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COMMISSION ON HUMAN RIGHTS
 Sub-Commission on Prevention of
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 of Minorities
 Thirty-sixth session
 Item 11 of the provisional agenda

STUDY OF THE PROBLEM OF DISCRIMINATION
 AGAINST INDIGENOUS POPULATIONS

Final report (last part) submitted by the Special Rapporteur,
 Mr. José R. Martínez Cobo

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INTRODUCTION

1. The purpose of this document is to introduce the last part of the final report which is submitted to the Sub-Commission this year for its consideration.
2. With regard to the materials used as a basis and support for the study in particular, on 3 and 8 June of this year, further observations and data were received concerning two countries. 1/
3. Since the Sub-Commission's thirty-fifth session, a number of meetings have been held on questions of relevance to the present study. Others were held after this document was prepared, but prior to the Sub-Commission's thirty-sixth session.
4. It should be noted that, at its thirty-ninth session, the Commission on Human Rights dealt with the Working Group on Indigenous Populations and the proposal for the establishment of a fund to enable representatives of indigenous organizations to attend the meetings of the Working Group in its resolution 1982/23, in which the Commission:

"Noting with interest Sub-Commission resolution 1982/31, in which the Sub-Commission asked the Commission and the Economic and Social Council to establish a voluntary fund for the purpose of allowing representatives of indigenous populations to participate in the work of the Working Group,

1. Decides:

(a) To request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to suggest appropriate means designed to ensure that the activities of the Working Group shall be better known in every country so as to ensure the broadest possible participation of representative observers from indigenous populations;

(b) To request the Sub-Commission to make more specific proposals regarding the possible establishment of a fund as referred to above, including applicable criteria for the administration of such a fund, as well as appropriate standards for making such a fund available to those who may be considered to be eligible;

(c) To request the Secretary-General to provide the Sub-Commission with suggestions as to how such a fund may be administered;

1/ India and Mexico. The summary relating to India was sent to the Government on 3 May 1979 with a request for comments and further data. On 16 June 1983, the Government of Mexico submitted observations in addition to those submitted on 16 December 1980 in connection with the summary sent on 2 September 1980 with a request for comments and further data.

2. Requests the Sub-Commission to include an account of its activities undertaken pursuant to the present resolution in the report on its thirty-sixth session to the Commission at its fortieth session."

5. At its thirty-sixth session, the Sub-Commission will have before it a note by the Secretary-General containing suggestions on how the fund to be set up for the purpose of allowing representatives of indigenous populations to participate in the work of the Working Group may be administered (E/CN.4/Sub.2/1983/20). It is the understanding of the Special Rapporteur that this document contains specific suggestions.

6. It is now the Sub-Commission's duty to establish this fund in the most suitable conditions so that it may render the important service which it is designed to provide to those representatives who, on the basis of the relevant guidelines, are entitled to it. The Special Rapporteur wishes to express his full support for this equitable and useful suggestion to permit the direct participation of the groups concerned.

7. The International Non-Governmental Organizations Conference of Action against Apartheid and Racism, which was held in Geneva from 5 to 8 July 1983, set up three committees, the third of which dealt with the topic of "Racial discrimination against indigenous populations". That committee submitted a report to the plenary meeting of the Conference recommending:

That the attached documents should be forwarded to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

That indigenous populations should be invited to take part in the review of Convention No. 107 of the International Labour Organisation;

That the fullest possible participation of indigenous organizations should be sought in the United Nations Conference on Racism and Racial Discrimination;

That emphasis should be placed on the establishment of the Indian University and that financial resources should be sought to implement that project;

That it should be recalled that the various indigenous meetings that have been held have decided to designate 12 October as a day of mourning and 15 November as International Indigenous Day;

That an appeal should be made for compliance with the agreements and resolutions of the last two NGO conferences on indigenous problems.

8. The plenary meeting of the Conference considered and approved the reports of the committees and adopted a final declaration, which reads:

"I. The International NGO Conference of Action against Apartheid and Racism declares:

- Racism is an affront to human dignity and the conscience of mankind.
- Racism is a negation of the principles of the United Nations Charter and the Universal Declaration of Human Rights.
- Racism is a hindrance to genuine international co-operation.
- Racism is a weapon to divide and exploit people.
- Racism is one of the major causes of conflict and war.
- Racism is an international crime and must be eliminated.
- ...
- National and international efforts must be redoubled to eliminate all discrimination against indigenous peoples and migrant workers.

The Conference urges the United Nations and other intergovernmental organisations, governments and non-governmental organizations to intensify their efforts to eliminate discrimination against indigenous peoples and migrant workers."

9. It should be borne in mind that the second World Conference to Combat Racism and Racial Discrimination was held from 1 to 12 August 1983 to close the Decade for Action to Combat Racism and Racial Discrimination; item 10 (g) of its provisional agenda contained the following reference to indigenous populations: "Review and evaluation of activities undertaken to achieve the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination at the national, regional and international levels and in implementation of the Programme of Action adopted at the first World Conference regarding in particular: ... (g) The situation of disadvantaged groups such as indigenous populations".

10. The resolutions, decisions and recommendations adopted by this important World Conference undoubtedly include some that are relevant to indigenous populations and it will be the Sub-Commission's task to examine them with the same careful attention it has always devoted to guidelines for action falling within its terms of reference.

11. The Human Rights Committee considered the initial reports submitted by Australia (CCPR/C/14/Add.1) at its 401st to 403rd, 407th and 408th meetings held on 25 and 26 October and 2 November 1982; Mexico (CCPR/C/22/Add.1) at its 386th, 387th and 404th meetings held on 13 and 26 October 1982; Nicaragua (CCPR/C/14/Add.2 and 3) at its 420th to 422nd, 428th and 429th meetings held on 28 and 29 April 1983; and Peru (CCPR/C/6/Add.9) at its 430th, 431st and 435th meetings held on 5 and 7 April 1983. The comments by the members of the Committee and the replies by the representatives of the Governments concerned are summarized in document CCPR/C/XIX/CRP.1/Add.3, paras. 97 and 117 (Australia), and paras. 21 and 39 (Mexico), respectively; in document CCPR/C/XIX/CRP.1/Add.4, paras. 61 and 77 (Nicaragua), respectively; and in document CCPR/C/XIX/CRP.1/Add.5, paras. 20 and 36, respectively.

12. The meeting of experts on ethno-development and ethnocide in Africa, which was convened by the United Nations Education, Scientific and Cultural Organization (UNESCO) and held at Ouagadougou, Upper Volta, from 31 January to 4 February 1983 in co-operation with the Institute of African Development Studies, was attended by 13 experts and 10 observers who discussed ways and means of protecting human rights and the rights of minorities, particularly within the framework of the United Nations; the economic and social aspects of ethno-development and ethnocide; and the educational and scientific aspects of ethno-development and ethnocide; and, on 4 February, adopted written conclusions on these important topics. The Special Rapporteur understands that UNESCO has submitted these conclusions to the Working Group on Indigenous Populations and that they will be available to participants in the Working Group's second session.

13. With regard to the final documentation for the study of the problem of discrimination against indigenous populations, the Special Rapporteur is pleased to report that this year, the documents required for the completion of the final report have been submitted. Since the Sub-Commission's thirty-fifth session, the following documents, containing the following chapters, have been prepared: the present document (E/CN.4/Sub.2/1983/21), containing the introduction, and document E/CN.4/Sub.2/1983/21/Add.1 to 8, containing: chapter IX: Fundamental policy; chapter XIII: Education; chapter XV: Culture and cultural, social and legal institutions; chapter XVII: Land; chapter XI: Health, medical services and social services; chapter XVIII: Political rights; chapter XX: Equality in the administration of justice and legal assistance; and Third part: Conclusions, proposals and recommendations.

14. In order to avoid confusion between the three parts and the different chapters comprising the study, the order in which the various documents should be assembled is given below so that the various chapters may be placed in the correct sequence. This sequence is as follows:

First Part

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|----|-------------|---|---------------------------|
| 1. | Chapter I | Measures adopted by the United Nations | E/CN.4/Sub.2/476/Add.4. |
| 2. | Chapter II | Action taken by the specialized agencies | E/CN.4/Sub.2/1982/2/Add.1 |
| 3. | Chapter III | Action taken by the Organization of American States | E/CN.4/Sub.2/1982/2/Add.2 |
| 4. | Chapter IV | Other international action | E/CN.4/Sub.2/476/Add.5. |

Second Part

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| 5. | Chapter V | Definition of indigenous populations | E/CN.4/Sub.2/1982/2/Add.6 |
| 6. | Chapter VI | Composition of the population | E/CN.4/Sub.2/476/Add.1. |
| 7. | Chapter VII | Basic principles | E/CN.4/Sub.2/476/Add.2. |
| 8. | Chapter VIII | General measures for the prohibition, prevention and elimination of discrimination | E/CN.4/Sub.2/476/Add.3. |

9.	Chapter IX	Fundamental policy	E/CN.4/Sub.2/1983/21/Add.1.
10.	Chapter X	Administrative arrangements	E/CN.4/Sub.2/1982/2/Add.4.
11.	Chapter XI	Health, etc.	E/CN.4/Sub.2/1983/21/Add.5.
12.	Chapter XII	Housing	E/CN.4/Sub.2/1982/2/Add.5.
13.	Chapter XIII	Education	E/CN.4/Sub.2/1983/21/Add.2.
14.	Chapter XIV	Language	E/CN.4/Sub.2/476/Add.6.
15.	Chapter XV	Culture and cultural, social and legal institutions	E/CN.4/Sub.2/1983/2/Add.3.
16.	Chapter XVI	Occupation, employment and vocational training	E/CN.4/Sub.2/1982/2/Add.3.
17.	Chapter XVII	Land	E/CN.4/Sub.2/1983/21/Add.4.
18.	Chapter XVIII	Political rights	E/CN.4/Sub.2/1983/21/Add.6.
19.	Chapter XIX	Religious rights and practices	E/CN.4/Sub.2/1982/2/Add.7.
20.	Chapter XX	Equality in the administration of justice and legal assistance	E/CN.4/Sub.2/1983/21/Add.7.

Third Part

21.	Conclusions, proposals and recommendations	E/CN.4/Sub.2/1983/21/Add.8.
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Annexes For the moment in various parts of the report. In the final version of the final report all the annexes will be included at the end in a consistent manner.