their interpenetration, constitute the common heritage of mankind,

Confirming its attachment to the principles proclaimed in the United Nations Charter and the Universal Declaration of Human Rights and its determination to promote the implementation of the International Covenants on Human Rights as well as the Declaration on the Establishment of a New International Economic Order,

Determined also to promote the implementation of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination,

Noting the International Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

Recalling also the international instruments already adopted by UNESCO, including in particular the Convention and Recommendation against Discrimination in Education, the Recommendation concerning the Status of Teachers, the Declaration of the Principles of International Cultural Co-operation, the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, the Recommendation on the Status of Scientific Researchers, and the Recommendation on participation by the people at large in cultural life and their contribution to it,

Bearing in mind the four statements on the race question adopted by experts convened by UNESCO,

Reaffirming its desire to play a vigorous and constructive part in the implementation of the programme of the Decade for Action to Combat Racism and Racial Discrimination, as defined by the General Assembly of the United Nations at its twenty-eighth session,

Noting with the gravest concern that racism, racial discrimination, colonialism and apartheid continue to afflict the world in ever-changing forms, as a result both of the continuation of legislative provisions and government and administrative practices contrary of the principles of human rights and also of the continued existence of political and social structures, and of relationships and attitudes, characterized by injustice and contempt for human beings and leading to the exclusion, humiliation and exploitation, or to the forced assimilation, of the members of disadvantaged groups,

Expressing its indignation at these offences against human dignity, deploring the obstacles they place in the way of mutual understanding between peoples and alarmed at the danger of their seriously disturbing international peace and security,

Adopts and solemnly proclaims this Declaration on Race and Racial Prejudice:

Article 1

1. All human beings belong to a single species and are descended from a common stock. They are born equal in dignity and rights and all form an integral part of humanity.

2. All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism.

3. Identity of origin in no way affects the fact that human beings can and may live differently, nor does it preclude the existence of differences based on cultural, environmental and historical diversity nor the right to maintain cultural identity.

4. All peoples of the world possess equal faculties for attaining the highest level in intellectual, technical, social, economic, cultural and political development.

5. The differences between the achievements of the different peoples are entirely attributable to geographical, historical, political, economic, social and cultural factors. Such differences can in no case serve as a pretext for any rank-ordered classification of nations or peoples.

Article 2

1. Any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity.

2. Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts; it hinders the development of its victims, perverts those who practice it, divides nations internally, impedes international co-operation and gives rise to political tensions between peoples; it is contrary to the fundamental principles of international law and, consequently, seriously disturbs international peace and security.

3. Racial prejudice, historically linked with inequalities in power, reinforced by economic and social differences between individuals and groups, and still seeking today to justify such inequalities, is totally without justification.

Article 3

Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development, is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide.

Article 4

1. Any restriction on the complete self-fulfilment of human beings and free communication between them which is based on racial or ethnic considerations is contrary to the principle of equality in dignity and rights; it cannot be admitted.

2. One of the most serious violations of this principle is represented by apartheid, which, like genocide, is a crime against humanity, and gravely disturbs international peace and security.

3. Other policies and practices of racial segregation and discrimination constitute crimes against the conscience and dignity of mankind and may lead to political tensions and gravely endanger international peace and security.

Article 5

1. Culture, as a product of all human beings and a common heritage of mankind, and education in its broadest sense, offer men and women increasingly effective means of adaptation, enabling them not only to affirm that they are born equal in dignity and rights, but also to recognize that they should respect the right of all groups to their own cultural identity and the development of their distinctive cultural life within the national and international context, it being understood that it rests with each group to decide in complete freedom on the maintenance and, if appropriate, the adaptation or enrichment of the values which it regards as essential to its identity.

2. States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no invidious distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children.

3. The mass media and those who control or serve them, as well as all organized groups within national communities, are urged - with due regard to the principles embodied in the Universal Declaration of Human Rights, particularly the principle of freedom of expression - to promote understanding, tolerance and friendship among individuals and groups and to contribute to the eradication of racism, racial discrimination and racial prejudice, in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups. Communication between racial and ethnic groups must be a reciprocal process, enabling them to express themselves and to be fully heard without let or hindrance. The mass media should therefore be freely receptive to ideas of individuals and groups which facilitate such communication.

Article 6

1. The State has prime responsibility for ensuring human rights and fundamental freedoms on an entirely equal footing in dignity and rights for all individuals and all groups.

2. So far as its competence extends and in accordance with its constitutional principles and procedures, the State should take all appropriate steps, inter alia by legislation, particularly in the spheres of education, culture and communication, to prevent prohibit and eradicate racism, racist propaganda, racial segregation and apartheid and to encourage the dissemination of knowledge and the findings of appropriate research in natural and social sciences on the causes and prevention of racial prejudice and racist attitudes with due regard to the principles embodied in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

3. Since laws proscribing racial discrimination are not in themselves sufficient, it is also incumbent on States to supplement them by administrative machinery for the systematic investigation of instances of racial discrimination, by a comprehensive framework of legal remedies against acts of racial discrimination, by broadly based education and research programmes designed to combat racial prejudice and racial discrimination and by programmes of positive political, social, educational and cultural measures calculated to promote genuine mutual respect among groups. Where circumstances warrant, special programmes should be undertaken to promote the advancement of disadvantaged groups and, in the case of nationals, to ensure their effective participation in the decision-making processes of the community.

Article 7

In addition to political, economic and social measures, law is one of the principal means of ensuring equality in dignity and rights among individuals, and of curbing any propaganda, any form of organization or any practice which is based on ideas or theories referring to the alleged superiority of racial or ethnic groups or which seeks to justify or encourage racial hatred and discrimination in any form. States should adopt such legislation as is appropriate to this end and see that it is given effect and applied by all their services, with due regard to the principles embodied in the Universal Declaration of Human Rights. Such legislation should form part of a political, economic and social framework conducive to its implementation. Individuals and other legal entities, both public and private, must conform with such legislation and use all appropriate means to help the population as a whole to understand and apply it.

Article 8

1. Individuals, being entitled to an economic, social, cultural and legal order, on the national and international planes, such as to allow them to exercise all their capabilities on a basis of entire equality of rights and opportunities, have corresponding duties towards their fellows, towards the society in which they live and towards the international community. They are accordingly under an obligation to promote harmony among the peoples, to combat racism and racial prejudice and to assist by every means available to them in eradicating racial discrimination in all its forms.

2. In the field of racial prejudice and racist attitudes and practices, specialists in natural and social sciences and cultural studies, as well as scientific organizations and associations, are called upon to undertake objective research on a wide interdisciplinary basis; all States should encourage them to this end.

3. It is, in particular, incumbent upon such specialists to ensure, by all means available to them, that their research findings are not misinterpreted, and also that they assist the public in understanding such findings.

Article 9

1. The principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practised by a State constitutes a violation of international law giving rise to its international responsibility.

2. Special measures must be taken to ensure equality in dignity and rights for individuals and groups wherever necessary, while ensuring that they are not such as to appear racially discriminatory. In this respect, particular attention should be paid to racial or ethnic groups which are socially or economically disadvantaged, so as to afford them, on a completely equal footing and without discrimination or restriction, the protection of the laws and regulations and the advantages of the social measures in force, in particular in regard to housing, employment and health; to respect the authenticity of their culture and values; and to facilitate their social and occupational advancement, especially through education.

3. Population groups of foreign origin, particularly migrant workers and their families who contribute to the development of the host country, should benefit from appropriate measures designed to afford them security and respect for their dignity and cultural values and to facilitate their adaptation to the host environment and their professional advancement with a view to their subsequent reintegration in their country of origin and their contribution to its development; steps should be taken to make it possible for their children to be taught their mother tongue.

4. Existing disequilibria in international economic relations contribute to the exacerbation of racism and racial prejudice; all States should consequently endeavour to contribute to the restructuring of the international economy on a more equitable basis.

Article 10

International organizations, whether universal or regional, governmental or non-governmental, are called upon to co-operate and assist, so far as their respective fields of competence and means allow, in the full and complete implementation of the principles set out in this Declaration, thus contributing to the legitimate struggle of all men, born equal in dignity and rights, against the tyranny and oppression of racism, racial segregation, apartheid and genocide, so that all the peoples of the world may be forever delivered from these scourges.

ANNEX V

UNESCO 1/

Resolution for implementation of the Declaration
on Race and Racial Prejudice, 1978

The General Conference, at its twentieth session,

Considering that UNESCO, by reason of the responsibilities devolving upon it under its Constitution in the fields of education, science, culture and communication, is required to call the attention of States and peoples to the problems related to all aspects of the question of race and racial prejudice,

Having regard to the UNESCO Declaration on Race and Racial Prejudice adopted this twenty-seventh day of November 1978,

1. Urges Member States

(a) to consider the possibility of ratifying, if they have not yet done so, the international instruments designed to aid in countering and eliminating racial discrimination, and in particular the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Unesco Convention against Discrimination in Education;

(b) to take appropriate measures, including the passing of laws, guided by the provisions of Articles 4 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, with a view to preventing and punishing acts of racial discrimination and ensuring that fair and adequate reparation is made to the victims of racial discrimination;

(c) to communicate to the Director-General all necessary information concerning the steps they have taken to give effect to the principles set forth in the Declaration;

2. Invites the Director-General:

(a) to prepare a comprehensive report on the world situation in the fields covered by the Declaration, on the basis of the information supplied by Member States and of any other information supported by trustworthy evidence which he may have gathered by such methods as he may think fit, and to enlist for this purpose, if he deems it advisable, the help of one or more independent experts of recognized competence in these fields;

(b) to take due account, when preparing his report, which should be accompanied by any observations he may deem appropriate, of the work of the various international bodies set up to give effect to the legal instruments concerning the struggle against racialism and racial discrimination, or contributing to that struggle through their activities in the general field of human rights;

1/ Text taken from the leaflet referred to in Annex IV above, published in Paris, 1979, pp. 18 and 19.

(c) to present his report to the General Conference and to submit to it for decision, on the basis of the said report and of the discussion it will then have held, with due priority, on the problems of race and racial prejudice, any general comments and any recommendations deemed necessary to promote the implementation of the Declaration;

(d) to ensure the widest possible dissemination of the text of the Declaration and, to that end, to publish and arrange for the distribution of the text not only in the official languages but also in as many languages as is possible with the resources available to him;

(e) to communicate the Declaration to the Secretary-General of the United Nations with a request that he place before the United Nations General Assembly appropriate proposals for strengthening the methods of peaceful settlement of disputes concerning the elimination of racial discrimination.

ANNEX VI

UNESCO

San José Declaration, 1981 1/

The problem of the loss of cultural identity by the Indian peoples of Latin America has come under increasingly adverse comment in recent years at various international gatherings. This complex process, which has historical, social, political and economic origins, has been termed ethnocide.

Ethnocide means that an ethnic group, collectively or individually, is denied its right to enjoy, develop and disseminate its own culture and language. It represents an extreme form of massive human rights violation, in particular that of the right of ethnic groups to respect for their cultural identity, as contained in numerous declarations, agreements and conventions of the United Nations and its specialized agencies, and as proclaimed by various regional intergovernmental organizations and non-governmental organizations.

Increasing stress has been laid by organizations representing various indigenous groups in Latin America and by specialists in the field on the need to counter ethnocide and to initiate a process of genuine ethnodevelopment, i.e. the formulation and implementation of policies aimed at guaranteeing ethnic groups the right to freely pursue their own culture.

In response to this demand, UNESCO convened an international conference on ethnocide and ethnodevelopment in Latin America which, in collaboration with FLACSO, was held in December 1981 at San José, Costa Rica.

We, the participants in the Conference, Indians and other specialists, thus:

Declare that ethnocide, i.e. cultural genocide, is a crime against international law, as is genocide, the subject of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

We affirm that ethnodevelopment is an inalienable right of Indian groups.

By ethnodevelopment we mean strengthening and consolidating a culturally distinct society's own culture, by increasing its independent decision-making capacity to govern its own development and the exercise of self-determination, at any level, considered and implying an equitable and just power structure. This means that the ethnic group forms a political and administrative entity, with authority over its own territory and decision-making powers in areas constituting its own development from within processes of expanding autonomy and self-management.

Since the European invasion the history of the Indian peoples of America has been suppressed or distorted, in spite of their major contributions to the progress of mankind, which has amounted to a negation of their existence. We reject this unacceptable falsification.

1/ Text adopted by acclamation on Friday, 11 December 1981, as a result of the work of the Conference of Specialists on Ethnocide and Ethnodevelopment in Latin America, convened by UNESCO and the Latin American School of Social Sciences (FLACSO) and held at La Catalina, Santa Barbara de Heredia, Costa Rica (6-13 December 1981).

As creators, transmitters and disseminators of their own civilization, as unique and specific representatives of the heritage of mankind, the Indian peoples, nations and ethnic groups of the Americas are, collectively and individually, entitled to all the civil, political, economic, social and cultural rights which are today threatened. We, the participants in this conference, demand universal recognition for all these rights.

For the Indian peoples the land is not merely an object of possession and production. It is the whole basis of their physical and spiritual existence as an autonomous entity. Territorial space is the fundamental reason for their relationship with the universe and for the maintenance of their cosmic vision.

These Indian peoples have a natural and inalienable right to keep the territories they possess and to claim the lands which have been taken from them. In other words, they are entitled to the natural and cultural patrimony contained in the territory and to determine freely how to use it and benefit from it.

The philosophy of life of these peoples, their experience, their knowledge and their accumulated historical achievements in the cultural, social, political, juridical, scientific and technological fields are an essential part of their cultural patrimony. Hence they are entitled to enjoy access to, utilization, dissemination and transmission of this entire patrimony.

Respect for the forms of autonomy required by these peoples is an essential pre-requisite for guaranteeing and implementing these rights.

Moreover, the specific forms of internal organization of these peoples are part of their cultural and juridical heritage, which has contributed to their cohesion and the maintenance of their socio-cultural tradition.

Disregard for these principles constitutes a flagrant violation of the rights of all individuals and peoples to be different, and to consider themselves as different and to be considered as such, a right recognized in the Declaration on Race and Racial Prejudice adopted by the General Conference of UNESCO in 1978 and hence must be condemned, especially when it creates a risk of ethnocide.

Moreover, it creates a disequilibrium and a lack of harmony within society and may induce these people, as a last resort, to rebel against tyranny and oppression and thus endanger world peace and, consequently, is contrary to the Charter of the United Nations and the Constitution of UNESCO.

As a result of their reflections, the participants appeal to the United Nations, UNESCO, ILO, WHO and FAO, as well as the Organization of American States and the Inter-American Indian Institute, to take the necessary measures to ensure the full implementation of the above principles.

The participants address this appeal to States Members of the United Nations and of the above-mentioned specialized agencies and request them to pay special attention to the implementation of these principles and, at the same time, to co-operate with international, intergovernmental and non-governmental organizations, of a universal and regional character, including in particular indigenous organizations, so as to facilitate the achievement of the fundamental rights of the Indian peoples of America.

This appeal is also extended to the responsible authorities in the legislative, executive, administrative and judicial fields and to all pertinent officials of the American countries to ensure that in their daily lives they conduct themselves always in conformity with these principles.

The participants appeal to the conscience of the scientific community and to the individuals of which it is composed and stress their moral responsibility to ensure that their research, practical work and conclusions cannot be used as a pretext for falsifications and interpretations which prejudice Indian peoples, nations and ethnic groups.

Finally, the participants emphasize the need to ensure that the authentic representatives of Indian peoples, nations and ethnic groups participate duly in all matters which may affect their destiny.
