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STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST  
 INDIGENOUS POPULATIONS

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

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Chapter IV. OTHER INTERNATIONAL ACTION

A. International conferences of indigenous peoples

1. The Inuit Circumpolar Conference

1. This Conference was hosted by the Environmental Protection Office, Office of the Mayor, North Slope Borough, Alaska, United States of America, and was held in Barrow, Alaska, from 13 to 17 June 1977. 1/

2. The purpose of the Conference has been officially stated in the following terms:

"The Arctic is a unique environment. Indigenous peoples who live in the Arctic have demonstrated to mankind over tens of thousands of years their successful survival as a distinct people. Arctic cultures have evolved in isolation - not only from other geographical areas of the world - but in isolation from each other. While individual Arctic cultures may differ to some degree, they are all autochthonous: integrally a part of, and possessing the skills to live in total harmony with, the environment.

"Within this lifetime, the possibility of extensive damage to the fragile environment of the Arctic has become a real threat. To those living in the Arctic, this possibility becomes a threat to the very foundation of Inuit society. As the quest for resources leads the dominant cultures to one of the most promising, unexplored areas of the world, the Arctic Polar region, exchange among Inuit (Inupiat/people) becomes not only important but essential.

"Thus, the primary focus of the first Inuit Circumpolar Conference at Barrow was Arctic conservation and environmental protection, with a view toward developing an international Arctic policy. However, a comprehensive range of additional issues, as they pertain to the Arctic policy, were also considered: land claims, language, mutual exchange, health, education and village technology." 2/

3. The background of the Conference lies in the fact that the Inupiat have long desired a reunion of their peoples. The International Arctic Conference held at Copenhagen in 1973 provided great impetus, as did the efforts of Inupiat leaders. It was not, however, until 1976 that these efforts succeeded in developing formal plans for the Conference. A pre-Conference meeting was held in Barrow in March 1976 by Unuit leaders from Alaska, Greenland and Canada. 3/ Many months of hard work culminated in the Conference.

4. Inuit from Alaska, Canada and Greenland attended and served as delegates. In addition, several countries were represented by academic, private and government experts in the various Arctic issue areas (see para. 5 below).

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1/ Inuit Circumpolar Conference, June 1977. A 20-page publication containing the report on the First Inuit Circumpolar Conference held in Barrow, Alaska in June 1977. The present summary relating to this Conference is based on the contents of this publication, hereinafter referred to as "Report on the Inuit Circumpolar Conference, or simply as "Report on the Conference".

2/ Report on the Conference, p. 1.

3/ Ibid., p. 2.

5. Participants in the Conference included 54 delegates and two alternate delegates: 13 delegates and two alternate delegates from Alaska, 13 delegates from Canada and 13 delegates from Greenland. There were more than 290 observers from different countries: Canada (43), Denmark (9), Finland (2), France (1), Greenland (9), Japan (1), Norway (2), Sweden (2), the United Kingdom of Great Britain and Northern Ireland (6) and the United States of America (223).
6. The Conference held plenary meetings on 13, 14 and 17 June. On 15 June the Conference held a full session to discuss and adopt resolution 77-01 and for the nomination and confirmation of the members of the Interim Inuit Circumpolar Committee. <sup>4/</sup> On the same day, delegation caucuses were held. On 16 June "Issue Area Workshops" were held on: Arctic Policy and Land Claims, Environmental Protection, Language Commission, Mutual Exchange, and Education Village Technology. At the plenary meeting on 17 June, resolutions 77-02 to 77-17 were formally introduced, discussed and passed.
7. The Conference heard remarks by the delegations from Canada and Greenland and by various participants. There was an address by the Deputy Director of the Environmental Protection Agency. The Mayor of Barrow welcomed and addressed the Conference.
8. Action resulting from the Conference is reflected in the 17 resolutions adopted, of which resolution ICC 77-01 mandated the creation of "an international organization of Inuit to study, discuss, represent, lobby and protect" the interests of Inupiat on an international level. An Interim Inuit Circumpolar Committee was charged by the Conference with establishing the authorities and providing the legal framework for a continuing organization. <sup>5/</sup>
9. The major and compelling theme reflected by the Conference is, beyond doubt, the imperative need for international recognition of Inupiat in terms of the implementation of viable Arctic environmental protection policies. The Inuit Circumpolar Conference has marked the growing commitment to the protection of the delicate Arctic environment. It has underscored the need for international co-operation in conserving the Arctic; it has also marked the beginning of continued cultural exchange among the Inuit.
10. These and other matters that are the subject of formal resolutions by the Conference are outlined later in this summary.
11. Before proceeding to the discussion of the content of the formal resolutions of the Conference, however, it is deemed useful to outline briefly the structure of the report on the Conference, which is being used as the source of the information here summarized.
12. After brief notes on the hosts, purpose and background of the Conference, the participants and observers are listed. The agenda of the Conference follows, and a list of elected officials plus a graphic presentation of the structure of the Conference.
13. The main part of the report is taken up by the "Formal Conference Actions" containing the 17 resolutions adopted, which are presented in the order of adoption, numbered from 77-01 to 77-17.

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<sup>4/</sup> See para. 24 (a) (ii) below, and annex I.

<sup>5/</sup> See para. 24 (a) (ii) and (iii) below, and annex I.



14. The final part of the report is formed by transcriptions of a speech in support of the resolution on whaling, the text of a resolution in support of the Conference 6/ and a brief note on "The Future", making reference to action entrusted to the Interim Inuit Circumpolar Committee created in resolution 77-01 to establish the authorities and provide the legal framework for a continuing organization. A map of the Arctic region closes the report.

15. The resolutions are addressed to the delegates to the Conference, to the Inuit people and to countries having the capability of acting in the Arctic region, or to the Governments of Canada, 7/ Denmark and the United States of America, in an explicit manner. Resolution 77 is addressed, in the ultimate analysis, to the International Whaling Commission.

16. The content of the resolutions will be discussed from two points of view: the body to which they are addressed and the substantive content of the operative part. The preambular paragraphs are not quoted and are referred to only in exceptional circumstances. 8/ The operative provisions discussed are not quoted verbatim, except when used in quotation marks. 9/

17. All 17 resolutions are reproduced in annex I below, to enable the reader to become acquainted with their respective texts, which contain important supporting facts and arguments.

(i) Bodies to which the resolutions are addressed

18. With the exception of resolutions ICC 77-01, 77-04, 77-06, 77-08, 77-10, 77-11 and 77-16, which are of a general character, the resolutions adopted by the Inuit Circumpolar Conference are directly or indirectly addressed to one or more Governments.

19. Resolutions ICC 77-03, 77-05, 77-07, 77-09, 77-12, 77-13, 77-15 and 77-17 are addressed to or affect the Government of Canada, either alone or together with other Governments.

20. Resolutions ICC 77-02, 77-09, 77-12 and 77-13 are addressed to or affect the Government of Denmark, either alone or together with other Governments.

21. Resolutions ICC 77-09, 77-12, 77-13, 77-14, 77-15 and 77-17 are addressed to or affect the Government of the United States of America, either alone or together with other Governments.

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6/ A resolution in support of the Conference was passed by the eight officially invited observers from churches. Report on the Conference, p. 15.

7/ In resolution 77-07 (paras. 22 and 24, below, q.v.), the Governments of the Provinces of Newfoundland and of Quebec are mentioned in addition to the Government of Canada.

8/ See, for example, resolution 77-15 under "Traditional subsistence hunting rights - Defence of the Inuit right to hunt the whale", para. 24 (e) (i) below.

9/ See, for example, resolution 77-14 under "Land questions - Expeditious conveyance of land to the Alaska Native Regional and Village Corporations, in para. 24 (d) (ii), below.

22. The following chart will show these aspects and give an indication of the subject of the respective resolutions:

Number	Subject	General	Canada	Denmark	United States
77-01	Permanent organization formed; Interim Committee appointed to draft Charter for Conference	X			
77-02	Recognition of aboriginal right of Greenlandic ownership of all surface and sub-surface estate			X	
77-03	Inclusion of Inuit in revising Constitution		X		
77-04	Inuit language, culture, education and history. Inuit language official for future meetings	X			
77-05	Support for Committee for Original Peoples' Entitlement (COPE)		X		
77-06	Environmental policy	X			
77-07	Support for the Inuit of Labrador		X a/		
77-08	The health of the Inuit	X			
77-09	Access to government information regarding the Arctic and sub-Arctic regions		X	X	X
77-10	Village technology	X			
77-11	Peaceful and safe uses of Arctic circumpolar zone	X			
77-12	Special Arctic mutual exchange programme		X	X	X
77-13	Free, unrestricted movement for all Inuit across their Arctic homeland		X	X	X
77-14	Expeditions conveyance of land to Alaska Native Regional and Village Corporations				X
77-15	International Whaling Commission to defend Inuit rights to hunt the whale		X		X
77-16	Urging wise and full use of subsistence resources	X			
77-17	Revision of Migratory Birds Treaty to decriminalize spring subsistence hunting in Arctic for Natives		X		X

a/ The Provinces of Newfoundland and of Quebec are also specifically mentioned.

(ii) Type of action taken or recommended

23. In this presentation of the substantive content of the resolutions adopted by the Conference, they have been grouped under the following headings:

(a) Organizational questions; (b) Inuit participation; (c) Support for Inuit claims; (d) Land questions; (e) Traditional subsistence hunting rights; (f) Ecological and environmental questions; (g) Cultural, linguistic and educational aspects; (h) The health of the Inuit; (i) Village technology, and (j) Free and unrestricted movement for all Inuit across their Arctic Homeland. Subtitles to indicate more precisely the main substantive content of these resolutions have also been inserted whenever they were called for.

24. The content of the resolutions is, therefore, discussed in those terms in the following paragraphs:

(a) Organizational questions

- (i) The Inuit Circumpolar Conference was formed as an international organization of Inuits to study, discuss, represent, lobby and protect Inuit interests on the international level (resolution 77-01, last preambular paragraph and operative para. 1).
- (ii) An Interim Inuit Circumpolar Committee was provided for, to be appointed and made up of 12 representatives - 4 from Alaska, 4 from Canada and 4 from Greenland. They will be responsible to all Inuit representatives and delegates to the Inuit Circumpolar Conference (resolution 77-01, operative paras. 1 and 4).
- (iii) The Interim Inuit Circumpolar Committee was given the following tasks:
  - to draft the Charter of the Inuit Circumpolar Conference, a task that it is directed to complete by July 1978 (resolution 77-01, operative paras. 1 and 5);
  - to take all steps necessary for the development of the Charter and to establish fair and adequate procedures for the ratification of the Charter by Inuits from Alaska, Canada and Greenland (resolution 77-01, operative paras. 1, 2 and 6);
  - to carry out the objective, directives and resolutions of the first Inuit Circumpolar Conference (resolution 77-01, operative para. 5);
  - to report regularly on progress attained in its work (resolution 77-01, operative para. 4);
  - to consider seriously the creation of an International Committee for Inuit Education, Culture and Language as part of the permanent Inuit organization (resolution 77-04, first paragraph of the operative part). <sup>10/</sup>

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<sup>10/</sup> The operative part of resolution 77-04 is more fully discussed under "Cultural, linguistic and educational aspects - Inuit language, culture, education and history", in para. 24 (g) (1) below.

- (iv) The areas of concern to be included in the Charter, but not in a limitative manner, are described in letters (a) to (h) in paragraph 3 of the operative part of resolution 77-01.
- (b) Inuit participation
  - (i) Inclusion of Inuit of Canada when revising the Constitution
    - Support should be given to the Inuit of Canada in seeking and ensuring their rightful role in any present or future discussions on or revision of the Constitution of Canada (resolution 77-03, sole operative paragraph).
  - (ii) Access to Government information regarding Arctic and sub-Arctic regions
    - All necessary steps should be taken to ensure, if necessary through legislation in the respective States and provinces involved, that the Inuit of Greenland, Alaska and Canada have access to all relevant government information concerning the Arctic and sub-Arctic regions which is their homeland (resolution 77-09, sole operative paragraph).
- (c) Support for Inuit claims
  - (i) For the Committee for Original Peoples' Entitlement (COPE)
    - All Inuits were requested to support efforts by the Committee for Original Peoples' Entitlement (COPE) to achieve a fair and expeditious settlement of Inuvialuit claims and, further, to support COPE's efforts to protect Inuvialuit rights prior to achievement of a just settlement of those rights (resolution 77-05, sole operative paragraph).
  - (ii) For the Inuit of Labrador
    - The Governments of Canada, Newfoundland and Quebec were called upon to acknowledge their responsibility to uphold the aboriginal rights of the Labrador Inuit and to indicate their willingness to enter into negotiations with the Labrador Inuit for a just settlement of their claims (resolution 77-07, sole operative paragraph).
- (d) Land questions
  - (i) Recognition of the Aboriginal right of Greenlandic ownership of all surface and sub-surface estate of Greenland as a condition of Greenlandic Home Rule
    - The delegates assembled at the first Inuit Circumpolar Conference in Barrow, Alaska, were requested to call upon the Government of Denmark to recognize the claims of the Greenlandic Inuit to all the surface and sub-surface estates of Greenland (resolution 77-02, sole operative paragraph).

- (ii) Expeditious conveyance of land to the Alaska Native Regional and Village Corporations
- The Inuit Circumpolar Conference called upon the Government of the United States of America "to expedite the conveyance of all appropriate land title to the Alaska Native Regional and Village Corporations" (resolution 77-14, sole operative paragraph).

(e) Traditional subsistence hunting rights

(i) Defence of Inuit rights to hunt the whale

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon the United States and Canadian delegates to attend the forthcoming meeting of the International Whaling Commission in Australia to defend the Inuits' aboriginal right to hunt the whale in the Arctic (resolution 77-15, sole operative paragraph). 11/ 12/

(ii) Wise and full use of subsistence resources

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon all Inuit to behave as hunters and in no way that will create scandal and endanger Inuit subsistence hunting rights, and to conserve Inuit game as they would conserve their homeland, and protect the future generations of Inuit people (resolution 77-16, sole operative paragraph).

(iii) Revision of Migratory Birds Treaty with respect to subsistence hunting

The Governments of Canada and of the United States of America were called upon to revise their Migratory Birds Treaty to decriminalize spring hunting in Alaska and Canada for all Native people (resolution 77-17, sole operative paragraph). 13/

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11/ Inuit whaling is subsistence whaling, a necessary part of Inuit cultural identity and social organization and in no way similar to commercial whaling which is endangering the whale species and with which it should never be confused (ideas presented in the preambular part of resolution 77-15, see annex I).

12/ See, in para. 80 (1) (ii)-(iv) below, World Council of Indigenous Peoples' resolution 12 on "Inuit whaling rights" adopted at the Second General Assembly of that Organization held at Kiruna, Samiland, Sweden (24-27 August 1977) wherein the International Whaling Commission was called upon to protect and defend Inuit Subsistence Whaling Rights and the Government of the United States of America to object to the bowhead moratorium, which does not have scientific justification and would violate Inuit aboriginal subsistence hunting rights and to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic.

13/ Pursuant to the preamble of resolution 77-17, making spring duck and goose hunting a crime is not based on need and only resulted from lack of understanding by those who negotiated a Treaty on Migrant Birds between Mexico, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Duck and goose spring hunting is subsistence hunting for the Inuit and does not endanger the species. This was understood by those who negotiated a similar Treaty between the Union of Soviet Socialist Republics and the United States of America, which protects subsistence hunting rights. The operative part of resolution 77-17 would have the first Treaty revised to bring it into line with the second Treaty.

(f) Ecological and environmental questions

(i) Environmental policy

- Each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and [the principle] that the Inuit community has a right to participate in this rule-making (resolution 77-06, first operative paragraph).
- The rules for Arctic resource development should specifically provide for an Inuit-controlled technology assessment programme (resolution 77-06, second operative paragraph) and for:
  - the determination of safe technology;
  - an Arctic population policy;
  - locally controlled wildlife management and Arctic military-use policy;
  - conservation of traditional use values;
  - access to Government information concerning the Inuit homeland; 14/
  - development of an Arctic coastal zone management programme and a co-operative environmental impact assessment protocol detailing participation of the Inuit.

(Resolution 77-06, third operative paragraph.)

(ii) Peaceful and safe uses of the Arctic circumpolar zone

- The operative part of resolution 77-11 contains the following provisions:
  - a. The Arctic shall be used for peaceful and environmentally safe purposes only;
  - b. There shall be prohibited any measure of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres and the testing of any type of weapon and/or the disposition of any type of chemical, biological or nuclear waste;
  - c. A moratorium shall be called on the emplacement of nuclear weapons; and
  - d. All steps shall be taken to promote the objectives mentioned in a, b and c above.

(Resolution 77-11, operative part.)

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14/ Resolution 77-09 provides for Inuit access to all relevant Government information concerning the Arctic and sub-Arctic regions which is their homeland. See under Inuit participation - Access to Government information regarding Arctic and sub-Arctic regions, in para. 24 (b) (ii) above.

(g) Cultural, linguistic and educational aspects

(i) Inuit language, culture, education and history

- The Inuit Interim Committee is requested seriously to consider the creation of an Inuit Inunaanni Hinmiartulirijit (International Committee for Inuit Education, Culture and Language) as a part of the permanent Inuit organization (resolution 77-04, first operative paragraph, first provision).
- This Committee should be responsible for the following areas of concern:
  - "1. to develop and implement the Inuit philosophy of education into the educational system;
  2. to explore the possibility for an Inuit University;
  3. to establish Inuit student and teacher exchanges;
  4. to establish exchanges of educational and cultural and media materials;
  5. to explore the possibility of an Inuit common writing system;
  6. to develop mutual exchange of artists and cultural workers;
  7. to establish Inuit cultural history;
  8. to create contact among religious groups in the Inuit homeland;
  9. to establish Inuit Olympics."

(Resolution 77-04, first operative paragraph.)
- The Inuit language shall be the official language in future meetings of the Conference (resolution 77-04, second operative paragraph, second provision). 15/

(ii) Special Arctic mutual exchange programme

- The delegates assembled at the first Inuit Circumpolar Conference in Barrow were requested to call upon the Governments of Canada, the United States and Denmark to co-operate with the Inuit Circumpolar Conference to establish mutual exchange programmes in such fields as education, communications, language, game management, municipal administration, health care, the arts and economic trade (resolution 77-12, sole operative paragraph).

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15/ There is an evident close relationship between resolutions 77-04 and 77-12 grouped under this title. Resolution 77-12 seems to develop and supplement resolution 77-04 as far as exchange programmes are concerned.

(h) The health of the Inuit

- Resolution 77-08 provides that:

1. the Inuit should have participation and a voice in health planning and care;
2. A centre of information on health care should be established to give information on how Inuit health problems are solved; and
3. the best possible medical care should be made available to all Inuit (resolution 77-08, operative part.) 16/ 17/

(i) Village technology

- Resolution 77-10 makes provision for:

1. monies for housing to be distributed to the Inuit themselves for housing design, materials and labour;
2. control and planning of utilities and communications to be given to Inuit users;
3. Inuit to have control of monies for the management and maintenance of utilities to determine priorities in their villages;
4. all necessary resources to be made available to Inuit to solve high fuel cost and transportation problems; and
5. transportation to and from Inuit villages to be made adequate to serve the needs of the Inuit.

(Resolution 77-10, operative part.)

(j) Free and unrestricted movement for all Inuit across their Arctic Homeland

- The delegates assembled at the first Inuit Circumpolar Conference were requested to call upon the Governments of Canada, the United States and Denmark to negotiate an agreement that will protect as between those countries and for all Inuit, the right to unrestricted trade and travel as envisaged between Canada and the United States by the Jay Treaty (resolution 77-13, sole operative paragraph).

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16/ This resolution was based on considerations that the Inuit have similar health problems and recognize the importance of rural village health, and have a right to determine and participate in their own health care and to make decisions concerning sterilization and family size: preamble containing four paragraphs. (See annex I.)

17/ See, a reference to health care under "Cultural, linguistic and educational aspects - Special Arctic mutual exchange programme" (resolution 77-12) in para. 24 (g) (ii) above.



## 2. Barbados II

25. This meeting was held at the University of the West Indies in Bridgetown, Barbados, from 18 to 28 July 1977. <sup>1/</sup> There were 34 participants (20 American Indians and 12 non-Indians) from 13 countries; Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, the United States of America and Venezuela.

26. The point of departure for this meeting goes back to the symposium held six years earlier by 20 anthropologists at the same University, in Bridgetown, Barbados, a symposium known as Barbados I, which was sponsored by the University of Bern (Switzerland) and by the Programme to Combat Racism organized by the World Council of Churches. The symposium produced the "Declaration of Barbados I" and a report on "The Situation of the Indians of South America". These documents challenged anthropologists, missionary societies and Governments to take a critical look at the work they had undertaken amongst the Indians. In view of the fact that the situation of the Indians had changed in the meanwhile, that dynamic emancipation movements had emerged in some countries, that meetings had been held at the local, national, regional and world levels, and that interest had been displayed by some Governments and by elements in the Roman Catholic Church in Latin America, it was felt that the time had come to arrange a second meeting in Barbados.

27. The organizers of Barbados II <sup>2/</sup> had planned a meeting of anthropologists, with the participation of a number of Indians. The response of the Indians who were invited was so great that the meeting became one of Indians, with the participation of a number of anthropologists.

28. In the early stages of the meeting, the Indians and the anthropologists started out by making each other's acquaintance. The Indians felt the need for a clear understanding of their differences, since they came from different countries with very different systems of government.

29. It was then decided to allow the Indians time to meet separately. It was these meetings among the Indians that provided the mainspring for Barbados II. While for example, following Barbados I, the anthropologists addressed themselves to their colleagues, to the missionary societies and to Governments, the Declaration of Barbados II is a document drawn up by Indians and addressed to their fellow Indians. In the document the Indians proclaim to the world that they are masters of their own destiny. They state that they must first fight to survive as a group, pointing out that, for that purpose, ownership of land is of paramount importance. Secondly, they affirm that they must free themselves from the two-fold domination to which they are subjected: physical domination and cultural domination. They also emphasize that they must strive to achieve unity among themselves, both inside and outside the frontiers of their countries.

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<sup>1/</sup> The present summary is based on a text prepared by the World Council of Churches (Programme to Combat Racism) which contains the Declaration of Barbados, preceded by four introductory paragraphs.

<sup>2/</sup> Some of the participants in the 1971 symposium and the World Council of Churches: information supplied by the World Council of Churches on 29 June 1978.

30. The Declaration of Barbados II was adopted by acclamation by the participants at a meeting held on 28 July 1977. <sup>3/</sup> The following paragraphs contain a brief description of the contents of this important Declaration.
31. Before a brief analysis of the substance of the Declaration of Barbados II is attempted, a few details will be given of its form.
32. From the standpoint of form, the Declaration consists of a total of 16 paragraphs, as described below.
33. The two aspects of the domination to which the Indians are subjected in the Americas are mentioned in the first paragraph. The second to the thirteenth paragraphs inclusive analyse these two aspects.
34. Four paragraphs (second to fifth) are concerned with physical domination, i.e., the second paragraph points to the plundering of land and resources and the splitting up of peoples and territories; the third examines the economic, labour and commercial aspects of such domination; the fourth mentions the local, national and international aspects, whilst the fifth states that it is based on the use of force and violence against Indians.
35. Cultural domination is analysed in seven paragraphs (sixth to twelfth): the sixth paragraph describes the purpose of this type of domination; the seventh declares that it does not allow Indian culture any forms of expression or misinterprets and distorts them; the eighth describes the methods that are used - Indian policies, the system of formal education and the mass media; the ninth mentions the groups and sectors into which the indigenous population has consequently been divided and contains three subparagraphs numbered (1) to (3); the tenth, eleventh and twelfth paragraphs describe the problems and needs of these groups.
36. The conclusions reached with regard to the problems confronting the indigenous peoples of the Americas are set out in the thirteenth paragraph. <sup>4/</sup>
37. The objective of the struggle for liberation is stated in the fourteenth paragraph.
38. The strategies to be followed in achieving the proposed objective are set out in the fifteenth paragraph, which includes six subparagraphs, (A) to (F).
39. Examples of the means that can be used to implement the strategies and achieve the objective are listed in the sixteenth paragraph, which includes four subparagraphs, (A) to (D).
40. As to the substance of the Declaration, the chief points are summarized below, beginning with identification of the basic problem of the indigenous peoples of the Americas as they themselves define it.
41. The text of the Declaration of Barbados II summarizes the problem in the following terms:

"(1) A situation of cultural and physical domination, ranging from subjection to a white or Creole minority to a danger of extinction in countries where [the American Indians] account for only a small percentage of the population;

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<sup>3/</sup> Information supplied on 29 June 1978 by the World Council of Churches.

<sup>4/</sup> See paragraph 41 below setting out these conclusions. See also annex II.

"(2) The American Indian peoples are divided among themselves as a result of integration, education and development policies, western religious systems, economic classes and national frontiers."

42. The description, contained in the Declaration, of the domination to which the indigenous peoples are subjected can be summarized as follows:

(a) economic domination - the use of violence and force to deprive them of their lands and resources after splitting up peoples and territories in order to exploit them. Mention is also made of labour exploitation (poor pay when they work for non-Indians) and commercial exploitation (buying up their products cheaply and selling them what they need at high prices);

(b) cultural domination - by processes of cultural assimilation through the Indian policies, the system of formal education and the mass media. The aim is to instil in the Indians the idea that the only culture is that of the overlords, which is highly developed and must be "aspired to" by the Indians through education, whereas the indigenous culture does not exist as such and signifies only backwardness and under-development.

43. As a result of this domination, which occurs locally, nationally and internationally - and at the latter level it includes the operations of transnational corporations which are supported by powerful and privileged non-Indian groups - three elements have emerged among the indigenous population:

(a) Groups which have remained relatively isolated and have preserved their own cultural patterns; these are facing the immediate problem of surviving as a group and, to that end, must be guaranteed their lands;

(b) groups which have preserved a large part of their culture but are directly dominated, physically and economically, by the capitalist system; first and foremost, they need to regain control of their land and resources; and

(c) a section of the population which has been "de-Indianized" by integrationist forces and has forfeited its cultural patterns in return for limited economic advantages. Their immediate problem is to free themselves from cultural domination and recover their own identity and culture.

44. The objective, strategies and means enumerated below have been suggested in order to give shape to the struggle for liberation.

45. The objective is to achieve the unity of the indigenous population on the basis of their historical and territorial position in relation to the social structures in which they participate wholly or partly and in relation to the systems of government of national States, in order to resume the historical process and endeavour to put an end to the period of colonization.

46. The strategies to achieve this objective and the possible means include the following: 5/

(a) a genuine political organization in connexion with the liberation movement; it may be based on traditional and on newer, more modern organizations;

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5/ As stated in describing the form of the Declaration (see paras. 38-39 above), the strategies are mentioned in the fifteenth paragraph and the means in the sixteenth paragraph. Here they have been combined, first indicating the strategy and then the corresponding means. See also annex II.

(b) a clear and consistent ideology understood by the entire population; it must be based on historical analysis;

(c) An approach which can be used to mobilize a large section of the population; the initial method may be a study of history in order to place and explain the situation of domination;

(d) A unifying element in the liberation movement from start to finish; it must be indigenous culture, basically to create an awareness of belonging to the American Indian ethnic group and people;

(e) action to preserve and reinforce forms of internal communication, the language of each group, at the same time creating a means of communication between peoples of different languages, and preserving basic cultural patterns, especially in the education of each group;

(f) consideration and outlining of forms of support at the international level.

47. In addition to the Declaration of Barbados II, which was formally discussed and adopted, three other documents, mentioned below, were also issued. 6/

48. The document entitled "Summary of the discussion on the problems of Indian women" contains six paragraphs, from which the following points have been selected.

49. Processes of acculturation tend to deprive indigenous women of the important role they have been accustomed to in the field of production and in other aspects of social life. A variety of coercive mass sterilization programmes and western-style family-planning programmes and the transfer of children to non-indigenous families are attempts to downgrade indigenous women and oppose the historical survival and the plans for liberation of the American Indian peoples.

50. Women, who account for more than half the indigenous population in the Americas and have always made major contributions to resistance by the indigenous peoples, must now take up a fundamental position alongside men, in their basic and leading organizations, and they must preserve their role in creating and transmitting the historical identity, collective memory and basic values of the American Indian peoples.

51. The document entitled "No to racist invasion" consists of seven paragraphs; the chief statements, summarized below, contain an emphatic rejection of projects to resettle immigrants from Zimbabwe, Namibia and Azania in Bolivia, and any other project of that kind.

52. In this connexion it is pointed out that the people in question are mainly European racists who are leaving the countries they are living in in Africa because they are unable to overcome the process of revolution now taking place in southern Africa. The aim, says the document, is to create artificial racist enclaves, a long-standing phenomenon of colonialism, in which these enclaves are used to curb the advance of the struggles for liberation.

53. An attempt is made to justify these repressive policies by racist ideologies expressed in such mottos as "a purer race; the natives are politically incapable of taking part in proper development processes".

54. The document concludes with the following statement:

"The presence of racist peoples in southern Africa is the result of the policy of European colonial expansion, and it is for Europe to solve it within its own frontiers. These people must return to the countries they came from. We reject having them brought to South America and condemn the Governments which collaborate in this policy of recolonizing South America."

55. The document entitled "The Colonialist Policy of the Summer Institute of Linguistics" includes a categorical rejection of the activities of that Institute. It contains 11 paragraphs which discuss basic considerations regarding the important functions of language and then set out the reasons for this rejection, reasons which include some of those mentioned below.

56. The majority of the States in the Americas, instead of frankly acknowledging the existence and validity of indigenous languages and giving them official status at either the regional or the national level, entrust their language policy to pseudo-scientific fundamentalist organizations from the United States, an important body of this kind at the world-wide level being the Summer Institute of Linguistics (SIL).

57. The document states that, as regards the languages themselves, the Summer Institute of Linguistics: (a) presents a deliberately distorted picture of extreme fragmentation in languages and dialects, in an attempt to demonstrate that the formation of standardized linguistic units is inevitable, and (b) denies the indigenous languages the possibility of a genuine interpretation, both conceptual and linguistic, of social dynamics and of nature.

58. Another facet of the activities of the Institute is coercive fundamentalist evangelization of the American Indian peoples. This evangelism, says the document, attacks the key points in the social and cultural system and is reflected in a gradual suppression of group customs. It is therefore aimed at irreversible disintegration of the American Indian peoples and their cultures and, failing to observe human dignity and the most fundamental human rights, it contributes to the plan for accelerated recolonization of the continent.

### 3. Second General Assembly of the World Council of Indigenous Peoples

59. This Second General Assembly was organized by the Executive Committee of the World Council of Indigenous Peoples and was held at Kiruna, Samiland, Sweden, from 24 to 27 August 1977. 1/

60. The World Council of Indigenous Peoples (WCIP) is an organization of indigenous people from 24 countries, which has consultative status with the Economic and Social Council of the United Nations. 2/ It was formed at the First International Conference of Indigenous Peoples, to which reference is made below (para. 61). The background of this Council lies in the long cherished idea of bringing together indigenous people from as many countries as possible to represent their communities at a conference that they had to host, organize and control themselves. 3/ In 1972 this idea was formally taken up, and after two preparatory meetings 4/ the First International Conference of Indigenous Peoples finally materialized, and it created the World Council of Indigenous Peoples. 5/

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1/ Report of the World Council of Indigenous Peoples' Second General Assembly, Kiruna, Samiland, Sweden (24-27 August 1977).

2/ In August 1972, the General Assembly of the National Indian Brotherhood (NIB) endorsed the idea of an International Conference on Indigenous Peoples and authorized NIB to apply for consultative status as a non-governmental organization at the United Nations, which it obtained two years later. In 1974 the National Indian Brotherhood of Canada was recognized as a non-governmental organization in consultative status with the Economic and Social Council of the United Nations. This status was granted on the basis that there was not yet an international organization of indigenous peoples. It was understood that the National Indian Brotherhood (NIB) would transfer its NGO consultative status to an international organization of indigenous peoples if one should come into existence. On 16 June 1975 at the beginning of the second organizational meeting held in Copenhagen (see foot-note 4, in fine) Mr. Sam Deloria reported that status had been granted to the NIB and that he had received credentials from the Economic and Social Council attesting to the NGO status of the NIB "on behalf of the indigenous people of the world". At the Port Alberni meeting (discussed in this summary), it was resolved that the WCIP that had been created by that Conference would take over the NGO status obtained by the NIB: Douglas E. Sanders, The Formation of the World Council of Indigenous Peoples, Document 29 of the International Work Group on Indigenous Affairs, Copenhagen, Denmark, 1977, pp. 11-14 and 18.

3/ A working relationship had been established on that basis and with that very purpose between the National Congress of American Indians and the National Indian Brotherhood, at the initiative of the then NIB president, Mr. George Manuel: Sanders, op.cit., p. 11.

4/ The First Preparatory Meeting for the World Conference was held in Georgetown, Guyana, from 8 to 11 April 1974, with the participation of representatives from Australia, Canada, Colombia, Greenland (Denmark), Guyana, New Zealand, Norway (also representing indigenous peoples from Finland and Sweden) and the United States of America. It was agreed to proceed with the idea of the National Indian Brotherhood to hold the International Conference and NIB's proposal to hold the initial conference in Canada was accepted. The Second Organizational Meeting for the International Conference was held in Copenhagen, Denmark, from 16 to 18 June 1975: Sanders, op.cit., pp. 11-14.

5/ See para. 62 below.

61. The First International Conference was hosted by the Sheshaht Band of the Nootka Indians and was held at their community near Port Alberni, British Columbia, Canada, from 27 to 31 October 1975. Fifty-two delegates from the following 19 countries took part in the Conference: Argentina, Australia, Bolivia, Canada, Colombia, Ecuador, Finland, Greenland (Denmark), Guatemala, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, the United States of America and Venezuela. One hundred and thirty-five observers were also among the total of 260 people attending the Conference. 6/

62. That Conference approved the Charter of WCIP, elected the Chairman, the Secretary-General and a four-person Board to represent indigenous peoples from Central America, South America, Europe-Greenland and the South Pacific areas, respectively. It is to be noted that this conference decided, among other things, to make a study of the problems of discrimination against indigenous peoples for submission to the United Nations in connexion with the study entrusted to this Special Rapporteur. It resolved that the WCIP would take over the NGO status obtained by the National Indian Brotherhood (NIB). Resolutions were adopted dealing with social, economic, cultural, and political rights and with the retention of lands and natural resources. 7/

63. The Executive Council of WCIP, meeting in Panama City on 29 and 30 January 1977, decided to accept the invitation of the Sami People of the Nordic Sami Council from Samiland, to hold the Second General Assembly of the WCIP in Sweden in the fall of 1977. The Nordic Sami Council, as host, co-ordinated all preparations for the Assembly. 8/

64. The Second General Assembly of WCIP held plenary meetings on 24, 26 and 27 August. On 25, 26 and 27 August meetings were also held by the three workshops that had been established on 24 August, as follows: Workshop A, to discuss "United Nations agreements pertinent to protection of indigenous peoples' right to their life, liberty and land"; Workshop B, to examine "United Nations non-governmental organization agreements pertinent to protection of indigenous peoples' life, liberty and land", and Workshop C, to discuss matters pertaining to the "World Council of Indigenous Peoples' study of the problems of discrimination against indigenous peoples and World Council of Indigenous Peoples' status and influence in the international community for the benefit of all indigenous peoples". Each one of these workshops submitted a report to the plenary Assembly as well as texts of proposed resolutions, grouped as resolutions A, resolutions B and resolutions C. 9/

65. Eighteen countries were represented at the Assembly, out of 24 countries that are members of the Council. Thirty-eight delegates were present and took part in the work of the Assembly. There were individual participants from Argentina (four), Australia (four), Bolivia (four, plus three alternates), Canada (four), Costa Rica (three), Chile (two), Dominica (one), Finland (Samiland) (one), Greenland (two), Honduras (one), Mexico (one), Nicaragua (three), Norway (Samiland) (one),

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6/ Sanders, op.cit., pp. 14 and 15.

7/ Ibid., pp. 16-18.

8/ WCIP: Descriptive materials issued for the Second General Assembly.

9/ WCIP: Programme and Agenda for the Second General Assembly.

Panama (two), Peru (one) and Sweden (Samiland) (one). El Salvador and Guatemala were represented by their Regional Council. 10/ Absent were Colombia, Ecuador, Paraguay and Venezuela, 11/ as well as New Zealand and the United States of America. 12/

66. The Special Rapporteur for the present study, who had been formally invited to attend the General Assembly, took part in and made a statement on this same study at the plenary meeting held in the afternoon of 24 August 1977 and answered questions posed by participants in connexion therewith. The Special Rapporteur's activities were tied in with the work assigned to workshop A. However, he did not take part in the activities of the workshop as he had to rejoin the other members of the Sub-Commission during its thirtieth session which was being held in Geneva (Palais des Nations, August-September 1977) and from which he had temporarily absented himself in order to attend this very important meeting.

67. The Assembly adopted resolutions A.1 and A.2, B.1 to B.3 and C.1 to C.7. It gave full support to resolutions marked 2 to 9 and 12, dealing respectively with proposals made by delegations and marked as follows: 2. Argentina, 3. Australia (A, B, C, D and E), 4. Bolivia, 5. Canada (1, 2, 3, 4 and 5), 6. Chile, 7. Dominica (1, 2, 3 and 4), 8. Nicaragua (1, 2, 3 and 4), 9. Peru (1 to 10), and 12. Inuit whaling rights (proposed by the Inuit Circumpolar Conference, which is affiliated with the WCIP). In resolution 10, it also gave full support to "Recommendation 5, Protection of traditional ways of life", adopted by the 12th General Assembly of IUCN, Kinshasa, Zaire, 1975, containing three preambular paragraphs and six recommendations numbered 1 to 6, and, in resolution 11, to the "Declaration of the United Nations Conference on the Human Environment" adopted by the United Nations Conference on the Human Environment at its 21st plenary meeting on 16 June 1972. 13/

68. The report is structured as follows: lists of delegations and delegates present; list of delegates not present with indication of the reasons, 14/ the text of the Declaration on Human Rights issued by the Conference, Conference resolutions A-1 and A-2; resolutions B-1, B-2 and B-3, and resolutions proposed by participating delegations to which the Assembly had given full support, numbered 2 to 12 as described in paragraph 67 above, q.v., followed by resolutions C-1, C-2, C-3, C-4, C-5-1, C-5-2, C-6 and C-7. 15/

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10/ The delegates from El Salvador arrived after the General Assembly had finished its work, and the delegates from Guatemala did not arrive at all owing to non-issuance of their air travel tickets (Report of the Second General Assembly (WCIP), p. 4.).

11/ One delegate from Colombia, three from Ecuador, two from Paraguay and two from Venezuela were absent due to difficulties with their air travel tickets (ibid.).

12/ Three delegates from New Zealand and three delegates from the United States were absent, with no reason stated (ibid.).

13/ World Council of Indigenous Peoples: Report of the WCIP's Second General Assembly, pp. 10-34. Resolutions 10 and 11 appear on pages 24-31.

14/ Except as regards the delegates from New Zealand and from the United States. See para. 65 and foot-note 12, above.

15/ Resolutions C-4, C-5(1) and C-5(2), deal with questions of the internal organization of the World Council of Indigenous Peoples and will, therefore, not be discussed.



69. It is also deemed useful to make a brief reference to the structure of the "Declaration on Human Rights" so as to indicate how its different parts are identified later in this summary. The Declaration has a total of 16 paragraphs, the first of which will be simply called "initial statement". The remaining 15 paragraphs are placed under the sub-title "Declaration". Eight of these paragraphs appear before a sub-title "Fundamental Principle", the eighth of these paragraphs being divided into 1, 2 and 3. These eight paragraphs will be called "preambular paragraphs" in this summary. After the sub-title "Fundamental Principle", there are seven paragraphs containing conclusions, declarative or operative provisions; they will be termed "operative paragraphs" one through seven. The first of these contains a principle; the second is marked with the Roman number "I"; the third is marked with the Roman number "II" and contains an introductory sentence and fourteen provisions numbered 1 through 14. Four more paragraphs without special numbers conclude the Declaration.

70. In the discussion of the substantive content of the Declaration, reference will be made to the absolute number of the paragraph in question, excluding the initial statement, and in the case of the last seven paragraphs, this will be followed by an indication of its placement in the "operative part". The wording of the paragraphs and provisions of the Declaration or provisions of the resolutions are not necessarily quoted verbatim, except when used in quotation marks. The full texts of the Declaration and the resolutions are reproduced in annex III to the present document.

71. The theme of the Second General Assembly was: "The situation for indigenous peoples in relation to the international agreements for the protection of man's right to his life, liberty and land".

72. The tenth paragraph of the Declaration (i.e., second operative paragraph) which is marked with a Roman number "I" contains the following statement of conclusions in this respect:

"I. ... Conventions and Declarations on Human Rights ... approved in the United Nations or in other international bodies by the representatives of the National Governments, are not adhered to because the United Nations has no mandatory power nor are the member states particularly keen on realising them in practice. These conventions, furthermore, do not take account of the true situation and rights of the Indigenous Peoples."

73. Paragraph 11 of the Declaration (i.e., third operative paragraph) which is marked with a Roman number "II" contains fourteen provisions marked with arabic numbers, from 1 to 14. The text of the introductory sentence applicable to all these 14 provisions reads:

"II. We, therefore, wish to make clear those irrevocable and inborn rights which are due to us in our capacity as Aborigines:"

74. In the examination of the Declaration from a substantive point of view, reference will be made first to the content of the initial statement and the preambular paragraphs and later to the "operative" part of that text, which will be examined together with the corresponding parts of the resolutions also adopted or supported at the Second General Assembly.

75. In the initial statement, it is said that the indigenous delegations present at the Second General Assembly of the World Council of Indigenous Peoples gathered at Kiruna, Samiland, Sweden, having studied the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948 and international agreements on human rights and having analysed their present situation as aboriginals, have adopted the text of a declaration on human rights which they have decided to submit to the opinion of the world.

76. The preambular paragraphs may be summed up as follows. The lands that were rightfully owned by indigenous peoples have been occupied through direct or indirect violence, fraud and manipulation. These infamous conditions subsist today, despite fundamental declarations on human rights by the United Nations, such as the Universal Declaration on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (first and second preambular paragraphs). As a result, going beyond ordinary political persecution made possible by the complicity of land owners, multinational companies and governments, medieval methods are being used to encroach upon and exterminate indigenous peoples and take over their land (third preambular paragraph). There are daily violations against indigenous groups and individuals, which have been amply documented by international gatherings and organizations and by the World Council of Indigenous Peoples at its first and second general assemblies. They involve the denial of the most elementary needs and human rights, as defined by the United Nations family of organizations. It is added that this applies in particular to the greater part of South America, where conditions have been described as especially severe, involving imprisonment without legal cause, torture, murder and even outright massacres. Violations of almost every article of the Universal Declaration on Human Rights have taken place. It is pointed out that even participation in WCIP has constituted grounds for imprisonment, torture, loss of civil rights and expulsion from countries (fifth, sixth and seventh preambular paragraphs). It is further added that in certain States there is an inclination to deny to the indigenous populations, in groups or as individuals, the right to land and water, which are fundamental resources necessary for human life and prerequisites to any indigenous development of their own institutions, culture and language. It is noted that this violates principles embodied in the International Covenants on Human Rights as well as in the ILO Indigenous and Tribal Populations Convention, 1957 (No. 107) (eighth preambular paragraph).

77. The texts of the "operative paragraphs" of the Declaration and of the resolutions are discussed in the following paragraphs, grouped by substantive content. Attention will be given to the body to which they are addressed and then to the type of action taken or recommended.

(i) Bodies to which the Declaration and resolutions are addressed

78. The Declaration and the resolutions are addressed to:

"The opinion of the world" - The Declaration as a whole.

"All peoples of the world, individuals and nations" - Declaration (12-op.4), 16/ containing an urgent appeal for the immediate bringing to an end of all violence against indigenous people.

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16/ The reference "12-op.4" means: twelfth paragraph, i.e. fourth operative paragraph. In this section, the paragraphs of the Declaration will be identified in this manner.

"United Nations"

- Declaration (12-op.4), with substantive content as above;
- Declaration (14-op.6), to establish a special fund to support indigenous groups or individuals to enable them to bring their cases to national or international courts, as well as to develop their areas, economies and culture;
- B.3, WCIP to get representation at the United Nations, any representatives to be appointed freely by the indigenous peoples themselves;
- C.3, WCIP to request the United Nations to develop a special budget for establishing headquarters.

"International Whaling Commission" 12. Inuit whaling rights (first operative para.), to protect and defend Inuit subsistence whaling rights.

"Government of Chile" - 6. Chile, Respect for the human rights of Mapuches.

"Government of Nicaragua" - 8. Nicaragua, (1) Recognition of indigenous organizations; (2) Respect for land and resources on indigenous reservations.

"Government of Peru" - 9. Peru (1,2,3,4,5,6,7,9), 17/ respect for human rights of nationalities of the jungle and of the mountain areas.

"Government of the United States of America" - 12. Inuit whaling rights:

- Second operative para.: to object to whaling moratorium as not scientifically justified and a violation of Inuit subsistence whaling rights;
- Third operative para.: to enter into co-operative bowhead stock management with Inuit whale hunters of the Arctic.

All Governments of countries where the Summer Institute of Linguistics (SIL) operates - 9. Peru (5), to expel SIL and all similar institutions for ethnocide of indigenous populations of the jungle.

Summer Institute of Linguistics - A.2, Condemnation of SIL together with similar pseudo-religious and pseudo-scientific organizations guilty of forcing foreign cultural patterns on indigenous peoples.

World Council of Indigenous Peoples, itself

- Declaration (15-op.7) to work for the establishment of an indigenous University, possibly in the capital of Kollasuyo (Bolivia);
- A.1, WCIP to distance itself from religious and ideological tendencies or movements alien to indigenous philosophy;

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17/ Resolution 9. Peru contains (in Nos. 8 and 10) certain proposals not clearly concerning indigenous people in particular. They deal with the restoration of civil and syndicalist rights throughout the country (8) and with the immediate release of peasants, workers, students and intellectuals who have been imprisoned for their political activity under the pretence that they have committed common crimes (10).

- C.1, WCIP to seek funds for five years;
- C.2, WCIP to leave door open to all States and organizations for obtaining funds;
- C.4, WCIP to continue to have headquarters in Canada (initially in Alberta, later in Ottawa and ultimately on Indian land);
- C.5 (1), WCIP Secretariat's functions defined; Executive Council is the policy-making body;
- C.5 (2), WCIP Secretariat to assume functions as directed by Executive Council and to call general assemblies upon petition of five members;
- C.6, WCIP to create special Permanent Committee to assist indigenous persons who are imprisoned or exiled or are refugees; and to study their situation for further action;
- C.7, WCIP to take part in NGO Conference at Geneva in September 1977; to appoint at least one official representative. Regional Council members invited are to participate in Conference as WCIP members.

"All members of WCIP" - Declaration (13-op.5), WCIP members to exert pressure on Governments.

In general B.1: Total rejection of ILO Convention No. 107 (1957) (affects ILO also).

B.2: WCIP must be totally involved when international instruments are being drafted, agreements made or studies conducted.

2. Argentina: Definition of indigenous populations.
3. Australia: Different matters discussed when examining substantive content of resolutions (some explicitly addressed to Federal Government of Australia, government of Queensland).
5. Canada: (1) Indigenous communities as nations; (2) no extinction of Aboriginal titles to land; (3) definition of indigenous populations, only by indigenous populations themselves; (4) no policies of integration or assimilation, right to preserve their own modes of expression; (5) no official culture should exist in countries; policies based on pluricultural approach.
6. Chile: Human rights of the Mapuches (explicitly also addressed to the Chilean Government).
7. Dominica: Carib land questions: Carib representation (also addressed to Government, although not explicitly mentioned).
8. Nicaragua: (3) Hunting and fishing rights of Miskitos and Sunus; (4) landless indigenous communities to get land, with title to it.

(ii) Type of action taken or recommended in the Declaration  
and in the resolutions

79. In this preliminary presentation of the substantive content of the Declaration and of the resolutions adopted by the Second General Assembly, they have been grouped under the following headings: 18/ 1. Self-determination; autonomy; 2. Recognition of the organizations of indigenous populations; 3. Recognition of indigenous representation and participation; 4. Policies towards indigenous populations; 5. Land questions; 6. Elimination of unacceptable conditions, practices and institutions; 7. Decision to keep away from non-indigenous religious or ideological tendencies or movements; 8. Right to maintain culture, language and tradition; 9. Right to appropriate indigenous education; 10. Fundamental human rights of particular indigenous populations; 11. Arrangements for the representation and defence of indigenous prisoners, exiles and refugees, in general; 12. Hunting and fishing rights; 13. Definition of indigenous populations; 14. Right to funding and decisions on funding for different purposes. Sub-titles, indicating more precisely the main substantive content of these resolutions, have also been inserted whenever they were called for.

80. The content of the Declaration and the resolutions is, therefore, discussed in those terms as follows:

(a) Self-determination; autonomy

- (i) The Declaration includes the right to self-determination (II, No. 1). 19/
- (ii) Self-determination should exist in all aspects of life, education, employment, health, housing and culture (res. 3. Australia, E (1)).
- (iii) The United Nations should recognize that indigenous peoples are a distinct nation within a political state and should not be referred to as "tribes" in the colonialist interpretation of the word, meaning primitive (res. 5. Canada (1)).
- (iv) Laws should be passed granting the indigenous populations of the jungle and mountain areas political, economic and religious autonomy (res. 9. Peru (7)).

(b) Recognition of the organizations of indigenous populations

- (i) The National Aboriginal Congress should be made a statutory body immediately the ALP [Australian Labour Party] gains office. Its policy-making power should be recognized (res. 3. Australia (D.11)).

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18/ Included are paragraphs 9 to 15 of the Declaration, Resolutions A, Resolutions B, Resolutions C (except C-4, C-5(1) and C-5(2), which deal with questions of the organization of WCIP) and resolutions 2 to 9 proposed by the national delegations and resolution 12 proposed by the Inuit Circumpolar Conference. Resolutions 10 and 11 will, on the contrary, not be discussed, as they merely reproduce texts adopted by other bodies, but which were fully supported by the Assembly. (See paras. 67 and 68 above.)

19/ Section II is contained in paragraph 10 of the Declaration, which is also the third operative paragraph.

- (ii) APROMISU. The Government of Nicaragua should acknowledge the status of APROMISU [Association for the Promotion of the Sumu Indians] as a Corporate Body, enabling the Aborigines to work for the development of the Miskitos and Sumus peoples without being discriminated against (res. 8. Nicaragua (1)).
- (c) Recognition of indigenous representation and participation
- (i) The right to have the World Council of Indigenous Peoples as a United Nations member, representing indigenous people, was included in the Declaration (II, No. 3).
- (ii) The WCIP should get representation at the United Nations and any representatives should be appointed by the indigenous peoples themselves without any governmental or official interference (directly or indirectly) (res. B.3).
- (iii) Representation of indigenous populations in particular countries
- The Carib chief should be the representative in the House of Parliament (res. 7. Dominica (2)).
  - The Carib Reserve is to be a constituency by itself (res. 7. Dominica (4)).
- (iv) Representation of WCIP
- It was decided that WCIP should participate in the NGO conference in Geneva in September 1977 and that WCIP should appoint at least one official representative to participate and speak on its behalf and to clarify the role and objectives of WCIP in the international community; and that those members of Regional Councils who had been invited to participate should participate as members of the World Council of Indigenous Peoples to show solidarity (res. C.7).
  - It was further decided that WCIP should be totally involved at all levels when international instruments are to be drafted, agreements to be made or studies to be conducted (res. B.2).
- (d) Policies towards indigenous populations
- Full support was given to resolutions deciding:
- (i) that under no circumstances should indigenous people be subjected to policies of integration and assimilation into the dominant group, but that they should be guaranteed the fundamental right to pursue their own cultural, linguistic, social, political, religious and economic modes of expression (res. 5. Canada (4)).
- (ii) that since all states are multi-ethnic in composition, the indigenous peoples should pursue a policy that is genuinely multicultural in nature to ensure that no one culture dominates the others or becomes the official culture of that state (res. 5. Canada (5)).
- (iii) that WCIP totally rejects the International Labour Organisation Convention No. 107 and Recommendation No. 104, noting that said agreements did not involve indigenous peoples and in fact would continue oppression of indigenous peoples wherever concerned (res. B.1).

(e) Land questions

- (i) The Declaration on Human Rights contains, in paragraph 8 (which also constitutes the first operative paragraph), 20/ the following "Fundamental Principle":

"The World Council of Indigenous Peoples upholds, as a fundamental principle, that the Indigenous Peoples are the rightful owners of the land, whether they hold formal title deeds, issued by the colonists and usurpers, or not. It is, anyway, up to the colonists, usurpers, and intruders to submit evidence to their title, and this should be required on the part of the aboriginals. This principle should be considered as a fundamental element of legal justice."

- (ii) The Declaration also includes the following among the rights listed in section II:

- "4. Right to recover the land which rightfully and according to millenary tradition belongs to us, but has been robbed from us by the foreign intruders [II, No.4];
5. Right to occupy land collectively with sole rights as something irrevocable and non-transferable [II, No. 5];
6. Right to organize ourselves and administer our land and natural resources [II, No. 6];
7. Right to demand from the governments of the countries sufficient land to improve the conditions of the indigenous communities and promote their development under their own tutorship [II, No. 7];
8. Right to make use of the natural resources existent in the areas of the indigenous peoples, such as forests, rivers, ore deposits and the riches of the sea, and a right for the indigenous people to take part in the project and construction work and the use of it [II, No. 8];
9. Right to demand the states that such laws are passed that will be of benefit to the indigenous people, particularly for the protection of their right to land ownership, recognizing representative aboriginal organizations and their full involvement in the process of making laws [II, No. 9]."

- (iii) Land Councils and related matters are contemplated in resolution 3. Australia, section A, as follows:

1. The North Queensland Land Council should be recognized in terms of the Woodward report and funded by the Federal Government to the level that Land Councils in the territory have been funded.
2. The Federal Government should appoint a Commission of Inquiry into how Aboriginal land rights could be granted in Queensland. This Commission should be set up under Mr. Justice Woodward in the Northern Territory.

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20/ See para. 70 above.

3. The Federal Government should appoint an Interim Land Commissioner to hear claims for Aboriginal land. This Commissioner should have powers similar to those that Mr. Justice Woodward originally had in the Northern Territory.
  4. Federal Government assistance should be made available for the setting up of Land Councils in Southern and Central Queensland.
- (iv) Resolution 3. Australia includes in its section B the following provisions relating to land rights:
1. Immediate ownership of tribal land should be vested in the respective tribal groups.
  2. All Aboriginal reserves should be handed over to the respective Aboriginal groups. Land should be effectively controlled and owned by the Aboriginals in the area that is under their law and customs.
  3. Ownership of Aboriginal lands should include total right to all natural resources. Present mining and prospecting should be suspended until negotiations are held with Aboriginals.
  4. Land ownership and control should be legally protected and regarded as inviolable.
  5. Aboriginal people should be compensated for the loss of all Aboriginal designated reserves, tribal lands, and other lands revoked by the Commonwealth and State Governments.
  6. Before compensation is decided, negotiations should be held to acquire those lands plus any other lands deemed necessary by the respective Aboriginal groups and tribal groups for their survival and benefit.
  7. Any "Crown Land" which is of traditional or sacred significance to Aboriginals should be ceded to them in perpetuity.
  8. All sites of an anthropological or traditional significance to Aboriginals other than those on reserves or crown land should be opened to the use of Aboriginals without fees or constraints.
  9. Substantial money should be allocated to the Aboriginals Land Fund Commission to enable land to be purchased for Aboriginal Communities.
  10. Legislation should be enacted for all states of Australia granting land rights. Legislation should be such that the rights of Land Councils should be protected from encroachment by State Governments and the powers of the Northern Territory Legislative Assembly should be reduced accordingly.



- (v) In resolution 3. Australia, section A, the Aboriginal and Islander Commission is rejected as being a play by the Queensland State Government to use powers that should be in the hands of Land Councils and Land Trusts in Queensland; this Commission should be abolished and Aboriginal and Island Affairs in Queensland should be taken over by the Federal Government in accordance with the 1967 referendum. (Relevant part only. See the rest under "Elimination of unacceptable conditions, practices and institutions", para. 80 (f)(v) below.)
  - (vi) Each community which has no title to any land should be given a land area with title right for its generation (res. 8. Nicaragua (4)).
  - (vii) The Institute of Industrial Forestry of Nicaragua (INFONAC) should respect the lands of the aborigine communities and allow trees within the area of these communities to be used in the best interest of the aborigine population (res. 8. Nicaragua (2)).
  - (viii) The Carib Reserve Lands should be vested in the Carib Reserve Government Council (res. 7. Dominica (1)).
  - (ix) The Carib Reserve Land must be originated from the 1764 arrangement made by Queen Charlotte (Aboriginal Title) (res. 7. Dominica (3)).
  - (x) Under no circumstances should or can indigenous peoples extinguish their aboriginal title to the land (res. 5. Canada (2)).
  - (xi) WCIP, at the Second General Assembly, decides to submit to the United Nations and, through the good offices of this organization, to the governments of countries having an indigenous majority, a demand that the indigenous populations, with or without ownership title, should be accorded an absolute right to the lands in order to establish, thus, legally organized communities (res. 4. Bolivia).
  - (xii) Respect of the territorial integrity, due to the different nationalities in the Jungle and Mountain Range of Peru (res. 9. Peru (1)).
- (f) Elimination of unacceptable conditions, practices and institutions
- (i) The Second General Assembly of WCIP addresses itself to all the peoples of the world, to individuals and to nations, to the United Nations and all its agencies, and to other international organizations, with an urgent appeal that all the violent actions and measures against indigenous peoples, as related above, should be immediately brought to an end. (Declaration, eleventh para., i.e. fourth operative para.).
  - (ii) WCIP requests all its members to exert strong pressure wherever possible on the agencies in their respective countries, to make those agencies co-operate with international organizations to ensure the abolition of the inhuman conditions under which Aborigines are living today (Declaration, twelfth para., i.e., fifth operative para.).
  - (iii) Members of the indigenous populations of the jungle should be exempted from mandatory military service (res. 9. Peru (6)).

(iv) Resolution 3. Australia contains in section C the following in connexion with the Queensland Aborigines and Torres Strait Islanders Act, 1971, and related matters:

- "1. The Queensland Aborigines and Torres Strait Islanders Acts and their Regulations and Bylaws should be abolished immediately.
2. The State Department of Aboriginal and Island Advancement, Queensland, should be abolished and absorbed into the Federal Department of Aboriginal Affairs. Senior Officials such as Mr. P. Killoran, who have been responsible for initiating State Government policy, should be retired or placed in another Department.
3. Aboriginal and Island Affairs in Queensland should be the responsibility of the Federal Government under powers given by the Australian people in the Referendum of 1967. Queensland is the only state not to hand over this responsibility.
4. Aboriginal and Island Reserves in Queensland should be self-governed by their respective Councils. The Councils should be able to hire and fire whatever white expertise they may want. The Federal Government should make finance available to train Aborigines and Islanders to progressively take over responsible positions on reserves.
5. Provisions of the Aborigines and Torres Strait Islanders (Queensland Discriminatory Laws) Act and the Racial Discrimination Act should be enforced.

(v) In Section A of the same resolution the following was decided:

"Non-recognition of the Aboriginal and Islander Commission set up in Queensland by Bjelki-Petersen and the takeover of Aboriginal and Island Affairs in Queensland by the Federal Government in accordance with the 1967 Referendum. (The Aboriginal and Islander Commission as set up in June 1977 is not a true independent Commission but a form of Advisory Council without statutory body status. The Commissioners were appointed and will use staff of the DAIA - Department of Aboriginal and Island Affairs. They will be responsible to the Minister and not to the Parliament). This body is a play by the State Government to use up powers which should be in the hands of Land Councils and Land Trusts in Queensland." (Res. 3. Australia, A(5))

(vi) Condemnation of certain organizations which are to be expelled from countries in which they have been active

- "An official condemning statement is made against several international pseudo-religious and pseudo-scientific organizations, such as "Instituto Linguístico de Verano" (the Summer Institute of [Linguistics]), which under the pretext of aid activities blur the character of the peoples and annul our culture only to force upon us foreign patterns of culture which will serve other interests."  
(Res. A.2.)

- A call was made for the expulsion of the various religious "missions", such as the Instituto Lingüístico de Verano (the Summer Institute of Linguistics) which "has systematically been committing cultural genocide on the indigenous populations of the jungle, in order to complete the overriding task of imperialism to suppress our peoples" (Res. 9. Peru (5)).

- (g) Decision to keep away from non-indigenous religious or ideological tendencies or movements

It was decided that WCIP "should distance itself from all ideological or religious tendencies or movements which are alien to the philosophy of the indigenous peoples" (Res. A.1).

- (h) Right to maintain culture, language and tradition

The Declaration includes:

- (i) The right to maintain indigenous culture, language and traditions in freedom (II, No. 2);
- (ii) The right to respect for indigenous culture in all its modes of expression, for the protection of which appropriate bylaws should be passed (II, No. 13).

- (i) Right to appropriate indigenous education

- (i) The Declaration provides for the right to "an appropriate education in accordance with our culture and our traditions, without any foreign elements and within the framework of an educational system which recognizes the values of our culture and acknowledges an official status to our language at all educational levels" (II, No. 14).
- (ii) The Declaration also provides that WCIP should work for the establishment of an international university for indigenous peoples having its seat in, for instance, the capital of Collasuyo (Bolivia) (Declaration, fourteenth paragraph, i.e. seventh operative paragraph).

- (j) Fundamental human rights of particular indigenous populations

- (i) "The World Council of Indigenous Peoples wants to express, by way of this official declaration, its full solidarity with the Mapuche people in Chile. On account of the violations to and the lack of respect for their basic rights, we join with the Mapuche people in their struggle to regain those democratic freedoms which today are so widely encroached upon. It is our sincere hope; that this appeal from the World Council of Indigenous Peoples shall reach the Chilean Government" (Res. 6. Chile).
- (ii) Respect of the political, economic and cultural rights of the nationalities in the Jungle and Mountain Range of Peru (Res. 9. Peru (2)).
- (iii) That the leaders of said communities be guaranteed possibilities to pursue their political and cultural activities (Res. 9. Peru (3)).

(iv) To issue guarantees for those commissions that investigate the crimes committed by certain Civil Service Officers against the physical and cultural integrity of the indigenous populations of the jungle and mountain areas (Res. 9. Peru (4)).

(k) Arrangements for the representation and defence of indigenous prisoners, exiles and refugees in general

A permanent Committee is to be set up for the purposes of representing and defending indigenous prisoners and refugees on an individual or family basis. The members of the Committee could be any members of WCIP. This Special Committee is to carry out the necessary study to see in what way exiles or refugees may be represented in the WCIP and their conclusions should be submitted to the Executive Council of WCIP (Res. C.6).

(l) Hunting and fishing rights

(i) The Miskitos and Sumus peoples should have the hunting and fishing rights within their reservation, enabling them to preserve their culture (Res. 8. Nicaragua (3)).

(ii) WCIP should call upon the International Whaling Commission to protect and defend Inuit subsistence whaling rights (Res. 12, first operative para.).

(iii) The World Council of Indigenous Peoples should call upon the United States Government to object to the bowhead subsistence whaling moratorium on the grounds that such a moratorium has no scientific justification and would violate an aboriginal subsistence hunting right of the Inuit (Res. 12, second operative para.).

(iv) The United States Government is called upon to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic (Res. 12, third operative para.).

(m) Definition of indigenous populations

(i) Only indigenous populations are to decide upon definition:

"... the right to define what is an indigenous person be reserved for the indigenous people themselves. Under no circumstances should we let artificial definitions such as the Indian Act in Canada, the Queensland Aboriginal Act 1971 in Australia, etc. tell us who we are" (Res. 5, Canada (3)).

(ii) General definition (concept) proposed

"The World Council of Indigenous Peoples declares that indigenous peoples are such population groups as we are, who from old-age time have inhabited the lands where we live, who are aware of having a character of our own, with social traditions and means of expression that are linked to the country inherited from our ancestors, with a language of our own, and having certain essential and unique characteristics which confer upon us the strong conviction of belonging to a people, who have an identity in ourselves and should be thus regarded by others." (Res. 2. Argentina).

(n) Right to funding and decisions on funding for different purposes

- (i) The Declaration includes the following among the rights listed in section II:

- "10. Right to secure requisite funds for the Indigenous Peoples from the individual countries to be used for agrarian and natural resources development [II, No. 10];
11. Right to acquire a share in the funds accruing from the member states to the United Nations, either through a project or directly, and right to exchange technical and scientific information between the Indigenous Populations of different countries [II, No. 11];
12. Right to subsidies from governmental or international economic institutions through the granting of long term credit at low interest. [II, No. 12]"

WCIP urges the United Nations to establish a special fund for the support of groups or individual Aborigines, so that they may be able to bring their cases to national or international courts and that they may be able to develop their areas, economies and culture (Declaration, thirteenth para., i.e. sixth operative para.).

- (ii) The World Council of Indigenous Peoples is to seek funds for a minimum time of operation of five years to include administrative costs, cost of meetings and Executive Council fund raising purposes, and any programmes and projects the WCIP wishes to undertake (res. C.1).
- (iii) The World Council of Indigenous Peoples is to leave the door open to all states and organizations for the purpose of obtaining funds (res. C.2).
- (iv) The World Council of Indigenous Peoples is to request the United Nations to develop a special budget for establishing a general headquarters and other headquarters for WCIP members (res. C.3).
- (v) Resolution 3. Australia, calls for
- aboriginal control of Federal funds for Aboriginal Affairs (sect. E (2));
  - a substantial increase in funding for housing, medical and legal services, education and training programmes, cultural and sporting activities (sect. E (3)).
- (vi) Resolution 9. Peru, states in paragraph 9 that indigenous populations should share in the revenues emanating from the concessions on the natural resources, such as oil, timber, ore deposits, etc.

4. International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas

81. This Conference was organized by the Geneva NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization of the Special NGO Committee on Human Rights (Geneva), and was held at the Palais des Nations, Geneva, from 20 to 23 September 1977. 1/, 2/

82. The Sub-Committee, established by the Committee in 1973 in pursuance of the decision by the United Nations declaring 1973-1982 as the Decade for Action to Combat Racism and Racial Discrimination, was given the task of initiating and organizing activities to further the objectives of the United Nations Decade. 3/

83. With this mandate, the Sub-Committee has conducted a variety of activities, of which the most important has been the organization of a series of international NGO conferences dealing with different areas of racism and racial discrimination and their manifestations.

84. The International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas is the fourth in this series and the first on discrimination against indigenous peoples. 4/

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1/ Report of the International NGO Conference on Discrimination against Indigenous Populations - 1977 - in the Americas, 20-23 September 1977. Palais des Nations, Geneva (68 pages) (hereinafter referred to as "Report of the Conference").

2/ Other reports on the Conference are contained in: (1) Treaty Council News, Special issue, October 1977, vol. 1, No. 7, International Indian Treaty Council, American Indian Treaty Council Information Center, San Francisco, California, USA (35 pages); and (2) Journal of the Institute for the Development of Indian Law, Special issue, October 1977.

3/ In implementation of resolutions adopted by the Human Rights Commission of the 12th General Assembly of the Conference of NGOs in Consultative Status with the Economic and Social Council (26-28 June 1972, resolutions II, V and VII) the Special NGO Committee on Human Rights (Geneva) established a Sub-Committee with the mandate to propose and plan NGO actions for the elimination of racism, racial discrimination, apartheid and colonialism, in support of the United Nations Decade for Action to Combat Racism and Racial Discrimination: Minutes of the Special NGO Committee's meetings of 30 January 1973, 14/15 May 1973. See also Minutes of the first and second meetings of the Sub-Committee, 13 March and 17 May 1973.

4/ It has been stated that "Because of the vastness and complexities of the subject of discrimination against indigenous populations, on the one hand, and the limited available resources on the other, the Sub-committee decided to deal with the problem on a regional basis. It is therefore proposed to hold other conferences on this theme: one dealing with East and South Asia, possibly in 1979, and subsequently another dealing with the other parts of Asia." Letter dated 14 March 1977 from Mrs. Edith Ballantyne, Chairwoman of this Conference, to Mr. V. Winspeare Guicciardi, Director General, Office of the United Nations at Geneva.

85. Previous conferences, all organized within the framework of the United Nations Decade for Action to Combat Racism and Racial Discrimination, have taken place in 1974, against apartheid and colonialism in Africa; 5/ in 1975, on discrimination against migrant workers in Europe; 6/ in 1976, on the situation of political prisoners in southern Africa. 7/

86. The fourth conference, held in 1977, sought to gather first-hand information about the situation of the indigenous populations in all countries in the Western hemisphere and, on that basis, to recommend such action as would help eliminate discrimination against them. It brought together more than 250 delegates, observers and guests. 8/

87. The indigenous participants included representatives of more than 60 nations and peoples from the following countries: Argentina, Bolivia, Canada, Chile, Costa Rica, Guatemala, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, United States of America, Venezuela. In the Final Resolution regret was expressed that "some delegates ... [had been] prevented by their governments from attending". 9/

88. Representatives of more than 50 international non-governmental organizations attended the Conference and took part in its work. 10/

89. Representatives of the United Nations, the International Labour Organization and UNESCO addressed the Conference and/or took part in its work. Observers from 27 Member States of the United Nations followed the proceedings. A representative of the Conseil d'Etat of the Canton of Geneva welcomed and addressed the participants in the Conference. 11/

90. Representatives of the indigenous peoples took an active part in all facets of the Conference as well as in its preparation. 12/ They submitted many documents

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5/ Final Reports of the Commissions (25 pages) and the Final Resolutions of the International NGO Conference against Apartheid and Colonialism in Africa, 2-5 September 1974 (7 pages).

6/ Report of the International NGO Conference on Discrimination against Migrant Workers in Europe, 16-19 September 1975 (99 pages).

7/ Communiqué of the NGO Symposium on the Situation of Political Prisoners in Southern Africa, 5-6 July 1976 (4 pages).

8/ Report of the Conference, p.1.

9/ Ibid.

10/ Ibid.

11/ Ibid.

12/ Ibid. At its meeting on 13 October 1976 the Working Group established by the Sub-Committee designated Mr. J. Durham of the International Indian Treaty Council as co-ordinator of indigenous peoples delegations to the conference and of the preparatory work for the conference by indigenous groups: (Minutes of the meeting of the working group, 13 October 1976). The International Indian Treaty Council was founded at the First International Indian Treaty Conference on the Standing Rock Sioux Reservation, cosponsored by the Standing Rock Tribal Council and the American Indian Movement in June 1974. Four thousand delegates from 97 nations directed the Treaty Council to work for international recognition of the sovereignty of Indian Nations. The International Indian Treaty Council has consultative status with the Economic and Social Council of the United Nations. The Treaty Council News is the official bulletin of the International Indian Treaty Council and is published by the American Indian Treaty Council Information Center, San Francisco, California, USA (Treaty Council News, vol.1, No.6, p.2).

that have been listed in a preliminary manner in the report on the Conference 13/ and are now available for consultation. 14/ These representatives also assisted in the drafting of the commission reports and the "Programme of Actions" contained in the final resolution. 15/

91. Regarding the information furnished by the indigenous participants, the final resolution of the Conference contains the following statements:

"The representatives of the indigenous peoples gave evidence to the international community of the ways in which discrimination, genocide and ethnocide operated. While the situation may vary from country to country, the roots are common to all: they include the brutal colonization to open the way for the plunder of their land and resources by commercial interests seeking maximum profits; the massacres of millions of native peoples for centuries and the continuous grabbing of their land which deprives them of the possibility of developing their own resources and means of livelihood; the denial of self-determination of indigenous nations and peoples destroying their traditional value system and their social and cultural fabric. The evidence pointed to the continuation of this oppression resulting in the further destruction of the indigenous nations." 16/

92. It is also recorded in the final resolution of the Conference that many non-indigenous participants "expressed support for and solidarity with the indigenous nations and peoples". 17/

93. The Conference held plenary meetings on 20 and 23 September. 18/ On 21 and on 22 September three commissions dealt with the legal, economic, and social and cultural aspects of discrimination against indigenous populations and each one of them issued a separate report containing conclusions and recommendations proposing courses of action in support of indigenous peoples. 19/ On the basis of the above mentioned commission reports, the Conference established a programme of action to be carried out by non-governmental organizations in accordance with their mandates and possibilities, which was included in a "Final Resolution" of the Conference. 20/

94. The reports of the commissions were adopted by consensus by the respective commissions and received by the plenary. The final resolution was adopted by acclamation of the Conference at its last plenary meeting, on 23 September 1977. 21/

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13/ Report of the Conference, pp.25 - 42 A.

14/ At the Henry Dunant Institute, Geneva, which has agreed to hold them, at least initially.

15/ Report of the Conference, p.1.

16/ Ibid.

17/ Ibid.

18/ Mimeographed text containing the "Conference time table".

19/ Ibid.; and Report of the Conference, pp. 7-12, 13-18 and 21-24.

20/ Report of the Conference, p.2.

21/ Information furnished by the Chairwoman of the Conference, Mrs. Edith Ballantyne, by letter of 4 July 1978.



95. In addition to a foreword by the Chairwoman of the Conference and lists of officers, documents and participants, the report on the Conference contains the final documents of the Conference with some attachments, as well as addresses or excerpts from addresses by participants, both in plenary meetings and in the commissions, and reproduces statements submitted on behalf of the Governments of Bolivia and the United States of America.

96. The following paragraphs contain a preliminary examination of the conclusions and recommendations contained in the four final documents of the Conference, which are: (a) the "Final Resolution"; (b) the report of the Legal Commission; (c) the report of the Economic Commission; (d) the report of the Social and Cultural Commission.

97. It is deemed useful, however, before examining the substantive content of the conclusions and recommendations, to discuss in a brief and succinct manner the structure of the documents in which they are contained. Though the contents of the conclusions and recommendations will be grouped by subject, regardless of the document in which they appear, when they are outlined below, the structure of each of the documents will first be described.

(a) Final resolution

98. The final resolution 22/ is organized in two main parts: eight paragraphs are devoted to a general description of and introduction to the "Programme of actions", which constitutes the remainder.

99. The programme of actions has an introductory phrase, "The Conference recommends" and four main sections of recommendations. The first section is composed of five recommendations which may be termed "general recommendations"; ten recommendations are grouped under the title "In the legal field", five recommendations appear under the title "In the economic field", two recommendations are placed under the title "In the social and cultural field" and there are two further recommendations that may be termed "concluding recommendations".

100. The three titles included in the programme for actions contained in the final resolution may be seen mainly as indicating the origin of these recommendations in those adopted by the corresponding commissions rather than as a strict reference to the content of the recommendations. Indeed, though the recommendations grouped under the titles "In the legal field" and "In the social and cultural field" fall squarely under those titles, those grouped under the title "In the economic field" clearly transcend mere economic aspects. This flows from the subject of the first (publicizing the results of the Conference), second (organization of conferences, seminars and colloquia) and third (promotion of the establishment of a working group on indigenous populations). The fourth and fifth recommendations are drafted in broad and comprehensive terms referring to "all issues affecting indigenous populations" (fourth) and, among other things, to the "exploitation of indigenous peoples" (fifth), which cannot be deemed to be strictly economic issues.

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22/ Report of the Conference, pp. 1-3.

101. A text containing a "Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere" 23/ is appended to the final resolution. This text appears in annex IV, A, to this report. 24/

(b) Report of the Legal Commission

102. The report of the Legal Commission 25/ contains introductory paragraphs, followed by summaries of "the wishes, opinions and requests expressed by the representatives of the indigenous peoples", grouped as follows: I. "Legal status of indigenous peoples", also containing a conclusion and two recommendations; II. "The land question", concluding with recommendations numbered 1 to 7; III. "Indigenous laws and courts", also containing a recommendation on the subject; IV. "Legal discrimination", concluding with one recommendation concerning the placement of indigenous children with indigenous families whenever possible, rather than with non-indigenous families, and three additional recommendations numbered 1, 2 and 3, the last one being divided into (i) to (vi).

103. Three documents were appended to that report: (1) Recommendations of the Representatives of the Hau de No Sau Nee (Iroquois Confederation), hereinafter referred to as the "Six Nations"; 26/ (2) Recommendations of the Representatives of the Lakota Nation, 27/ and (3) Proposals submitted by the Liberation Front of Tahuantinsuyo. 28/ These texts appear in annex IV, B, C and D, respectively.

(c) Report of the Economic Commission

104. The report of the Economic Commission 29/ is organized as follows: "Preamble", with ten paragraphs concluding with a listing of "Preamble documentation"; Part I. "Multinational corporations", seven paragraphs concluding with a listing of "Multinationals documentation"; II. "The land question", thirteen paragraphs concluding with a listing of "Land question documentation"; and a "Plan of Action" containing recommendations numbered 1 to 7 and recommendations indicating issues on which action should be focussed, grouped under the number 8 and including specific recommendations marked A to M. Letter N transmits recommendations made by the Lakota Nation and by the Six Nations and the Draft Declaration of Principles referred to in paragraphs 21 and 23 above.

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23/ Ibid., pp. 4 and 5.

24/ See also paras. 108 and 109 below.

25/ Report of the Conference, pp. 13-18.

26/ Ibid., p.19

27/ Ibid.

28/ Ibid., p.20.

29/ Ibid., pp. 7-12.

(d) Report of the Social and Cultural Commission

105. The report of the Social and Cultural Commission 30/ contains an "Introduction" containing four unnumbered paragraphs and nine paragraphs numbered I to IX; "Conclusions", containing six conclusions of which the sixth is further divided into 1, 2 and 3, and four "Recommendations" numbered 1 to 4.

106. The substantive content of the conclusions and recommendations will be discussed from two points of view: first, the bodies to which the recommendations are addressed will be listed and then the type of action recommended will be outlined, focusing on the recommendations of the Conference contained in the Final Resolution and on those of the Commissions of the Conference as included in their respective reports.

107. Reference will also be made to the recommendations put forward of their own accord by the Six Nations, the Lakota Nation and the Liberation Front of the Tahuantinsuyo, as contained in the documents attached to the report of the Legal Commission. 31/

108. The provisions of the Draft Declaration of Principles for the Defense of the Indian Nations and Peoples of the Western Hemisphere, adopted by the consensus of the indigenous participants in the Conference and appended to the Final Resolution of the Conference, are mentioned in the pertinent places, stress being laid on what appears to be the main thrust of their position.

109. The text of these recommendations and of the Draft Declaration of Principles will, however, also be reproduced in annex IV, as explained above 32/, so that they may also be readily available, in toto and as submitted to the Conference.

(i) Bodies to which the recommendations are addressed

110. In principle, all recommendations made by the Conference are addressed, for action, to the "non-governmental organizations in accordance with their mandates and possibilities" (Final Resolution, sentence of introduction to the "Programme of Actions").

111. It should be noted that, because of their substantive content and be it only implicitly, a great number of the recommendations and proposals made would also be addressed to the Governments of countries in the Western Hemisphere where indigenous populations live.

112. In addition, some recommendations included in the programme of actions are explicitly addressed to other bodies which may be listed as follows:

"All governments" are mentioned in the Final Resolution, ninth recommendation under "In the legal field", and in the report of the Legal Commission, recommendation 7, under "The land question", dealing with the recognition of indigenous organizations and meaningful negotiations therewith, to resolve their land problems;

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30/ Ibid., pp. 21-24.

31/ See paras. 103 and 104 above.

32/ See paras. 101 and 104 above.

"All Governments of the Western Hemisphere" are mentioned in the Final Resolution, tenth recommendation under "In the legal field", and in the Report of the Legal Commission, additional recommendation 3, under "Legal discrimination", dealing with ratification and application of several human rights international instruments therein specified;

"Local and National Governments" are mentioned in the Final Resolution, first recommendation under "In the social and cultural field", and in the report of the Social and Cultural Commission, recommendation 2, together with "appropriate intergovernmental organizations", in connexion with the promotion among them of respect for the cultural and social integrity of indigenous populations of the Americas;

"Intergovernmental bodies on all levels" are mentioned, in addition to a specific reference to NGOs, in the Final Resolution, second recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 1, concerning the organization of regional, national and global conferences, seminars and colloquia on relevant issues, with the participation of indigenous people;

"Appropriate intergovernmental organizations" are mentioned, together with "local and national governments" (see preceding point) in connexion with the promotion among them of respect for the cultural and social integrity of indigenous populations;

"The Intergovernmental Committee for European Migration (ICEM)" is mentioned in connexion with the expression of concern about continued settlement of immigrants on land of indigenous peoples in the Americas as well as with the use of its resources in support of such immigrants, which it is urged strongly not to use for such purposes, particularly when they come from the racist régimes of southern Africa. 33/

"The officers of the Geneva NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization" of the Special NGO Committee on Human Rights (Geneva) are mentioned in the Final Resolution, last recommendation, in connexion with the request that they should promote all decisions of the Conference and receive and circulate information from NGOs about the implementation of those decisions.

"The General Assembly of the United Nations" is mentioned in the report of the Economic Commission, recommendation 7, in connexion with the presentation to the Assembly of the documents of the Conference, which it is supposed to receive;

"The Secretary-General of the United Nations" (lit. "the United Nations Secretary General") is mentioned in the Final Resolution, first general recommendation, in connexion with the presentation, to him, of the documents of the Conference, which he is supposed to receive;

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33/ See para. 113 (n) (i) below and foot-note 55, relating to a communication from ICEM received by the Chairwoman of the Conference, denying involvement in any such project.

"The appropriate organs of the United Nations", in general terms, are mentioned in the Final Resolution, same first general recommendation, in connexion with the submission to them of the conclusions and recommendations of the Conference, and in the report of the Economic Commission, recommendation 7, in connexion with the presentation to them of all documentation from the Conference, which documents, conclusions and recommendations they are supposed to receive;

"The United Nations Special Committee on Decolonization" is mentioned in the Final Resolution, fourth recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 5, in connexion with the request that it should hold hearings on all issues affecting indigenous populations;

"The United Nations Committee on Trans-National Corporations" is mentioned in the Final Resolution, fifth recommendation under "In the economic field" and in the report of the Economic Commission, recommendation 6, in connexion with a request that it should conduct investigations into the role of multinational corporations in the plunder and exploitation of Native lands, resources and peoples in the Americas;

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights" is mentioned in the Final Resolution, third recommendation under "In the economic field", and in the report of the Economic Commission, recommendation 3, in connexion with the promotion of the establishment, under it, of a working group on indigenous populations.

(ii) Type of action recommended

113. The type of action sought in the different recommendations made can be listed as follows:

- (a) Hearings on all relevant issues affecting indigenous populations - by the United Nations Special Committee on Decolonization (Final Resolution, fourth recommendation under "In the economic field"; report of the Economic Commission, recommendation 5). 34/
- (b) Investigations on exploitation of indigenous lands, resources and people - by the United Nations Committee on Trans-National Corporations (Final Resolution, fifth recommendation under "In the economic field"; report of the Economic Commission, recommendation 6).
- (c) Promotion of the establishment of a working group on indigenous populations under the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Final Resolution, third recommendation under "In the economic field"; report of the Economic Commission, recommendation 3).

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34/ See also recommendation 1 of the Lakota Nation calling for a hearing before the Committee on: (a) legal status of American Indians under international law; (b) violations of United Nations covenants and agreements; (c) treaty recognition by the United Nations; (d) land reform, autonomy and increased land base. (See annex IV, C.).

(d) Promotion of the decisions of the Conference and receiving and circulating information from NGOs about the implementation of these decisions, by the officers of the IGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization (Final Resolution, last recommendation).

(e) The ratification and application of several international instruments on human rights (an appeal explicitly addressed to all Governments of the western Hemisphere). The instruments listed include:

(i) The Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948), 35/ which entered into force on 12 December 1951 (Final Resolution, tenth recommendation (1) under "In the legal field"; report of the Legal Commission, recommendation 3 (i)). 36/

(ii) The Slavery Convention (25 September 1926), as amended by the Protocol (23 October 1953) amending the Slavery Convention. The amended Convention entered into force on 7 December 1953. (Final Resolution, tenth recommendation (ii) under "In the legal field"; report of the Legal Commission, recommendation 3 (ii);

and

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (30 April 1956), which entered into force on 30 April 1957 (Final Resolution, tenth recommendation (ii) under "In the legal field"; report of the Legal Commission, recommendation 3 (ii).

It should be noted in this connexion that Economic Commission recommendation 8-B calls for "steps by the United Nations to effect the immediate enforcement of the United Nations Convention and Supplementary Convention on Slavery with particular regard to the forced labour and the induced indebtedness of indigenous peoples".

(iii) The International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965), which entered into force on 4 January 1969 (Final Resolution, tenth recommendation (iii) under "In the legal field"; report of the Legal Commission, recommendation 3 (iii)).

(iv) The International Covenant on Civil and Political Rights (16 December 1966) which entered into force on 23 March 1976 (Final Resolution, tenth recommendation (iv) under "In the legal field"; report of the Legal Commission, recommendation 3 (iv)).

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35/ Commonly known as the "Genocide Convention".

36/ See also recommendation 2 of the Lakota Nation calling for censure of violators of this convention and pressure to be brought upon the United States of America to ratify the 1948 Genocide Convention. (See annex IV, C.)

- (v) The International Covenant on Economic, Social and Cultural Rights (16 December 1966), which entered into force on 3 January 1976 (Final Resolution, tenth recommendation (v) under "In the legal field"; report of the Legal Commission, recommendation 3 (v)).
- (vi) The American Convention on Human Rights (22 November 1969), which entered into force on 18 July 1978 (Final Resolution, tenth recommendation (vi), under "In the legal field"; report of the Legal Commission, recommendation 3 (vi)).
- (f) The revision of international instruments to reinforce certain provisions and de-emphasize others, proposing "that international instruments, particularly ILO Convention 107, be revised to remove the emphasis on integration as the main approach to indigenous problems and to reinforce the provisions in the Convention for special measures in favour of indigenous peoples (Final Resolution, first recommendation under "In the legal field"). 37/
- (g) Recognition of the existence of discrimination against indigenous populations and of the need for its elimination through special measures was deemed to form the basis for a United Nations Convention on this subject, in the following terms:
- "A clear need was expressed by the Economic Commission for a United Nations Convention on Discrimination against Indigenous Populations." (Report of the Economic Commission, recommendation 4.) 38/
- (h) Action to overcome inequitable labour practices, exploitation of labour and slavery-like practices:

Investigation of the inhumane and exploitative use of the labour of indigenous peoples in Latin America (report of the Economic Commission, part of recommendation 8-B, which also calls for enforcement of the United Nations Convention and the Supplementary Convention on Slavery, as stated above). 39/

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37/ Up to the word "problems" this recommendation is a verbatim reproduction of Legal Commission recommendation in connexion with "Legal status of indigenous peoples": Report of the Legal Commission, last paragraph under that issue.

38/ A "convention" is mentioned in point 4 of the Recommendations of the Lakota Nation, but it is clear that a gathering is what is meant by the words "to convene an international convention ...". (See annex IV, C.)

39/ See para. 113 (e) (ii), above.

- (i) Support for self-determination of indigenous nations and peoples, proposing that action should focus on: 40/ 41/
- (i) Support for the right of self-determination of aboriginal people in the development of their land and resources according to their own values and social structures and laws (Report of the Economic Commission, recommendation 8-L). 42/
  - (ii) Support for the Dene Nation in their struggle for recognition of their rights and self-determination for a Dene Territory and a Dene government (Report of the Economic Commission, recommendation 8-D). 43/
  - (iii) Support for the Inuit of Canada in their struggle for recognition of their rights and self-determination for an Inuit Territory, and that no pipeline be built on Inuit territory (Report of the Economic Commission, recommendation 8-E). 44/

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40/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes provision to the effect that: 1. "Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely: a. Having a permanent population, b. Having a defined territory, c. Having a government, d. Having the ability to enter into relations with other states." 2. "Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity." 3. "No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reason that the nation or group has not entered into recorded treaties or agreements with any state." 4. "Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law." (Emphasis added.)

41/ Proposals 1 and 2 of the Liberation Front of Tahuantinsuyo read: "1. Support should be given to the struggle of the indigenous peoples of South America to rebuild the nation of Tahuantinsuyo, with its own territory, population and government". "2. The United Nations should admit a representative of Tahuantinsuyo to submit this question to the United Nations Organization."

42/ See also (1) (ii) below, and point 4 of the recommendations of the Six Nations, in annex IV, B.

43/ See also (1) (ix) below.

44/ See also (1) (viii) below.



- (j) Recognition and enforcement of treaties between States and Indigenous Nations proposing that action should focus on: 45/
- (i) Recognition of United States treaties with Native Nations (Report of the Economic Commission, recommendation 8-C, first sentence). 46/
  - (ii) Support for the claims of the Great Sioux Nation to gain the territory defined by the Fort Laramie Treaty of 1868, as well as all other properly executed treaties (Report of the Economic Commission, recommendation 8-C, second sentence). 47/ 48/

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45/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes provisions to the effect that: 5. "Treaties and other agreements entered into by indigenous nations or groups with other states, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other states." 6. "Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal law of any state serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred." 7. "No state shall assert or claim or exercise any right of jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any state which derogate from the indigenous nations' or groups' right to exercise self-determination shall be the proper concern of existing international bodies." 8. "No state shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cession freely made." 9. "All states in the Western Hemisphere shall establish through negotiation or other appropriate means a procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned, shall be ended, and new procedures shall be instituted consistent with this Declaration." (Emphasis added)

46/ See also (1) (vi) below.

47/ Ibid. Recommendation 3 of the Lakota Nation calls for "Recognition by individual Nations of the multi-national 1868 Fort Laramie Treaty with the United States of America as a valid international instrument". (See annex IV, C.)

48/ Recommendation 1 of the Six Nations calls for "individual NGOs committing themselves to aid us in attaining full and formal recognition in the United Nations as the true nations of the Western Hemisphere". (See annex IV, B.)

- (k) Support for indigenous nations and peoples in their struggle for recognition of their aboriginal rights, explicitly: 49/
- (i) as regards the Dene Nation (Report of the Economic Commission, recommendation 8-D); 50/
  - (ii) as regards the Inuit of Canada (Report of the Economic Commission, recommendation 8-E). 51/
- (l) Diversified action on land questions to bring about understanding, recognition and protection of the land rights of indigenous peoples and their needs in this respect, and for the rejection and elimination of undesired practices and institutions. Investigation of land claims and of the consequences of certain practices. The following aspects are explicitly mentioned:
- (i) Understanding and recognition of the special relationship of indigenous peoples to their land as basic to all their beliefs, customs, traditions and culture. (Final Resolution, third recommendation under "In the legal field"; report of the Legal Commission, recommendation 1, under "The land question").
  - (ii) Support for the right of self-determination of aboriginal people in the development of their land and resources according to their own values and social structures and laws (Report of the Economic Commission, recommendation 8-L, quoted above in connexion with "self-determination", q.v.).
  - (iii) International and national recognition and full protection by law of the right of indigenous peoples to own their land communally and to manage it in accordance with their own traditions and culture (Final Resolution, sixth recommendation under "In the legal field"; report of the Legal Commission, recommendation 4 under "The land question").
  - (iv) Recognition of the principle that the ownership of land by indigenous peoples should be unrestricted, and should include the ownership and control of all natural resources. The lands, land rights and natural resources of indigenous peoples should not be taken, and their land rights should not be terminated or extinguished without their full and informed consent. (Final Resolution, fifth recommendation under "In the legal field"; report of the Legal Commission, recommendation 3 under "The land question".)

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49/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following operative provision:  
13. "All of the rights and obligations declared herein shall be in addition to all rights and obligations existing under international law."

50/ See the complete text of Economic Commission recommendation 8-D in point (i) (ii), above.

51/ See the complete text of Economic Commission recommendation 8-E in point (i) (iii), above.

- (v) Recognition of the right of all indigenous nations or peoples to the return and control, as a minimum, of sufficient and suitable land to enable them to live an economically viable existence in accordance with their own customs and traditions, and to make possible their full development at their own pace. It is added that in some cases larger areas may be completely valid and possible of achievement. (Final Resolution, fourth recommendation under "In the legal field"; report of the Legal Commission, recommendation 2, under "The land question".) 52/
- (vi) Support for the claims of the Great Sioux Nation to the territory defined by the Fort Laramie Treaty, as well as all other properly executed treaties (Report of the Economic Commission, recommendation 8-C, second sentence, quoted above in connexion with treaties in (j) (ii), q.v.).
- (vii) Protection and preservation of existing Native land bases from exploitation by multinational corporations (Report of the Economic Commission, recommendation 8-J, quoted above in connexion with "Self-determination", q.v.).
- (viii) Support for the Inuit of Canada in their struggle for recognition of their rights and self-determination for an Inuit Territory and that no pipeline be built on Inuit territory (Report of the Economic Commission, recommendation 8-E, quoted above in connexion with "Self-determination", q.v.).
- (ix) Support for the Dene Nation in their struggle for recognition of their rights and self-determination for a Dene Territory and a Dene government (Report of the Economic Commission, recommendation 8-D).
- (x) An immediate halt to strip-mining in the Black Mesa/Four Corners Area (Navajo-Hopi) and Northern Cheyenne of the United States (Report of the Economic Commission, recommendation 8-I).
- (xi) Immediate action to arrest the genocide being committed by governments and multinational corporations and multilateral aid in the Amazon Basin, including the halting of the Amazon Highway construction and the Electronate Tucuari Dam Project (Report of the Economic Commission, recommendation 8-G).
- (xii) Expulsion of the Summer Institute of Linguistics because of its direct complicity with multinational corporation activity in Native Lands throughout Latin America (Report of the Economic Commission, recommendation 8-M).
- (xiii) Investigations of the Alaskan Native Land Claims Act in co-operation with Alaskan Natives (Report of the Economic Commission, recommendation 8-F).

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52/ Recommendation 2 of the Six Nations calls for "assistance in the recovery of our aboriginal land bases for the purpose of securing sufficient territories for the continuance of our cultures, societies and nations". (See annex IV, B.)

- (xiv) Investigation of the environmental impact of the exploitation of non-renewable natural resources on Indian land, especially water - a necessity for survival (Report of the Economic Commission, recommendation 8-K). 53/ 54/
  - (xv) Provision of aid in appropriate cases to assist indigenous peoples in acquiring the land which they require (Final Resolution, seventh recommendation under "In the legal field"; report of the Legal Commission, recommendation 5 under "The land question").
  - (xvi) Making available legal services to indigenous peoples to assist them in establishing and maintaining their land rights (Final Resolution, eighth recommendation under "In the legal field"; report of the Legal Commission, recommendation 6, under "The land question").
  - (xvii) Recommendation that all governments should grant recognition to the organizations of indigenous peoples and should enter into meaningful negotiations with them to resolve their land problems (Final Resolution, ninth recommendation under "In the legal field"; report of the Legal Commission, recommendation 7 under "The land question").
- (m) The provision of legal assistance to indigenous peoples is also foreseen in a larger context - namely, that indigenous peoples should be given legal assistance to help them in formulating agreements they seek to make with government, e.g. in the field of education.
- (n) Expression of concern for and rejection of continued settlement of non-indigenous immigrants on indigenous land. Recommendations are included in this regard in three of the final documents, as follows:
- (i) Final Resolution calling on NGOs to express to the Intergovernmental Committee for European Migration (ICEM) the concern of the Conference about the continued settlement of immigrants on the land of indigenous peoples in the Americas and urge strongly that the resources of ICEM should not be used in support of such immigrants, particularly when

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53/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following provision: 11. "It shall be unlawful for any state to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resources or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group."

54/ Recommendation 3 of the Six Nations calls for "positive action on the part of all NGOs to assist us in promoting the protection and continuance of all things in the natural world". (See annex IV, B.)

coming from the racist régimes of southern Africa  
(Final Resolution, fifth general recommendation). 55/

(ii) Report of the Legal Commission recommending that:

"The further settlement of immigrants in the territories of indigenous peoples should be recognized as a continuing act of racism. It is wholly intolerable when the immigrants come from the racist régimes of southern Africa, as is now proposed in parts of South America."  
(Recommendation 2 of the further recommendations under "Legal discrimination")

(iii) Report of the Economic Commission

"We call for international protest against the settlement in Bolivia of white racist colonizers from Rhodesia and southern Africa."  
(Recommendation 8-H) 56/

(o) The promotion of respect for and support of indigenous culture and cultural, social and legal institutions. In particular:

- (i) Respect for the cultural and social integrity of indigenous populations of the Americas. Such respect should be especially promoted among local and national governments and appropriate intergovernmental organizations, and be based on the conclusions enunciated in the commission report. (Final resolution, recommendation under "In the social and cultural field"; report of the Social and Cultural Commission, recommendation 2.) 57/ 58/

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55/ It should be noted in this connexion that the Special Rapporteur has received copies of texts written by Mr. John F. Thomas, Director of the Intergovernmental Committee for European Migration, in which he states, inter alia: (1) that ICEM has not organized the emigration of any migrants from southern Africa to Latin America in 1977 and has no plans to do so in 1978; (2) that the Government of Bolivia has not requested ICEM to consider such a proposition; (3) that a programme of that kind has never been discussed in the governing bodies of ICEM; and (4) that the official ICEM plans of operation do not contain any reference to such plans or provide funds for such purposes. (Letter dated 27 December 1977, addressed to the World Council of Churches; Letter dated 10 May 1978, addressed to Mrs. Edith Ballantyne, Chairwoman of the International NGO Conference, and Summary of statements made to representatives of the press on the subject; also dated 10 May 1978.)

56/ Proposal 5 of the Liberation Front of Tahuantinsuyo reads: "The invasion of racist white men from Rhodesia and other countries should be condemned and terminated in the territory of the Kollasuyo (Bolivia)." (See annex IV, D.)

57/ Recommendation 4 of the Six Nations calls for assistance in bringing about clear and true understanding about the real nature of our continuing sovereignty and world view. (See annex IV, B.)

58/ The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere includes the following provision: 10. "It shall be unlawful for any state to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to, the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries."

- (ii) Respect for the traditional law and customs of indigenous peoples, including the jurisdiction of their own forums and procedures for applying their law and customs (Final resolution, second recommendation under "In the legal field"; report of the Legal Commission, recommendation under "Indigenous laws and courts"). 59/
  - (iii) Support for efforts initiated by American Indians in defence of their culture and society, in particular, for the various education programmes launched by Indian movements (Final resolution, part of second recommendation under "In the social and cultural fields", report of the Social and Cultural Commission, recommendation 3).
- (p) Condemnation of genocide of and attacks on indigenous populations 60/ 61/
- (i) Unqualified condemnation of the military junta of Chile for the genocide being committed against the Mapuche (Report of the Economic Commission, part of recommendation 8-A).
  - (ii) Unqualified condemnation of attacks by other military and fascist dictatorships against native peoples in Latin America (Report of the Economic Commission, part of recommendation 8-A).
- (q) Action of solidarity with the indigenous populations of the Americas, namely:
- (i) To observe 12 October, the day of the so-called "discovery" of America, as an International Day of Solidarity with the Indigenous Peoples of the Americas (Final Resolution, first general recommendation). 62/
  - (ii) To take all possible measures to support and defend any participants in the conference who may face harassment and persecution on their return (Final Resolution, fourth general recommendation). 63/

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59/ The same Draft Declaration of Principles also contains the following provision: 12. "No state, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership."

60/ See also (1) (xi), above, on the call for the "immediate arrest of the genocide being committed by governments and multinational corporations and multilateral aid in the Amazon Basin".

61/ See also the conclusions of the Social and Cultural Commission mentioned under (t) below.

62/ See also proposal 5 of the Liberation Front of Tahuantinsuyo, reading: "October 12 should be recognized as a day of international mourning commemorating the exhumations, robberies and slave trading practised over a period of 500 years, for which compensation is demanded." Proposal 7 of the same Liberation Front of Tahuantinsuyo reads: "November 15 should be recognized as the 'International Day of the Indian Peoples', commemorating the sadistic and ferocious quartering by 4 horses of Julian Apaza Tupac Kotari." (See annex IV, D.)

63/ Recommendation 5 of the Six Nations deals with possible danger for participants in the Conference upon their return home and calls for help to "insure that the leaders of participants (people) are not molested or caused any harm or hardships because we have come here to speak the truth about the realities of our lives". (See annex IV, B.)

- (iii) To give all possible financial and moral support to efforts initiated by American Indians in defence of their culture and society, and in particular to the various education programmes launched by Indian movements. Solidarity is also requested for political prisoners and other victims of persecution on account of their participation in such indigenous movements. (Final Resolution, second recommendation under "In the social and cultural field"; report of the Social and Cultural Commission, recommendation 3, first sentence.)
- (iv) [To give] immediate aid to the Mapuche [of Chile] to alleviate starvation and deprivation taking place (Report of the Economic Commission, part of recommendation 8-A).
- (r) Dissemination of the results of the Conference and implementation of its decisions, including the presentation of documents, the carrying out of programmes and the publicizing of the results of the Conference, and the holding of conferences, seminars, colloquia and conventions on issues affecting the indigenous populations of the Americas:
- (i) Presentation of all recommendations of the Conference to the General Assembly and other appropriate bodies of the United Nations (Report of the Economic Commission, recommendation 7).
- (ii) Presentation of the documents of the Conference to the Secretary-General of the United Nations and submission of the conclusions and recommendations of the Conference to the appropriate organs of the United Nations (Final Resolution, second general recommendation).
- (iii) Implementation of the programme of actions contained in the Final Resolution.
- (iv) The non-governmental organizations should widely publicize the results of this conference in order to mobilize support and aid for the indigenous peoples of the Western Hemisphere in their struggles in their homelands (Final Resolution, first recommendation under Economic Commission Report, recommendation 1).
- (v) The organization of conferences, seminars and colloquia by NGOs and by intergovernmental bodies on all levels - regional, national, global - with the full participation of indigenous people, to keep alive the issues that have come to world-wide attention at this conference, and to hear new testimony that will be presented in the future.
- (s) Action regarding texts submitted by indigenous participants:

The Draft Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere was prepared by indigenous representatives and submitted to the Legal Commission and to the Economic Commission of the Conference. These Commissions presented this text to the Conference, explicitly stating so in the body of their respective reports. 64/

In its report, the Legal Commission stated the following on the Draft Declaration:

"It is the conclusion of the Commission that the Declaration of Principles reflects a consensus among the indigenous delegates and that it represents a united call for justice which cannot be ignored by the international community. The Declaration raises difficult legal questions which cannot be immediately received. Therefore, it is the recommendation of the Commission that the Declaration be given detailed consideration and study by the appropriate non-governmental organizations, and that the Declaration be brought to the attention of the appropriate organs of the United States."

The Final Resolution contained the following among its general recommendations:

- to study and foster the discussion of the attached Draft Declaration of Principles for the Defence of the Indigenous Nations and Peoples of the Western Hemisphere, elaborated by indigenous peoples' representatives.

In the Final Documents of the Conference the text of this Draft Declaration was attached to the Final Resolution. 65/

Two other texts were submitted to the Legal Commission and to the Economic Commission: the Recommendations of the Representatives of the Six Nations (Iroquois Confederacy) and the Recommendations of the Representatives of the Lakota Nation. Still another text was submitted to the Legal Commission: the Proposals submitted by the Liberation Front of the Tahuantinsuyo. These texts were presented to the Conference by these Commissions. In the Final Documents of the Conference, these three texts were appended to the report of the Legal Commission. 66/

(t) Apart from the recommendations put forward by the Social and Cultural Commission, which have already been discussed with the recommendations of other Commissions and of the Conference itself, the report of the Social and Cultural Commission contained important conclusions which are reproduced below, grouped by subject matter in a sequence that is not necessarily that of the report.

(i) On culture

Culture is the heritage of all peoples. Its preservation among a community is a fundamental guarantee of that community's physical survival and well-being. It is the human right of all peoples to develop and transmit their own culture. (General conclusion, No.1.)

Guarantee must be secured where necessary for the right of indigenous peoples in the Americas to participate in the national life of their countries wherever they live, on the basis of their own culture, values and ideals. (Conclusion under "4. Culture", first sentence.)

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-65/ See para. 101 above.

66/ See para. 103 above.



Cultural and social assimilation into the dominant society must proceed from the free choice of individuals and never from the coercive effort of the dominant society. (Conclusion under "4. Culture, second sentence.)

(ii) On ethnocide and genocide

Throughout the American continent, national and local authorities are involved in deliberate acts tending to the destruction of native cultures and native social systems. In several instances, the nature of these acts are proof of a clear intent to achieve this result and must therefore be qualified as Ethnocide. (General conclusion, No.2.)

The commission of Ethnocide must be defined as both a cause and a part of Genocide, in that the ulterior purpose is the disappearance of the indigenous community. Individual acts made with the intent of disrupting cultural and social bonds (e.g. the separation of children from families) are also to be characterized as acts of Genocide, and their relation to acts of physical extermination must be acknowledged. (General conclusion, No. 3.)

(iii) On related practices affecting family and community

The indigenous population of the Americas must be protected from the following practices by government, Church or private agencies:

1. Sterilization operations in the absence of free and informed consent;
2. Adoption, sponsorship and foster-home programmes that remove Indian children from their native community and culture;
3. Medical-experimentation practices made at the risk of the health and integrity of their subjects. (Conclusions under "Family and community", No.6.)

(iv) On education

The indigenous communities of the Americas must be guaranteed the control and supervision of both the form and content of education for their people. (Conclusion under "Education", No.5, first sentence.)

Action must be taken both in support of this principle and in opposition to the subversion of Indian society and culture by existing methods and programmes of education. (Conclusion under "Education", No.5, second sentence.)

5. Information concerning other international conferences on indigenous peoples

(a) Foreword

114. As he informed the Sub-Commission at an earlier stage, the Special Rapporteur considered that full summaries of the proceedings of conferences on indigenous peoples should be given only in the case of conferences held in 1977, since completing this section might otherwise have proved to be a never-ending task. In accordance with this view, only very brief notes are given in this section on a number of conferences held in 1980 and 1981. The section does not seek to be selective. It does no more than provide a few brief facts on meetings on which information has been received or for which documentation is available. The contents of the section cannot therefore be regarded as exhaustive. The meetings included are in chronological order: (a) the First Congress of Indian Movements of South America; (b) the Second Inuit Circumpolar Conference; (c) the Third General Assembly of the World Council of Indigenous Peoples; and (d) the International NGO Conference on Indigenous Peoples and the Land, which has not yet met.

(b) First Congress of Indian Movements of South America

115. The First Congress of Indian Movements of South America was held at Ollantaytambo (Cuzco, Peru) from 27 February to 3 March 1980. 1/

116. Indigenous representatives from all over the Americas, indigenous observers from other parts of the world, and persons especially invited, came to this important Congress.

117. Three Commissions were established: 1. Commission on Indianist Ideology; 2. Political and Economic Commission; and 3. Cultural Commission.

118. The First Commission produced a Statement on Indian Ideology.

119. The Second Commission adopted conclusions and proposals on the following matters: (a) Indianist policies vis-à-vis the West; (b) Common programmes for the immediate future: Tactics and strategies; (c) Grass roots bodies and support commissions; and (d) Economic.

120. The Third Commission adopted conclusions and proposals on the following matters: (a) Indian culture; (b) Indian view of the world; (c) Indian education; (d) Indian language; (e) Indian anthroponyms and toponyms; (f) Ethno-genocide against Indians; and (g) Relationship between the countryside and the city.

121. A Constitutive Act of the South American Indian Council (SAIC) [Consejo Indio de Sud-América (CISA)] was also adopted.

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1/ The conclusions and recommendations of the Congress are contained in annex V.

(c) Second (1980) Inuit Circumpolar Conference

122. The 1980 Inuit Circumpolar Conference 2/ was held in Nuuk, Greenland, from 28 June to 1 July 1980. The new Home-Rule Government, by vote of the Parliament, invited this important Conference to meet there.

123. The Executive Resolutions Committee was to report to the Convention on the progress achieved since resolutions were adopted by the 1977 Inuit Circumpolar Conference in Barrow, Alaska.

124. The official delegates from regional and national Inuit organizations in Alaska, Canada and Greenland (18 persons from each nation) were to receive a proposed charter for the establishment of a permanent circumpolar organization.

125. Workshops were to discuss problems and issues in the areas of: 1. Cultural heritage; 2. Village technology; 3. Education and Inuit language; 4. Environmental protection and game management; 5. Existing and projected Arctic resource development; 6. Health and welfare; 7. Arctic transportation and communication.

126. No further information or documents relating to that important Conference have been obtained despite determined efforts in this regard. It is hoped, however, that the conclusions, decisions and resolutions of the 1980 Inuit Circumpolar Conference will be available for inclusion in a formal annex to the definitive printed version of this report.

(d) Third General Assembly of the World Council of Indigenous Peoples

127. The Third General Assembly of the World Council of Indigenous Peoples 3/ was held in Canberra, Australia, from 27 April to 2 May 1981. The National Aboriginal Conference (NAC) hosted the gathering, with support from the Australian Government.

128. The theme of the Conference was "Indigenous Freedom Now". Its primary focus was scheduled to be on the development of an International Convention on the Rights of Indigenous Peoples.

129. About 100 delegates, mainly from organizations affiliated with the WCIP, from the following countries were expected to attend: Australia, New Zealand (South Pacific); Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Venezuela (South America); Costa Rica, Dominica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (Central America and the Caribbean); Canada, Mexico, United States (North America); and Greenland (Denmark); Finland, Norway, Sweden (North Atlantic and Europe).

130. At the time this Chapter was written, the Special Rapporteur had not received copies of the documents of this Third General Assembly. It is hoped that they will be available before the definitive, revised text of this report is issued in printed form, so that they can be annexed to it.

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2/ Information appearing in a document signed by Mayor Eben Hopson (of Nuuk, Greenland), announcing the place and the date of the Conference.

3/ The information contained in this summary was taken from a National Aboriginal Conference press release concerning this Assembly, issued in Canberra on 18 August 1980.

(e) International NGO Conference on Indigenous Peoples and the Land

131. The International NGO Conference on Indigenous Peoples and the Land, <sup>4/</sup> as an activity of the Special NGO Committee on Human Rights (Geneva) and particularly of the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, is scheduled to be held at the Palais des Nations, Geneva, from 14 to 17 September 1981.

132. Four Commissions have been envisaged, to deal with: 1. Land rights of indigenous peoples, international agreements and treaties, land reform and systems of tenure; 2. Indigenous philosophy and land; 3. Transnational corporations and their effect on the resources and the land of indigenous people; and 4. The impact of the nuclear arms build-up on the land and life of indigenous peoples.

133. It is expected that background documents will be submitted by certain organizations, such as the International Indian Treaty Council, the World Council of Indigenous Peoples, the Indian Council of South America, the Australian National Conference of Aborigines, the Circumpolar Conference (Inuit). Working papers are expected from NGO's that are members of the Sub-Committee.

134. The documents of this Conference will be annexed to the definitive printed version of this report.

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<sup>4/</sup> Information taken from the letter of invitation to take part in the Conference.

B. International conferences and organizations  
dealing with indigenous populations

1. Foreword

135. The four sections under this heading contain information on activities in favour of indigenous populations which have taken the form of various measures of an international nature. As such, they constitute part of the chapter setting forth international measures which did not originate with organs and specialized agencies of the United Nations system or of the Organization of American States. They have been organized in two parts: one referring to diverse activities in which the problems confronting indigenous populations have been included as topics for discussion and the other relating to organizations whose main or sole objective is the study and the solution of those same problems. This section should not be construed as an indication that those activities or organizations not here included have been deemed to be unimportant or less important. The activities and organizations mentioned here are simply those on which information and/or documentation was available at the time when this part was written. The conclusions, proposals and recommendations of the Bogotá Seminar (Conference (b), below) and of the Russell Tribunal (Conference (d), below), have been reproduced in annexes VI and VII respectively.

2. Conferences

(a) International congresses of Americanists (1875-1976)

136. In 1874, the Americanist Society of France put forward the idea - which was enthusiastically received - of organizing a meeting of experts from various countries on matters relating to the countries and peoples of the Americas. 1/ The first International Congress of Americanists was held at the Nancy Archeological Museum, France, from 19 to 22 July 1875, and was attended by more than 400 foreign, and 1,300 French experts. 2/

137. To 1976, 42 International congresses of Americanists had been held; the first 10 of them (Nancy, France, 1875, to Stockholm, Sweden, 1894) were held in various European capitals. Starting with the Congress of Mexico, D.F., Mexico,

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1/ Report of the XLIIInd International Congress of Americanists (Paris, 1976). To commemorate the centenary of the Nancy Congress, the report included, on pages 24 et seq., an historical account of that Congress.

2/ Ibid., pp. 9 et seq. At each Congress, the place of the next Congress is fixed and an organizing committee is elected to function as provisional governing body for the pertinent Congress, pending election of the officers, as well as the Council which assists them and the Publication Committee of the Congress.

in 1895, the congresses were held in European and American countries alternately, with two interruptions caused by the world wars of 1914-1918 and 1939-1945. 3/

138. At the IIInd Congress held in Paris in 1875, the standing rules of International Congresses of Americanists were approved; they were revised at the Congresses held in London (1912) and Barcelona (1964). The purpose of the congresses was defined in rule 1 of the revised rules as "... the historical and scientific study of the two Americas and their inhabitants". 4/

139. Accordingly, various international congresses of Americanists have dealt, among other relevant matters, with various aspects of the life of the indigenous populations of various American countries and have considered and adopted decisions, recommendations and resolutions relating to the solution of problems which arose during their study of those subjects. 5/ This summary concentrates, in particular, on the international congresses of Americanists held after the Second World War, when the United Nations was already in being and the General Assembly had proclaimed the Universal Declaration of Human Rights, since nine of those congresses have dealt with important subjects in connection with the indigenous populations of American countries. 6/ Mention should also be made of the fact that recent congresses, particularly those of Peru in 1970 and Paris in 1976, have been attended by increasing numbers of indigenous persons and groups.

140. The international congresses of Americanists referred to in the preceding paragraph, and the subjects they dealt with having a bearing on indigenous populations, are described very briefly as follows: 7/, 8/, 9/

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3/ Resolution 11 of the XLIst Congress (Mexico D.F., 1974) provided that, starting with the 1976 Congress, the congresses would, in principle, be held every three years, not every two years as had in principle, been hitherto the case, Report of the XLIst International Congress of Americanists, Mexico, D.F., 1974, p. CXX. The next International Congress of Americanists will, therefore, be held in September 1979. It was decided that it would take place in Vancouver, Canada.

4/ Report of the XLIIInd Congress, p. 9. The text of article 1 quoted is that in force in 1976.

5/ Ibid., pp. 41 et seq.

6/ See the relevant sections on the XXXIst, XXXIIIrd, XXXIVth, XXXVIth, XXXVIIIth, XXXIXth, XLIst and XLVIIInd Conferences in paragraph 140.

7/ The necessary reference to decisions, recommendations or resolutions adopted at each of the International Congresses of Americanists will (whenever appropriate) be found in the relevant chapters and sections.

8/ This summary does not claim to be exhaustive or to reproduce the exact wording of the resolutions it examines. Its purpose is to provide information about the concern of Americanists for indigenous populations. All the texts used are taken from the records of the International Congresses of Americanists referred to in each case.

9/ The texts are identified, first, by the Congress at which they were adopted, then by the subject with which they deal, then, between brackets, by an indication whether they apply to all countries and groups (general) or to specific countries and/or groups (names of relevant countries or groups).

(a) The XXXIst Congress (São Paulo, Brazil, 23-29 August 1954) adopted some resolutions whose subjects and contents are given below:

(i) Land tenure (Brazil)

Resolution I approved:

The adoption of legal measures (proposals) guaranteeing the indigenes more comprehensive protection of the possession of their territorial heritage (section 2 A);

The project for the creation of the "Xingú Indigenous Park" which would guarantee those indigenous populations possession of the lands they had occupied since time immemorial in such a manner as would enable them to maintain the traditional system of inter-tribal relations, the breakup of which would be tantamount to their extermination (section 2 B);

Requests for essential financial resources for that purpose (section 2 C);

(ii) Linguistics; Indigenous languages (General)

Resolutions VI and VII recommend:

That the universities of the countries in which Guaraní is still spoken and which would be able to train specialized research workers, should make a methodical compilation of texts of Tupi-Guaranian myths in dialects which are still extant (resolution VI); and that the interested countries and scientific bodies should consider the possibility of holding the IIInd Tupi-Guaranian language American Congress which was to have been held in São Paulo (resolution VII).

(b) The XXXIIIrd Congress (San José, Costa Rica, 20-27 July 1978) approved resolutions, the subjects and contents of which are set forth below:

(i) Linguistics; Indigenous languages; Other subjects (General)

Resolutions XII and XV recommend:

That appropriate measures be taken to search out, publish or re-issue unpublished manuscripts or rare works on the indigenous languages of America and, to that end, that this proposal be brought to the attention of national and international organizations dealing with anthropological research, offering the collaboration of linguists. Establishment of a committee to summarize and publish reports on the state and requirements of American linguistic research in each country (resolution XII);

That anthropological, ethnographical, linguistic and archaeological studies be promoted, supported and protected in the five central American countries (resolution XV).

(c) The XXXIVth Congress (Vienna, Austria, 19-26 July 1960), adopted resolutions, the subjects and contents of which are as follows:

(i) Health (General) (WHO)

Resolution IV

Requests the World Health Organization (WHO):

To consider solutions to the sanitary problems of the Indian populations of the Americas as one of its objectives (paragraph 1);

To study the possibility of practical work being done in the next few years for the protection of the health and life of Indians in association with local Governments, missions, etc.

(ii) Linguistics; Indigenous languages (General)

Resolution VIII

Expresses the desire for publication in facsimile or faithful transcription of all dictionaries of American languages issued in the XVIth century, and attaches a list of the most important of those dictionaries. 10/

(iii) Study of the Shetá (Brazil)

Resolution I

Expresses the wish that the studies which it is recommended should be made on the Shetá should not only benefit the science of man but also serve to help the Shetá to obtain all the medical and technical assistance they need in order to find their place in the modern world. 11/ and 12/

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10/ Resolution VIII (XXXVIth Congress) also recommends the publication of E. Seler's Nahuatlan-Castilian-German dictionary.

11/ This recommendation takes account of the fact that the Shetá Indians, who had recently been discovered, had succeeded in retaining their Stone Age culture, thus offering a unique opportunity of learning about their ways of life and also of the fact that, since their culture would undergo rapid changes, it should be studied before it was too late.

12/ It was agreed that a communication should be sent to the President of Brazil calling for the adoption of legal measures to deal with the threat that the Shetá Indians would be dispossessed of their lands, which would be tantamount to condemning them to extermination. The legal measure would consist in the creation of a National Indian Reserve.



- (iv) Administrative arrangements - inclusion of experts in social sciences (Argentina)

Resolution II requests the Argentine Government to reorganize the National Committee for the Protection of the Indigenous Population so that it may include and be advised by professional anthropologists belonging to anthropological institutions of the national universities. 13/

- (d) The XXXVth Congress (Mexico, D.F., 20-25 August 1962) adopted a resolution, the contents of which are stated below:

Applied anthropology; Indian policy; Inter-American Indian Institute (General)

Resolution VIII draws the attention of the American Governments to the importance of social anthropology works aimed at the integral development of millions of Indians and urges that greater support be given to the Inter-American Indian Institute and its affiliates, the national Indian organizations. 14/

- (e) The XXXVIIIth Congress (Stuttgart, Germany, 12-18 August 1968) adopted resolutions, whose subjects and contents are set forth below:

- (i) Policy: Prohibition of the use of force (General)

Resolution I protests against the use of force as an instrument of cultural change, in programmes of economic and social development and in the separation of indigenous peoples from their land (first paragraph); requests the Governments concerned to institute effective protection for indigenous peoples [against the use of force] (second paragraph); and urges Governments to institute serious disciplinary procedures against institutions and persons responsible for acts contravening the Universal Declaration of Human Rights (third paragraph).

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13/ Resolution 9 (XXXVIIth Congress) recommends the establishment, in countries where they do not yet exist, of integrated departments of anthropology for the training of Professionals with a particularly American specialization.

14/ Resolution 5b (XXXVIth Congress) recommends inter alia to the United Nations, UNESCO, OAS and the Inter-American Indian Institute that, in co-operation with the American countries concerned, they should ensure that the staff of their experimental centres in various places of the continental Americas should include technicians and managers with a specialized knowledge of physical anthropology. In the resolution entitled "Concerning Genocide and Latin American Policy", sub-section entitled "Committed Social Science" (XXXIXth Congress), paragraphs 1, 2 and 3 declare the need for a social science committed to the facts of Latin American life. Resolution IX (XLIst Congress) urges national Governments to ensure that Americanist scientific, ethnographical, linguistic (and other) activities proposed to Governments by institutionalized scientific bodies are granted maximum facilities within limits laid down by their respective national legislations. The terms of this resolution were repeated in Resolution 13 (XLIInd Congress).

(ii) The "integration" policy and its consequences (General)

Resolution II requests Congress to decide to set up a committee to prepare a symposium on policies for the so-called "integration" of Indians, the consequences of such policies and the urgent measures that are needed. 15/

(f) The XXXIXth Congress (Lima, Peru, 2-8 August 1970) adopted specific proposals whose subjects and contents are set forth below:

(i) Linguistic and cultural pluralism (General)

A proposal on Latin-American multilingualism requests that: existing experiences in plurilingual and pluricultural teaching be borne in mind and access to them facilitated (first paragraph); that a more favourable atmosphere be created for disadvantaged languages, by their use in mass communication media (second paragraph); that university curricula, pedagogical materials, teacher training and other educational programmes be so revised as to incorporate knowledge of the social and cultural background of pupils and a modern and unprejudiced approach to language and pedagogy (third paragraph). It was agreed that implementation of these measures would require the establishment of a technical body to regulate: the selection and training of bilingual teachers; the training of research professors who would combine applied work with study of linguistic and social-cultural realities; and the advanced training of more experienced bilingual teachers to enable them to act as advisers in wider areas. It was also agreed that it would be appropriate to establish another independent body to make an objective evaluation of the proposed system, introduce adjustments into the system and publish a comprehensive report of all views expressed at the round table.

Under the same topic, a resolution on genocide and Latin-American policy agreed, in its section A: that in States made up of indigenous sectors or groups, an indigenous language spoken by a significant number of the population should be recognized as an official language alongside the language already in official use (agreement 5).

(ii) Indigenous law (General)

The resolution on genocide and Latin American policy, section A, requests that a law of communities be prepared for international adoption (agreement 1).

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15/ Resolution 22, para. 7 (XLIIInd Congress) expresses solidarity with Indian repudiation of most of the official Indian policies of American Government denouncing them as an attempt at cultural extermination and an instrument of political domination, while noting the fact that the Indians support some official or parallel initiatives that are directed towards just and legitimate treatment of the Indian.

(iii) Health (General)

Section A of the resolution on genocide and Latin American policy calls for the provision of effective health protection, with particular attention to the prevention and cure of diseases introduced by carrier elements of Western civilization 16/ (agreement 2).

(iv) Land tenure (General)

Section A of the same resolution asks that, in the case of communities whose ecological equilibrium has not been destroyed, the territory they occupy should be recognized as their property, and that, where the equilibrium has been destroyed, the Communities be offered new opportunities for activities compatible with respect for their cultural identity and plans be made to rescue communities in such a situation, without overlooking their right to the land (agreement 3); that existing reserves be maintained, protected and extended and that new territories be given to indigenous communities which lack land or have insufficient land (agreement 4).

(v) "Assistance" policy (General)

Section A of the same resolution requests that so-called "assistance" policies be reoriented along the new lines set forth in the previous paragraph of the resolution (agreement 6).

(vi) Campaign against genocide (General)

Section A of the same resolution requests that responsible national organizations and an international anti-genocide committee monitor cultural and economic relations of representatives of Western civilization 17/ with indigenous communities, with a view to ensuring that such relations are not used as a means of domination and to preventing a continuation of situations of economic injustice and cultural destruction (agreement 8); and that efforts made at the theoretical and practical levels be co-ordinated by an international anti-genocide committee (agreement 7).

(vii) Minimum protective measures to prevent extermination (General)

Section B of the aforementioned resolution calls for a declaration that certain minimum levels of protection are essential and states that when Governments, religious missions and assistance organizations do not provide indigenous populations with minimum levels of protection they connive in their extermination, whether intentionally or unintentionally. The measures set forth in Section B are: the legal registration, as inalienable tribal property, of territory occupied by indigenes and from which they

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16/ The text says: "Our civilization".

17/ The text says: "representatives of our civilization".

obtain their livelihood, based on their own technology (paragraph 1); exemplary punishment of any crime or oppressive act committed against indigenous communities, particularly crimes and acts aimed at dislodging them from their territory in order to use it for private estates (paragraph 2); guarantee of the indigenes' right to be themselves and express their own culture, without being subjected to duress in the form of assimilationist programmes or catechetical programmes of a sectarian or intolerant nature (paragraph 3); protection of indigenous communities on their own territory, prevention of their transfer and, in particular, of the grouping of indigenes of different tribes in the same reservations (paragraph 4); respect for the indigenous family, prohibition of its break-up on any pretext, particularly the separation of parents and children in order to send the children to residential orphanages (paragraph 5); and constant surveillance of the expanding frontier of the national society, so that official or private settlement plans do not create opportunities for further extermination of indigenous populations (paragraph 6).

(viii) Indigenous folklore (General)

In a resolution relating to the protection of folklore, it was decided to recommend to the American States that concrete legislation be promulgated for the protection of folklore declaring that folklore is a part of the American cultural heritage and should not be subjected to indiscriminate commercial exploitation.

(g) At the XLth Congress (Rome and Genoa, Italy, 3-10 September 1972), an agreement was approved whose subject and contents are set forth below:

Measures to assist the physical and cultural subsistence of certain groups (General, Paraguay, Aché-Guayakí in particular).

Agreement VI recommends that, in view of the dramatic situation of certain indigenous groups in Latin America, particularly the Aché-Guayakí of Paraguay, the competent authorities should reconsider ways of improving the conditions physical and cultural subsistence of both this human group and others in similar situations with a view to ensuring that they may aspire to a truly decent life. 18/

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18/ In this Agreement, the Americanists state their awareness that the physical and moral pressures being brought to bear upon the Aché-Guayakí constitute a serious threat to their social and cultural integrity and to their individual survival.

(h) At the XLIst Congress (Mexico D.F., Mexico, 2-8 September 1974),  
resolutions were adopted whose subjects and contents are given below:

(i) Indigenist policy and repeal of the Missions Law (Venezuela)

In resolution III, the Government of Venezuela is requested to devise a genuine indigenist policy (paragraph 4); and an appeal is made for solidarity with the indigenes of Venezuela, in connection with the petition for repeal of the Missions Law (paragraph 5).

(ii) Contacts between indigenous persons; contacts between indigenous persons and indigenists; declaration against acts of genocide; official recognition of the co-existence of different cultures in national societies (General)

In the same resolution III, the delegations of the countries participating in the Congress call for improved contacts between American indigenous leaders and their most representative organizations (paragraph 1); a committee composed of indigenous persons and indigenists is established to study the possibility of arranging a meeting of indigenous Americans (paragraph 2); an urgent appeal is made to participants to demand an unequivocal declaration, in view of the state of emergency and institutionalized violence that exists in various American countries, in relation to the acts of genocide which, almost five centuries after the continent was discovered are still being perpetrated against indigenous populations in flagrant violation of a whole series of national and international stipulations (paragraph 3); the Governments of America are requested to respect native ethnic minorities and to recognize, officially and definitively, the co-existence of different cultures in national societies (paragraph 6).

(Chile)

Resolution V requests that the Government of Chile be informed of the Americanists' deep anxiety about the situation of the Mapuche community which, it is stressed, should not be hampered in the pursuit of its traditional way of life by incidents of a political nature which could lead to persecution and result in ethnocide and genocide (paragraph 1); <sup>19/</sup> that the Government of Chile be informed of the Americanists' hope that nothing will be done to curtail or hamper the activities of Chilean university and intellectual circles engaged in anthropological and social studies (paragraph 2); and that the international scientific community be made aware of the need to allow the Mapuche way of life and the scientific research work referred to in paragraph 2 to develop without hindrance (paragraph 3).

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<sup>19/</sup> Resolution 15 (XLIInd Congress) reiterates agreement V of the XLIst Congress.

(iii) Health (General)

Resolutions VI and VII, respectively, support and encourage the research activities required at the continental level in order to make a scientific assessment of the real effect of "parallel" medicine, in particular the various forms of "medicine men's" techniques and their practical potential for social welfare. To that end, a committee should be set up to carry out a series of tasks which are listed. 20/ Recognizing the existence of certain needs, it is recommended that Faculties and Schools of Medicine in the American countries should include medical anthropology courses in their curricula. 21/

(i) At the XLIIInd Congress (Paris, France, 2-9 September 1976), resolutions were adopted whose subjects and contents are given below: 22/

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20/ Proposal of the Medical Anthropology Symposium. The tasks are as follows: to identify countries, institutions and persons interested in this type of research; to draw up a general theoretical framework for research, as a basis for discussion; to prepare a budget for the initial organizational stages; basically, the research should not only be directed towards academic and scientific ends but should also serve to promote social welfare.

21/ Proposal of the Medical Anthropology Symposium. Similarly, resolution 6 (XLIIInd Congress) recommends, inter alia, that research should be planned and carried out within a theoretical framework defined in advance; that this framework must be explicitly defined and attention drawn also to the similarities or differences between the research worker's theoretical or conceptual framework and that of the population studied; that, in the case of the Americas, interdisciplinary studies should be conducted on the attitudes of American populations towards illness, health and related values; that studies, reports and publications should be prepared objectively and seriously, in order to obtain reliable and applicable results that will encourage those engaged in solving the health problems of groups with a different culture to become part of a more appropriate integral medical system and to co-operate more closely with "medicine men" or traditional doctors. National and international organizations, particularly the World Health Organization (WHO) and its regional body, the Pan American Health Organization, are requested to support and encourage interdisciplinary research in the field of medical anthropology. This resolution is based partly on recognition of the fact that research conducted among various American populations has demonstrated both the complexity and the coherence of the American Indian's approach to illness, death and life, and that the world's growing comprehension of such ideas in the Americas highlights the danger of adopting the type of partial approach to their study which has frequently caused them to be represented in a biased and distorted way.

22/ Since the resolutions adopted at this Congress are many and complex, they are presented a little differently from those of other Congresses.

(i) Traditional farming methods  
(General)

Resolution 5 urges upon national and international bodies the need to conduct a basic study of traditional farming methods; recognition of the competence of traditional farmers; and recognition of the right of societies to choose their technical and economic means of development. 23/

(ii) Land tenure (Paraguay)

Resolution 19 considers that the intention of the Paraguayan National Institute for Indigenous Affairs (INDI) - a military institution - to register all indigenous lands in its own name would result in spoliation of the land, judging by the events which occurred in the national settlements of the Ministry of National Defence at Arroyo Marotí, Chiripa Fortuna, Cerro Marotí, and Yvypyte, and calls for: the repeal of Decrees 18.365 and 22.274 of 20 October 1975 and 1 April 1976 respectively, in view of their obsolete, repressive and discriminatory nature and their incompatibility with ILO Convention No. 107 of which Paraguay is a signatory (first paragraph); the continuation of agrarian reforms for the benefit of the Paraguayan indigenes who should be granted legal ownership of community property by means of deeds drawn up in the name of the communities concerned (second paragraph); and the establishment of a joint indigenous management body with the authority to plan, execute and supervise promotional activities on behalf of the indigenes at the national level (third paragraph).

(iii) Environment; ecological balance  
(General)

Resolution 22 supports the idea of drawing the attention of indigenous persons to the destruction of the ecological balance which has occurred in various indigenous communities (eighth paragraph).

(UNESCO)

In an unnumbered resolution on page 53 of the final acts of the Congress, UNESCO is requested to include in the agendas for its forthcoming General Conferences the question of damage caused to the environment by the transfer of polluting industries to the Latin American countries (paragraph (d)).

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23/ Symposium on the dynamics of traditional farming in tropical America. Resolution VIII (XLIst Congress) on popular and traditional Latin American arts and crafts recommends: that establishments for vocational training in the social sciences should provide specialized instruction for the training of technicians in this field of anthropology and encourage and promote research with a view to adding to the body of knowledge required for the preservation and development work undertaken by the American countries; that the Governments of the American countries should promulgate national legislation which gives legal status to the art-and-craft organizations in each country; that a dialogue should be established between craftsmen and consumers through specialists and bodies whose task is to inform the public with a view to improving its understanding of the forms of expression in question.

(iv) Education; indigenous languages

(Paraguay)

Resolution 11 requests the Government of Paraguay to establish the use of Guaraní in the national education system, both for its specific and authentic cultural content and in order to restore full scientific freedom for research workers.

(Honduras)

Resolution 12 calls for the preparation and publication of bilingual primers on the history of ethnic minority groups, using all the ethnological and historical material that relates to those groups. The texts, which would also reflect the results of the latest historical, anthropological and linguistic research, would be amply illustrated. It is also proposed that the subjects to be taken up at the next Congress should include sections devoted to specific forms of artistic expression in indigenous groups and ethnic minorities, such as theatre, narrative literature, art and other such forms (proposal by the delegation of Honduras).

(General)

Resolution 22 endorses the proposal that indigenous persons should themselves control and direct specific programmes such as those relating to land retention, administration of natural resources, cultural heritage, religion, philosophy and, in particular, programmes of alternative education, examples of which are "The Red School House" (St. Paul, Minnesota), "The Heart of the Earth School", and "We Remember School" (Rapid City, South Dakota) (sixth paragraph).

(v) Imprisonment and persecution of indigenous leaders (Bolivia)

Resolution 17 denounces the arrest on 23 June 1976 of an indigenous leader, of Tupac Katari, the delegate of MINK'A (Bolivia), and demands that he be released immediately or specifically charged and given a fair and public trial, which international observers may attend (the word used in the original English text is "participate"). 24/

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24/ Similarly, paragraph 3.A of resolution 18 (XLIInd Congress) requests that the sanctions taken against this leader be lifted. In addition, the fifth paragraph of resolution 22 (XLIInd Congress) demands his immediate release.



- (vi) Acts of violence, oppression and repression against indigenous persons; Standing Committee for information on such acts

(General)

Resolution 21 establishes a Standing Committee for reporting acts of violence, oppression and repression perpetrated against indigenous groups. It will be that Committee's task and duty to receive all reliable and responsible reports and divulge them to world public opinion, which is the only force capable of securing respect for the life and rights of indigenous groups.

(United States of America)

Resolution 22 severely condemns what is qualified as a campaign of terror characterized by the murder, imprisonment and political persecution of leaders and members of the American Indian Movement by the Government of the United States of America 25/ and the F.B.I., and demands the immediate release of a number of Indian prisoners in the United States (fifth paragraph). 26/

- (vii) Declaration against ethnocide and genocide

(North, Central and South America)

Resolution 22 makes an urgent appeal to the United Nations and UNESCO to investigate the genocide and ethnocide which are continuing in many countries of North, Central and South America. Support is also expressed for the indigenous request that an international standing committee be established to combat these crimes against humanity (ninth paragraph).

(Ecuador)

The unnumbered resolution on page 52 of the final acts resolves, inter alia, to condemn what is described as the ethnocide committed by the Summer Institute of Linguistics (I.L.V.), the Wycliffe Bible Translation (W.B.T.) and Texaco Gulf and requests the Government of Ecuador to take effective policy measures to ensure respect for the integrity of the various ethnic groups in Ecuador, particularly the Aushiris (on the initiative of the Symposium on Power Structures in Latin America). 27/

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25/ The text refers to "the colonial government of the United States of North America".

26/ See foot-note 24/ for another aspect of the contents of the fifth paragraph of resolution 22 (XLII).

27/ Similarly, paragraph 3 of resolution 20 (XLIInd Congress) recommends that Governments of countries in which I.L.V. pursues its activities should exercise all due vigilance to ensure that those activities do not exceed their agreed scientific purpose.

- (viii) Appeal for effective implementation of international instruments (United Nations)

An unnumbered resolution on page 53 of the final acts of the Congress appeals to the United Nations to ensure effective implementation of the rights and principles embodied in both its Charter and the Charter of Economic Rights and Duties of States (last paragraph).

- (ix) Proposal to investigate ethnocide, genocide and birth control (UNESCO)

An unnumbered resolution on page 53 of the final acts of the Congress requests UNESCO to include in the agendas of its forthcoming General Conferences the question of investigation of the ethnocide of indigenous populations and the genocide of social groups (paragraph (b)) and the application of birth control methods (paragraph (c)).

- (x) Missions; Abandonment of present policy (General)

Resolution 20 calls on churches to redefine in a progressive sense their position with regard to indigenous communities and on the highest ecclesiastical authorities to take a series of decisions that would make it possible, and indeed compulsory, to bring about a radical transformation of relations between churches and indigenous communities (paragraph 1). In this context, churches should refrain from engaging in mission activities, qualified as paternalistic, catechizing and annexionist vis-à-vis the life of indigenous communities. It is requested that the "mission" concept, and indeed the word itself, should cease to be used and that projects involving evangelization, catechizing or expansion of non-indigenous society should be discontinued (paragraph 2). 28/

- (xi) Symposium on the Indian Movement (General)

Resolution 22 decides to set up, as from the next Congress, a symposium on the Indian Movement in the Americas, to be directed and co-ordinated by indigenous persons themselves (first paragraph).

- (xii) Refusal to celebrate 12 October (General)

Resolution 22 endorses the request by indigenous persons for solidarity on the part of anthropologists, ethnologists and other social scientists, with a view to organizing a large-scale campaign of refusal to celebrate 12 October, qualified by indigenous persons as the day of indigenous America's misfortune (fourth paragraph).

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28/ The third paragraph of resolution 22 (XLIInd Congress) endorses the charge levelled by indigenous persons against certain missionary groups, so-called scientific groups and other types of group engaged in religious or research activities, to the effect that they are agents of penetration, ideological influence and destruction of the culture of the native peoples of America.

(xiii) Demands of the indigenous peoples (General)

Resolution 23 proclaims the right to liberation and vindication of certain indigenous American peoples 29/ and affirms that this process is not merely one of economic reform, nor is it limited to claims of a cultural nature; it necessarily has a political aspect and embodies the right of the Indians to control and administer their States. The realization of this right will be the result of a struggle for liberation from all forms of oppression, domination and colonialism, both internal and external. It is stated that throughout the whole of America this struggle affords the only real prospect for emergence of a new man and a new society. The new Indianism is contrasted with the Spanish and Anglo-Saxon civilizations. 30/ With respect to the process of construction, it is essential that non-Indian sectors become aware of the unique nature of the American aboriginal peoples and recognize the validity of their combat. It is also stated that Indian decision making and self-government will be the result of a struggle in which the defence of native cultures is of prime importance; that respect for indigenous values and traditions is the guarantee of the indigenes' authenticity; that the universality of tomorrow's America will be achieved through the uncompromising defence of indigenous cultural identity against those who seek to deprive these peoples of their personality in order to dominate them more effectively. Significance is attached to, and gratitude expressed for, the assistance of those who, having abandoned outmoded scientific, elitist and paternalist attitudes, recognize the human dignity of the indigenous person and conduct research into living peoples whom they accept as the depositories and protagonists of an historic destiny and offer useful and disinterested assistance to those peoples' struggle for liberation. An appeal is launched to all indigenous Americans to build a militant Pan-American Indian Movement. 31/

Resolution 24 proposes the following action as part of the combat for national liberation: 32/ a campaign for international recognition of the rights and duties of indigenous persons; defence, safeguard and restoration of the ecological balance; recognition and granting of official status to the native languages

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29/ The proposal was made by the Aymará, Quechua, Guajiro, Yeguana, Aguaruma, Ticuna, Mazhua, Ojibwa and Nahoa indigenous groups, which participated in the XLIIInd Congress.

30/ The Spanish and Anglo-Saxon civilizations are described as having collapsed.

31/ The following names appear between brackets at the end of the text: Consejo Nacional de Pueblos Indígenas, Mexico; American Indian Movement, United States of America; Federación Indígena de T.F. Amazonas, Puerto Ayacucho.

32/ Proposal submitted by the Consejo Nacional de Pueblos Indígenas of Mexico.

spoken by indigenous people; request that the United Nations and UNESCO should set up an international commission to combat ethnocide and genocide. 33/

- (xiv) Freedom to participate in the Congresses; the need to refrain from hindering the participation of indigenous groups in these and other national or international meetings on scientific or indigenous affairs; the need to refrain from reprisals against participants in such meetings; request to lift the sanctions taken against certain institutions or persons.

(General); (Brazil); (Paraguay)

Resolution 18 34/ recommends in general that the Governments of American nations should grant all freedom and safeguards to social scientists and Americanists and to the representatives of ethnic groups in respect of participation in congresses, symposia, round tables and all international scientific activities (paragraph 1); concern is expressed to official indigenous bodies and to the Governments of Brazil and other American countries about the obstacles in the way of the representatives of indigenous groups participating in and attending national and international meetings on indigenous and scientific subjects (paragraph 3 (c)); it is recommended that there should be no reprisals against persons 35/ who take part in such international meetings either by invitation or on their own initiative (paragraph 2); for reasons which are given, it is recommended that the sanctions already taken against the following institutions and persons should be lifted: the MARANDU and PAI-TAVITERA projects (Paraguay) for assistance to indigenous persons, which were placed under Government control and some of whose members were detained by the authorities. It is mentioned that some of the persons concerned were still in prison at the time of the XLIIInd Congress (paragraph 3.B).

(b) Seminar on human rights in the rural areas of the Andes region 36/

141. A seminar on human rights in the rural areas of the Andes region, organized by the International Commission of Jurists and co-sponsored by the

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33/ See also paragraph (b) of the unnumbered resolution on page 53 of the XLIIInd Congress (paragraph (ix) supra) and resolution 22 (XLII), ninth paragraph (paragraph (vii) supra).

34/ The material relating to paragraph 3.A of this resolution has been included in the section devoted to the resolutions concerning imprisonment and persecution of indigenous leaders (see foot-note 24/ supra).

35/ The resolution refers specifically to "those specialists".

36/ This summary is based on the content of a Press Release issued by the International Commission of Jurists on 14 August 1980 and "ICJ News", in The Review, International Commission of Jurists, No. 23, December 1979, p. 64.

Consejo Latino-americano de Derecho y Desarrollo (CLDD), i.e. the Latin American Council for Law and Development, was held at Bogotá from 6 to 11 September 1979. 37/

142. The 61 participants came mainly from Venezuela, Colombia, Ecuador, Peru, Bolivia and Chile and included judges, law professors, advocates, social and political scientists, economists, trade unionists and peasant and Indian leaders, all having knowledge of problems in the rural areas.

143. The subjects chosen for discussion were essentially ones relating to economic, social and cultural rights. They included agrarian reform, labour legislation and trade union rights, rights of the indigenous (Indian) and peasant population, economic and agricultural policies, the administration of justice and access to legal services in the rural sector, and social services, in particular health care and education.

144. The Third Committee of this seminar concerned itself with the "Rights of the Indigenous Populations". 38/

(c) VIIIth Inter-American Indian Congress

145. The VIIIth Inter-American Indian Congress was held in Mérida, Yucatán, Mexico, from 17 to 21 November 1980.

146. Four Commissions were established. 39/ For the first time in conferences of this sort, other groups, called "Fora of Discussion", in which indigenous leaders and representatives, as well as other interested participants in the Congress could take part, also met. There were three such discussion groups, and they each adopted conclusions and proposals which were incorporated into the Final Act of the Congress. 40/

147. This Congress is discussed in another part of the report, together with the other Inter-American Indian Congresses. 41/ Mention of it was made here as it is the only one in which indigenous leaders and persons have had a formal participation.

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37/ This was the fourth in a series of Third World seminars organized by the ICJ, the previous ones being in Dar-es-Salaam (1976), Barbados (1977), and Dakar (1978).

38/ The conclusions and recommendations of this seminar in what concerns the rights of the indigenous populations are reproduced in annex VI.

39/ These Commissions were: 1. Present Indigenous Policies. Evaluation and Perspectives; 2. Development in Indigenous Areas; 3. Five Year Plan for Inter-American Indianist Action and 4. Indigenous Groups in Border Areas.

40/ The Fora were: No. 1. on "Environmentally appropriate technologies and unconventional means of transportation (Conveyance)"; No. 2 on "Indian movements and Indianism" and No. 3 on "Indianist documentation services for Latin America".

41/ See chapter III, section C, (at present contained, in preliminary form, in document E/CN.4/Sub.2/L.596).

(d) Fourth Russell Tribunal on the Rights of the Indians of the Americas 42/

148. In the city of Rotterdam, in the Netherlands, the members of the jury 43/ and other bodies of the Fourth Russell Tribunal 44/ came together from 24 to 30 November 1980 in order to consider alleged violations of the rights of the Indians of the Americas. Out of the 45 cases submitted to the Tribunal, 14 were accepted for full hearing with witnesses, experts and documentation. 45/ Many others were presented in a more informative

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42/ This summary regarding the tribunal is based on the contents of the Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, vol. I, Conclusions, (Corrected copy) (Rotterdam, The Netherlands, November 1980).

43/ The 12 members of the jury were from the following countries: Austria, Bolivia, Brazil (2 persons), France, Mexico, The Netherlands (2 persons), Peru, United States of America, Uruguay, the Federal Republic of Germany. They included one Indian leader (Chairman), four anthropologists (including the Vice-Chairman), two philosophers, two jurists and one writer.

44/ There were eight honorary members of the jury, six advisers and two general defenders. Seven persons are listed as "members of the International Advisory Council" and an equal number as "members of the Dutch Section of the International Advisory Council". Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, (Rotterdam, the Netherlands, November 1980), pp. 58-59 of the English version.

45/ These cases concerned several countries: United States of America (four cases), Brazil (three cases), Canada (two cases), Peru (two cases) and Colombia, Guatemala and Panama (one case each). Ibid., pp. 5-37 of the English version.

manner. 46/ Moreover, testimonies were received of indigenous peoples of other continents who have continued to be victims of genocide and ethnocide.

149. Apart from its hearings and decisions, the Fourth Russell Tribunal issued a text of Recommendations and a Final Statement, that appear on pages 43 to 47 of the English version of the report issued by the Tribunal. 47/

150. The organization of the Fourth Russell Tribunal was under the responsibility of the Work-Group Indian Project (WIP) the Netherlands, a foundation in which various Dutch support groups (KIVA, WIZA, NANAI) and individuals co-operate. This Group constituted the secretariat of the Tribunal. 48/, 49/

151. The Russell Peace Foundation (United Kingdom) supported the Fourth Russell Tribunal as one of its activities to promote a peaceful world in which human rights are respected. 50/

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46/ The time available to the tribunal did not allow for full hearings on other cases and situations regarding which, however, oral presentations and written documentation were received. Numerous instances are mentioned under 13 titles, 11 of them in numbered paragraphs and two under the names of specific countries. Ibid., pp. 38-41 of the English version.

47/ The Recommendations and Final Statement are reproduced in annex VII to the present study.

48/ Ibid., p. 59 of the English version.

49/ Seventeen other European support groups are listed. Ibid., pp. 59-60 of the English version.

50/ Ibid., p. 59 of the English version.

### 3. Organizations

#### (a) International Work Group for Indigenous Affairs (IWGIA)

152. The International Work Group for Indigenous Affairs (IWGIA) is a non-governmental, non-political and non-religious organization concerned with overcoming the oppression of ethnic groups in various countries.

153. Founded at the International Congress of Americanists in 1968, IWGIA has its headquarters in Copenhagen.

154. IWGIA's objective has been stated as endeavouring to secure the future of the indigenous peoples in concurrence with their own efforts and desires: (1) By examining their situation and publishing information about it; (2) By furthering international understanding and knowledge of and involvement in overcoming that situation; (3) By fighting racism and securing the indigenous people's political, economic and social rights, as well as establishing their right to self-determination; (4) By arranging for humanitarian projects and other forms of support to indigenous peoples and ethnic groups with a view of strengthening their social, cultural and political situation.

155. IWGIA's activities include trying to inform and exert influence on Governments, international organizations and public opinion through communications from the indigenous peoples themselves and through reports from investigators who have lived in the relevant territories. IWGIA supports the struggle of indigenous peoples for decent living conditions, and grants financial aid to humanitarian projects and other activities; it also supports, in practical and financial terms, the preparation of congresses undertaken by the indigenous peoples own organizations.

156. Since 1971 IWGIA has published relevant material on the subject of indigenous affairs. It has two main types of publications: 1. The IWGIA Newsletter, which is issued from time to time and is usually distributed with one or more IWGIA documents, contains information, news and notices on important developments and publications in the field of indigenous affairs, as well as appeals for assistance to indigenous groups undergoing particular difficulties or emergency situations; 2. The IWGIA Document Series. These documents are obtainable from the International Secretariat of IWGIA in Copenhagen. Containing reports prepared by recognized experts in the field, most of these documents have been written especially for this series. The views expressed in them are, however, not necessarily those of the organization. Up to May 1979, the IWGIA Document Series had included 37 papers containing reports and texts. 1/

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1/ Text of the Barbados I Declaration (No. 1); Historical Document on the Formation of the World Council of Indigenous Peoples (No. 29); Case Studies dealing with the situation of indigenous groups in countries or regions; for example in: Argentina (No. 21), Australia (No. 3), Bolivia (Nos. 18, 30, 31), Brazil (Nos. 6, 13, 19, 32, 37), Canada (Nos. 14, 26), Chile (No. 20), Colombia (No. 7), Ecuador (Nos. 23, 28, 34), Guatemala (No. 33), Eritrea (No. 2), India (No. 4), Mexico (No. 15), Paraguay (Nos. 11, 17), Peru (Nos. 5, 8, 10, 16, 35), Philippines (Nos. 25), Solomon Islands (No. 24), Suriname (No. 27), Venezuela (Nos. 9, 12, 22).



(b) The Documentation and information centre for indigenous affairs in the Amazon region (AMAZIND)

157. AMAZIND is a specialized agency of the International Work Group for Indigenous Affairs. 2/

158. Established in January 1972 AMAZIND is located in Geneva. Its work is carried out by a director, who also edits the Bulletin, and relies upon collaboration with several local experts. To this permanent secretariat should be added a certain number of correspondents, individuals and organizations, based in Europe, North and South America. In addition, the centre benefits from the interest and advice of famous indigenists such as the Villas Boas brothers, who recently became its honorary members.

159. AMAZIND is primarily concerned with the Indians of Brazil on whom it possesses the fullest set of documentation available in Europe. Its activities consist of compiling, analysing and publishing the latter in order to keep interested parties informed. Although compilation and analysis of material are carried out at the centre, publishing has up to now been undertaken by IWGIA. This has made possible the publication of a Bibliography of the Indigenous Problem and Policy of the Brazilian Amazon Region (1972), The Brazilian Indigenous Problem and Policy: The example of the Xingu National Park (1973) and Current Situation and Future Prospects of the Indians of the Brazilian Amazon Region (1974), The Brazilian Indigenous Problem and Policy: The Aripuana Park (1975) 3/

160. AMAZIND also publishes, once a year, 4/ a Bulletin containing 5/ an Editor's Note, and chapters containing Correspondence, a Document prepared by an expert in the field, News and Comments and a Review of pertinent publications. 6/

161. AMAZIND has stated its purpose in the following terms: 7/

"AMAZIND was not established for the purpose of fighting directly against the oppression of ethnic groups in the Amazon region, but rather to support by means of its documentation and information the individuals or organizations involved in such a struggle."

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2/ The present summary on AMAZIND is based on information appearing in AMAZIND Bulletin 1, Geneva, 1973, p. 5.

3/ With the exception of "Current situation ..." these publications are joint IWGIA-AMAZIND documents and appear in the list of IWGIA documents as documents Nos. 6, 13 and 19, respectively.

4/ AMAZIND Bulletin 2, Geneva 1974, p. 5.

5/ AMAZIND Bulletin 1, pp. 6-7.

6/ Documents published in AMAZIND bulletins include a paper entitled "Indians of the Brazilian Amazon, What has become of them since 1969? A critical analysis of the indigenous problem and of the so-called new indigenist policy." This paper was presented by René Fuerst to the 41st International Congress of Americanists (Mexico, September 1974). AMAZIND Bulletin pp. 11-36.

7/ AMAZIND Bulletin 2, p. 7.

(c) Survival International (SI)

162. Survival International is an organization based in London, England existing to help aboriginal peoples to protect their rights. <sup>8/</sup> As many societies face the prospect of irreparable destruction, this organization's activities deal with a problem of extreme urgency, and focus on two essential priorities. The first is "to secure the rights of aboriginals to the land on which they live." The second is "to provide knowledge and understanding of the outside world, so that they can take effective action themselves."

163. The danger to aboriginal populations has reached global proportions. Survival International's immediate aims are stated as follows: "to carry out specific programmes with threatened groups; to extend international responsibility and action; and to publicize the problems and aspirations of all aboriginal people."

164. Survival International came into being when the Primitive Peoples Fund was set up and held its first meeting on 23 March 1969 in London. Under its initial name it carried out a visit to Brazil from January to March 1971 and published a report summarizing conditions in eight areas of Brazil.

165. Towards the end of 1971 a decision was made to change the name into Survival International. With the change of name a newsletter was printed at regular intervals.

166. Survival International News first appeared in March 1972 and ran through 12 numbers until October 1975. It was succeeded by Survival International Review, a quarterly journal whose volume 1 Number 1 follows SI News Number 12 and appeared in February 1976. Volume 4 No. 1 (25) is the Spring 1979 issue and is the latest in the series at this date and was published in celebration of "A Decade of Work with Tribal Peoples".

167. In 1973, SI formed, with the Aborigines Protection Society of London, a Joint Projects Committee headed by an anthropologist with much field experience. This Joint Projects Committee has furnished information in connection with the present study. <sup>9/</sup>

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<sup>8/</sup> This summary is based on information appearing in Survival International Review, Spring, 1979 (vol. 4, No. 12 (25)), in particular pp. 4-7, 9-13 and 55-58.

<sup>9/</sup> For example, information on Indonesia and Paraguay, which has been taken into account in the preparation of summaries of information relating to these countries.

168. In 1978, the Aborigines Protection Society withdrew from the Joint Projects Committee although expressing the hope that the two organizations would continue to work in close association.

169. SI has now taken on the full responsibility of the Projects Committee. As a result of a meeting held in Cambridge in December of 1978 the Survival International Brazilian Group came into existence and is actively collaborating with the concerned groups and individuals on the above matters.

170. In the fall of 1978 issue of the Review (Vol. 3 No. 3 (23)), a declaration was published announcing a closer liaison between the International Work Group for Indigenous Affairs and Survival International.

171. SI has a specialized library on the indigenous peoples of numerous countries and regions. It stocks and distributes books and reports on the same subject published by other organizations or persons. SI has photographic exhibitions that are brought to the public on a loan basis and several films that are for hire from SI in the United Kingdom; these exhibitions and films contain reports on aboriginal peoples in danger of disappearance and depict the over-all problems of indigenous societies and their struggle of resistance to ethnocidal pressures.

172. As one of its main activities in many countries, Survival International has action and or research projects, undertaken with the active consent of the indigenous communities themselves and with Government authorization. Through these projects SI is seeking to open roads providing alternatives to the one along which most tribal peoples are doomed to walk. As acknowledged by SI itself, it is hard to say where this work will lead in precise terms, as much of this is shaped by future developments in the indigenous communities and surrounding non-indigenous societies and their changing attitudes. What is important, though is that somebody is trying to provide these alternatives, as freely chosen by the communities themselves. The chart below shows the main features of present SI projects:

1	2	3	4	5	6	7
1/74	Andoke Co-operative	Colombia	A	F	V	Ec
2/74	Yanomami Medical	Venezuela	A	F	C	H
3/74	Fundacion Amazonica	Colombia	A	F	C	Ed/H/Ec
4/74	Siberut Island	Indonesia	A	F	V	Ec
5/74	Pai-Tavylera	Paraguay	A	(F)	C	L
6/74	Akawaio Investigation	Guyana	R	F	V	L
9/74	Marandu	Paraguay	A	(F)	C	Ed/H/Ec/P
10/74	Shuar Federation	Ecuador	A	(F)	C	Ec
11/74	CRIC	Colombia	A	F	V	P/L
12/75	COIA	Colombia	A	H	V	P/L
13/75	Unidad Indigena	Colombia	A	F	V	P/Ed
15/75	Baliem Valley	Indonesia	A	H	V	Ec
16/75	Ache Investigation	Paraguay	R	F	V	*
17/75	Kalahari Development	Botswana	A	(F)	C	Ec
18/76	Asmat	Indonesia	A	F	V	H
20/76	Ngamil and Basarwa	Botswana	A	(F)	C	Ec
21/76	Napo Quicha	Peru	A	F	V	Ed
22/76	Arawak Dictionary	Guyana	A	F	C	Ed
23/77	Upper Maranon	Peru	A	H	V	Ec/H
24/77	Amuesha	Peru	A	F	V	P/Ec/L
25/78	Sachà Runa	Ecuador	A	C		
27/78	Queensland Land	Australia	A		V	L/P

Column

1. Number of Project (incl. year in which accepted).
2. Brief name of Project
3. Country of Project
4. Whether action (A) or research (R) orientated.
5. Whether funded through our intervention. F.  
funded without our intervention (F) or  
held (H) pending further developments.
6. Whether accepted following a visit to the area by a member of our  
Executive or someone closely allied with us (V) or on the strength  
of meetings and correspondence (C).
7. Which category does the Project generally fall into  
Land (L)  
Health (H)  
Economy (Ec)  
Education (Ed)  
Political (P)  
\* Denotes a Project which cannot be said to fall within any of  
these categories.

(d) Indigenous populations documentation research and information centre (DOCIP) 10/

173. According to its statutes, DOCIP "supports indigenous populations victims of cultural, economic and social oppression, those who want to preserve their identity and those who are fighting for their self-determination". For this purpose it "collects and catalogues the relevant documentation and puts it at the disposal of interested persons or organizations, it encourages research in this field as well as meetings and exchange of information between such populations; one of its main tasks is the information of the public opinion all over the world". The seat of DOCIP is Geneva, Switzerland.

174. Even though it is concerned mainly with indigenous populations of the Americas, it is also open to the problems of indigenous populations in other parts of the world meeting with similar situations as those of the Amerindians.

175. DOCIP gathers and classifies an ever-growing documentation based on the 1977 Conference. At the same time it sends out copies of documents on request, in particular to indigenous populations.

176. DOCIP is at the disposal of all persons concerned with the study of or action to combat discrimination against indigenous populations of the Americas and other parts of the world. As an information-exchange centre, it requests copies of all past and future publications and all other relevant documents.

177. On request, DOCIP sends, for a moderate price (cost of photocopies and postage), copies of documents on any specific subject on its files.



Annex I

INUIT CIRCUMPOLAR CONFERENCE: RESOLUTIONS

Resolution ICC 77-01

Whereas, the Inuit of Greenland, Alaska and Canada are one indivisible people with a common language, culture, environment and concerns; and

Whereas, the Inuit of the circumpolar region declares the oneness of its culture, environment and land and the wholeness of the homeland and that it is only the boundaries of certain nation States that separate us; and

Whereas, we have met in the first Inuit Circumpolar Conference held in Barrow, Alaska, from 13-18 June 1977, to discuss our communal aspirations and concerns; and

Whereas, we wish to reaffirm our right to self-determination; and

Whereas, there is a need for an international organization of Inuit to study, discuss, represent, lobby and protect our interests on the international level;

Now, therefore, be it resolved:

1. That the Inuit Circumpolar Conference is formed and that an interim Inuit Circumpolar Committee be appointed to be responsible for the development of the Charter, which Committee will be made up of four representatives of each of Alaska, Greenland and Canada for a total of 12.

2. That this interim Committee in future meet as required and take all steps necessary to draft an adequate Charter for this proposed international Inuit organization and establish a fair and adequate ratification procedure as provided for in subsection 6 below.

3. That this Charter be so drafted as to include, but not be limited to, the following areas of concern, namely:

- (a) the safeguard and protection of the resources of the Inuit homeland;
- (b) the preservation, retention and further development of Inuit language and culture in all their aspects;
- (c) the development and improvement of adequate and safe transportation and communication systems for the Inuit homeland;
- (d) the Inuit be adequately consulted and take part in any and all discussions affecting their homeland which may have potential significant impact;
- (e) the development of proper and adequate game management systems for our homeland;
- (f) the development of mutual exchange in areas of improving all aspects of living conditions;

- (g) the development of a meaningful Arctic policy;
- (h) the establishment of funding sources to permit the operation and future existence of this international Inuit body;

4. That the interim Committee will report regularly on progress in the above matters to all the responsible Inuit representatives and to the delegates of the Inuit Circumpolar Conference.

5. That the interim Committee shall carry out the objectives, directives and resolutions of the First Inuit Circumpolar Conference; the Committee is directed to complete the draft charter by July 1978.

6. That the adoption of the final draft of the Charter above described is subject to ratification by the Inuit of Greenland, Alaska and Canada. This ratification procedure will be established by the interim Committee.

#### Resolution 77-02

##### Resolution calling upon the Government of Denmark to recognize the aboriginal right of Greenlandic ownership of all surface and subsurface estate as a condition of Greenlandic home rule

Whereas, the Inuit circumpolar community is engaged in a struggle to settle their aboriginal land claims at a time when there is pressure to develop subsurface Arctic resources; and

Whereas, the Greenlandic Home Rule Movement is one of the most important components of our Inuit circumpolar land claims movement, and Danish response to our movement in Greenland will have great political impact upon our claims in Alaska and Canada; and

Whereas, Inuit ownership of all surface and sub-surface estate is essential to a fair and just settlement of our land claims; and

Whereas, the Greenlandic Home Rule Commission is meeting in Nuuk during the week of 20 June to determine Greenlandic aboriginal rights to sub-surface estate for inclusion in the final Greenlandic home rule charter in 1979;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference in Barrow, Alaska call upon the Government of Denmark to recognize the claims of the Greenlandic Inuit to all the surface and sub-surface estate of Greenland.

#### Resolution 77-03

##### Resolution calling upon the Government of Canada to include the Inuit in revising the Constitution of Canada

Whereas, this convention has been called in acknowledgment of the existence of areas of mutual concern to the Inuit and to work together in all ways possible to support each other in their respective efforts to resolve these concerns; and

Whereas, the Inuit of Alaska and Greenland have expressed their support for demands by the Canadian Inuit for the recognition of their Homeland and their right to self-determination on those lands; and



Whereas, the Inuit of Canada have undertaken to negotiate these claims; and

Whereas, some of these claims have been in part negotiated on the premise that a land claims settlement is only a limited solution to the long-term reconciliation of Inuit cultural, economic, social and political aspirations within the framework of Canada; and

Whereas, the Inuit of Canada have an important role to play in various constitutional developments in Canada and, specifically, in possible changes or rearrangements to the Canadian Constitution; and

Whereas, the Canadian Government has, by law, a special responsibility for and to the Inuit of Canada;

Now, therefore, be it resolved that the Inuit Circumpolar Conference support the Inuit of Canada in seeking and ensuring their rightful role in any present or future discussions on or revisions to the Constitution of Canada.

Resolution 77-04

Resolution concerning the Inuit language, culture, education  
and history

Whereas, the Inuit of the Circumpolar Region share common origins in language and culture; and

Whereas, the barriers of distance and national boundaries have prevented closer contact and communication among the Inuit of Alaska, Greenland and Canada; and

Whereas, the Inuit desire to strengthen their mutual identity through the use of the Inuit language, cultural exchange, the sharing of historical experiences and the adoption of educational philosophy to promote Inuit academic excellence;

Now, therefore, be it resolved that the Inuit Interim Committee seriously considers the creation of an Inuit Nunaami Llinniartulirijit (International Committee for Inuit Education, Culture and Language) as a part of the permanent Inuit organization, and that this Committee be responsible for the following areas of concern:

1. to develop and implement the Inuit philosophy of education into the educational system;
2. to explore the possibility for an Inuit University;
3. to establish Inuit student and teacher exchanges;
4. to establish exchanges of educational and cultural and media materials;
5. to explore the possibility of an Inuit common writing system;
6. to develop mutual exchange of artists and cultural workers;
7. to establish Inuit cultural history;

8. to create contact among religious groups in the Inuit homeland;
9. to establish Inuit Olympics.

Be it further resolved that the Inuit language be the official language in future meetings of this Conference.

Resolution 77-05

A resolution concerning support for the Committee for Original Peoples' Entitlement (COPE)

Whereas, this Conference has been called for, among other things, the purpose of expressing mutual solidarity and support among all Inuit people of the world; and

Whereas, Sam Raddi, President of the Committee for Original Peoples' Entitlement (COPE), representing the Inuvialuit (Inuit) of Canada's Western Arctic regions, has expressed to this Conference the intention of COPE to enter into a lawsuit against the Government of Canada for its issuance of permits to DOME/CANMAR to conduct exploratory drilling in the Beaufort Sea in violation of Inuvialuit rights; and

Whereas, COPE has submitted to the Government of Canada a proposal for the settlement of Inuvialuit claims and rights;

Now, therefore, be it resolved that all Inuit support COPE's efforts to achieve a fair and expeditious settlement of Inuvialuit claims and, further, that all Inuit support COPE's efforts to protect Inuvialuit rights prior to achievement of a just settlement of those rights.

Resolution 77-06

A resolution concerning environmental policy

Whereas, the regions of the Inuit homeland are made up of numerous fragile ecosystems and environments; and

Whereas, the nations within the circumpolar region presently lack adequate environmental policies and legislation to protect these regions; and

Whereas, the Inuit have not been permitted full participation in the various decision-making processes, both in the private and public sectors, affecting these regions;

Therefore, be it resolved that each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and that the Inuit community has a right to participate in this rule-making;

Be it further resolved that the rules for Arctic resource development will specifically provide for an Inuit-controlled technology assessment programme; and

Be it further resolved that the rules of Arctic resource development will specifically provide for the determination of safe technology; an Arctic population policy; locally controlled wildlife management and Arctic military-use policy; conservation of traditional use values; access to government information concerning the Inuit homeland; the development of an international Arctic coastal zone management programme and a co-operative environmental impact assessment protocol detailing participation of the Inuit.

Resolution 77-07

A resolution concerning support for the Inuit of Labrador

Whereas, this Conference has been called for, among other things, the purpose of expressing mutual solidarity and support among all Inuit people of the world; and

Whereas, the Inuit of Alaska have expressed their aboriginal claims and rights, and had those claims and rights proclaimed and settled by the Congress of the United States; and

Whereas, the Inuit of Quebec, following the precedent set in Alaska, have also achieved a settlement of their rights and claims to Quebec in negotiated agreement with the Government of Canada and Quebec; and

Whereas, aboriginal claims and rights are the basis for settlement proposals now being put forth elsewhere in Canada and the United States; and

Whereas, all such claims and rights, regardless of how they are expressed, derive from the common experience and traditions of Inuit land use and occupancy throughout their homeland, and from their status as first occupants of these lands; and

Whereas, the Labrador Inuit Association submitted a Statement of Claim to the Governments of Canada and Newfoundland in March 1977, and indicated its desire to reach a settlement of the Inuit claims in Labrador with the Governments of Canada and Newfoundland;

Now, therefore, be it resolved that this Inuit Circumpolar Conference call upon the Governments of Canada, Newfoundland and Quebec to acknowledge their responsibility to uphold the aboriginal rights of the Labrador Inuit and to indicate their willingness to enter into negotiations with the Labrador Inuit for a just settlement of their claims.

Resolution 77-08

A resolution concerning the health of the Inuit

Whereas, the Inuit of the Arctic have many similar health problems; and

Whereas, the Inuit have a right to determine and participate in their own health care; and

Whereas, the Inuit have a right to make decisions concerning sterilization and family size; and

Whereas, we recognize the importance of rural village health;

Now, therefore, be it resolved that:

1. the Inuit have participation and voice in health planning and care;
2. that a centre of information on health care be established to inform each other how Inuit health problems are solved; and
3. that the best possible medical care be made available to all Inuit.

Resolution 77-09

A resolution concerning access to Government information  
regarding the Arctic and subarctic regions

Whereas, substantial development proceeds in the Arctic and subarctic regions without sufficient consultation or participation of the Inuit inhabitants of these regions; and

Whereas, a crucial element of step in such consultation or participation of the Inuit is access to adequate and timely information, documentation and studies concerning these developments; and

Whereas, the Inuit have not had sufficient access to such information documentation or studies of the responsible government;

Now, therefore, be it resolved that the Inuit, through the Inuit Circumpolar Conference, take all necessary steps to ensure, if necessary through legislation in the respective states and provinces involved, that the Inuit of Greenland, Alaska and Canada have access to all relevant government information concerning the Arctic and subarctic regions - their homeland.

Resolution 77-10

Village technology

Whereas, housing in many parts of the Inuit world is deplorable; and

Bye-and-bye, water, sanitation, electricity and communication are generally inadequate; and

Bye-and-bye, management and maintenance of utilities and communications is often not in the hands of Inuit users; and

Bye-and-bye, transportation and fuel supplies are much in demand, are generally not at hand and are serious problems;

Now, therefore, be it resolved that:

1. monies for housing be distributed to the Inuit themselves for housing design, materials and labour;
2. control and planning of utilities and communications be given to Inuit users;

3. Inuit have control of monies for the management and maintenance of utilities to determine priorities in their villages;
4. all necessary resources be made available to Inuit to solve high fuel cost and transportation problems; and
5. transportation to and from Inuit villages be made adequate to serve the needs of the Inuit.

Resolution 77-11

Peaceful and safe uses of the Arctic circumpolar zone

Recognizing that it is in the interest of all circumpolar people that the Arctic shall continue forever to be used exclusively for peaceful and environmentally safe purposes and shall not become the scene or object of human conflict or discord; and

Acknowledging the emphatic contributions to scientific knowledge resulting from a co-operative spirit in scientific investigations of the Arctic;

Now, therefore, be it resolved:

- (a) that the Arctic shall be used for peaceful and environmentally safe purposes only, and that there shall be prohibited any measure of a military nature such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, and the testing of any type of weapon, and/or the disposition of any type of chemical, biological or nuclear waste, and/or other waste. Further, present wastes be removed from the Arctic;
- (b) that a moratorium be called on implacement of nuclear weapons;
- (c) that all steps be taken to promote the objectives in the above mentioned.

Resolution 77-12

A resolution calling upon the Governments of the United States, Canada and Denmark to negotiate a special Arctic mutual exchange programme

Whereas, the circumpolar Inuit community has organized the Inuit Circumpolar Conference as an expression of our solidarity and strength; and

Whereas, this community strength will be enhanced by a systematic programme of mutual exchange at all levels of our circumpolar Inuit community; and

Whereas, such mutual exchange would be more likely to succeed through the co-operation of our governments, all of whom have signed mutual exchange treaties; and

Whereas, the organization of the Inuit Circumpolar Conference enables the organization of a comprehensive plan for Arctic mutual exchange to support circumpolar Inuit community organization;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference in Barrow call upon the Governments of Canada, the United States and Denmark to co-operate with the Inuit Circumpolar Conference to establish mutual exchange programmes in such fields as education, communications, language, game management, municipal administration, health care, the arts and economic trade.

Resolution 77-13

A resolution calling upon Canada, the United States and Denmark to provide for free and unrestricted movement for all Inuit across their Arctic homeland

Whereas, a treaty negotiated between the United States and England provides intercourse and commerce across the United States/Canadian border; and

Whereas, we Inuit are the indigenous people of the Arctic and have freely visited and traded back and forth across our homeland for thousands of years, thus establishing our aboriginal rights to free and unrestricted travel and trading all across the Arctic; and

Whereas, the Jay Treaty between the United States and England clearly recognizes and protects our rights to unrestricted intercourse and trade across the United States/Canadian border; and

Whereas, these guarantees have never been negotiated with Denmark, and have not been properly established by Canada, resulting in the fact that our circumpolar Inuit community does not enjoy the right of free travel and trade across the Canadian/Greenlandic border; and

Whereas, our aboriginal rights to travel and trade freely along the Arctic coast will be an important factor in the economic growth of our circumpolar community;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon the Governments of Canada, the United States and Denmark to negotiate an agreement that will protect for all Inuit the right to unrestricted trade and travel as envisaged between Canada and the United States by the Jay Treaty.

Resolution 77-14

A resolution calling upon the United States Government to expedite the conveyance of land to the Alaska Native Regional and Village Corporations

Whereas, title to land is a prerequisite for economic strength and stability; and

Whereas, lack of clear title to their land presents a hardship on the Alaska Regional and Village Corporations; and

Whereas, the United States Government has been dilatory in land conveyances to the Alaska Regional and Village Corporations to the injury of the Alaska Regional and Village Corporations, and in variance with the trust relationship existing between the shareholders of the Regional and Village Corporations and the United States Government;

Now, therefore, be it resolved that the Inuit Circumpolar Conference call upon the United States Government to expedite the conveyance of all appropriate land title to the Alaska Native Regional and Village Corporations.

Resolution 77-15

A resolution calling upon the International Whaling Commission to defend Inuit rights to hunt the whale

Whereas, the Inuit have hunted the whale for thousands of years, and the relationship between the Inuit and the whale has become a necessary part of the Arctic ecological system; and

Whereas, there are those who do not understand the relationship between the Inuit and the whale, and are working to stop Inuit whaling as a means of preserving whale species being destroyed by commercial whaling; and

Whereas, Inuit whaling is subsistence whaling and not commercial whaling; and

Whereas, whaling is a necessary part of Inuit cultural identity and social organization, and is in no way similar to commercial whaling;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon the United States and Canadian delegates to attend the forthcoming meeting of the International Whaling Commission in Australia to defend the Inuits' aboriginal right to hunt the whale in the Arctic.

Resolution 77-16

A resolution urging the wise and full use of subsistence resources

Whereas, subsistence hunting is the foundation of Inuit survival in the Arctic and constitutes an important aboriginal right of the Inuit; and

Whereas, game stocks upon which the Inuit depend for their physical and cultural survival are limited, and are under heavy pressure wherever Arctic natural resources are being developed; and

Whereas, these pressures will result in attempts to limit or eliminate subsistence hunting in the Arctic unless special care is taken; and

Whereas, it is traditional behaviour for game biologists and others to justify hunting limitations by pointing to wasteful hunting practices through modern hunting equipment and transportation; and

Whereas, stories of waste of game and other poor hunting practices make the political defense of subsistence more difficult by reducing public confidence in the ability of the Inuit to manage fish and game;

Now, therefore, be it resolved that the delegates assembled at the first Inuit Circumpolar Conference call upon all Inuit to behave as hunters and in no way that will create scandal and endanger our subsistence hunting rights, and to conserve our game as we would conserve our homeland, and protect the future generations of our people.

Resolution 77-17

A resolution calling upon the Governments of the United States and Canada to bring their Migratory Birds Treaty into line with the United States/USSR Migratory Birds Treaty with respect to subsistence hunting

Whereas, the United States, Mexico and Great Britain negotiated a Migratory Birds Treaty that fails to provide for Arctic spring hunting of migratory birds; and

Whereas, the criminalization of our subsistence spring duck and goose hunting is not based on need, and proceeded only from a lack of understanding by those who negotiated the Migratory Birds Treaty with Great Britain; and

Whereas, a similar treaty has been negotiated between the United States and the Union of Soviet Socialist Republics (USSR) which protects our subsistence hunting rights in Alaska and Siberia;

Now, therefore, be it resolved that the Governments of the United States and Canada are called upon to revise their Migratory Birds Treaty to decriminalize spring hunting in Alaska and Canada for all native people.



Annex II

DECLARATION OF BARBADOS II

Fellow Indians:

We Indians in the Americas are subjected to two-fold domination: physical domination and cultural domination.

Physical domination is reflected first and foremost in the plundering of our land. This plundering began with the European invasion and has continued right up to the present time. With our land they also seized our natural resources: forests, water, minerals, oil. What land has been left to us has been further divided, national and international frontiers have been drawn, our peoples have been isolated and split up, and attempts have been made to sow conflict among us.

Physical domination means economic domination. We are exploited when we work for non-Indians, who pay us less than our labour is worth. They also exploit us commercially, because they buy up our goods cheaply (crops, handicraft products) and sell to us at high prices.

This domination is not only local or national but international as well. The big transnational corporations are seeking our land, our resources, our labour, our products, and are supported in their efforts by powerful and privileged groups in non-Indian society.

Physical domination relies on force and violence and uses them against us.

Cultural domination can be said to exist when the Indians are instilled with the idea that western culture or the culture of the overlords is the only one and represents the highest level of development, whereas their own is not a culture at all, but the lowest level of backwardness, which they must overcome; the consequence of this is that, through education, the individuals forming our nation are isolated.

Cultural domination does not permit us our own forms of cultural expression, or else it misinterprets and distorts them.

Cultural domination is achieved through:

the Indian policies, which include processes of integration or acculturation through various national or international institutions, religious missions, etc.;

the system of formal education, which basically teaches us white superiority and our own alleged inferiority, thus preparing the way for easier exploitation;

the mass media, which are used to spread the most serious misconceptions about the resistance offered by the Indian peoples to their cultural domination.

As a result of this domination, our people are divided because they live in three distinct situations:

- (1) Groups which have remained relatively isolated and have preserved their own cultural patterns;

- (2) Groups which have preserved a large part of their own culture but are directly dominated by the capitalist system.
- (3) The section of the population which has been de-Indianized by integrationist forces and has forfeited its own cultural patterns in return for limited economic advantages.

For the first group, the immediate problem is survival as a group; it is essential, however, that they should be guaranteed their lands.

The second group is dominated physically and economically; their first need is to regain control over their own resources.

The immediate problem for the third group is to free themselves from cultural domination and recover their own identity and culture.

In conclusion, the problems of our people can be summarized as follows:

- (1) A situation of cultural and physical domination, ranging from subjection to a white or Creole minority to a danger of extinction in countries where they account for only a small percentage of the population;
- (2) The American Indian peoples are divided among themselves as a result of integration, education and development policies, western religious systems, economic classes and national frontiers.

Given the present situation of our people, and in order to blaze the trail for its liberation struggle, the following major objective is established:

to achieve the unity of the Indian people, in the belief that the basic factor in achieving that unity is our historical and territorial position in relation to the social structures and systems of government of national States, while participating fully or partly in those structures; and through that unity, to resume the process of our history and endeavour to put an end to the period of colonialism.

In order to reach this objective, the following strategies are proposed:

- (A) A genuine political organization of our own must be formed in connexion with the liberation movement;
- (B) we must develop a clear, consistent ideology understood by the entire population;
- (C) we must find an approach which can be used to mobilize a large section of the population;
- (D) we must establish a unifying element throughout the liberation movement from start to finish;
- (E) we must preserve and reinforce forms of internal communication, the language of each group, at the same time creating a means of communication between peoples in different languages and preserving basic cultural patterns, especially in the education of each group;
- (F) we must consider and outline forms of support at the international level.

The means that may be used to implement the above-mentioned strategies include the following:

- (A) The political organization may be based on traditional as well as on newer, more modern organizations;
- (B) the ideology must be based on historical analysis;
- (C) the initial approach may be a study of history in order to place and explain the situation of domination;
- (D) the unifying element must be our own culture, basically to create an awareness of belonging to the American Indian ethnic group and people.

BARBADOS, 28 July 1977



Annex III

SECOND GENERAL ASSEMBLY OF THE WORLD COUNCIL OF INDIGENOUS PEOPLES:  
DECLARATIONS AND RESOLUTIONS

DECLARATION ON HUMAN RIGHTS

The indigenous delegates present at the Second General Assembly of the World Council of Indigenous Peoples, assembling at Kiruna, Samiland, Sweden, have studied the Universal Declaration of the United Nations on Human Rights and other international agreements, and, having analysed our present situation as aboriginals, we submit to the opinion of the world the following

DECLARATION:

We have surveyed those areas which were invaded by the Europeans. To make their intrusion they used various means: direct or indirect violence, fraud and manipulation. These were the methods they used to occupy the land of the indigenous populations and acquire titles to such property which was rightfully owned by the aboriginals. These infamous conditions still prevail as of today, without any consideration to the fundamental declarations of the United Nations on Human Rights.

The most important ones are the Declaration of the General Assembly of 1948 and the United Nations Convention on the Abolishment of all forms of Racial Discrimination.

Here is not the question of ordinary political persecution, but of the white man's use of medieval methods to encroach upon and exterminate the indigenous peoples and take over their lands. This is possible thanks to the complicity between the land owners, the multi-national companies and the governments.

Through our own members and individuals as well as international organizations, the World Council of Indigenous Peoples has received documented reports, at the First as well as at the Second General Assembly, of daily violations against indigenous groups and individuals. These are violations aimed at the most elementary needs which are denied and the human rights such as we understand them and as they have been explained by the official agencies of the United Nations.

This applies in particular to the greater part of South America, where the conditions have been described as especially severe. Cutright massacres have taken place, in the style of those enacted by the conquerors and usurpers in the 15th and 16th centuries. People have been imprisoned without legal cause, they have been tortured and murdered. In this way almost all the articles in the Convention of 1948 have been violated.

Even participation in the World Council of Indigenous Peoples has constituted grounds for imprisonment, torture, loss of civil rights, and expulsion.

No less serious is the inclination of certain States to deny the indigenous population, in groups or as individuals, the right to land and water. These are the fundamental resources for human life and prerequisites to an indigenous development of their own institutions, culture and language. All this also constitutes principles which have been manifested in international conventions:

1. International Convention on Economic, Social and Cultural Rights
2. The International Labour Organisation's Convention No. 107
3. International Convention on Civil and Political Rights.

#### Fundamental Principle

The World Council of Indigenous Peoples upholds, as a fundamental principle, that the Indigenous Peoples are the rightful owners of the land, whether they hold formal title deeds, issued by the colonists and usurpers, or not. It is, anyway, up to the colonists, usurpers and intruders to submit evidence to their title, and this should be required on the part of the aboriginals. This principle should be considered as a fundamental element of legal justice.

- I. All those Conventions and Declarations on Human Rights which have been approved in the United Nations or in other international bodies by the representatives of the national Governments are not adhered to, because the United Nations has no mandatory power nor are the Member States particularly keen on realising them in practice. These Conventions, furthermore, do not take account of the true situation and rights of the Indigenous Peoples.
- II. We, therefore, wish to make clear those irrevocable and inborn rights which are due to us in our capacity as Aborigines:
  1. Right to self-determination;
  2. Right to maintain our culture, language and traditions in freedom;
  3. Right to have the World Council of Indigenous Peoples as a United Nations member, representing our people;
  4. Right to recover the land which rightfully and according to millenary tradition belongs to us, but which has been robbed from us by the foreign intruders;
  5. Right to occupy land collectively with sole rights as something irrevocable and non-transferable;
  6. Right to organize ourselves and administer our land and natural resources;
  7. Right to demand from the governments of the countries sufficient land to improve the conditions of the indigenous communities and promote their development under their own tutorship;
  8. Right to make use of the natural resources existent in the areas of the Indigenous Peoples, such as forests, rivers, ore deposits and the riches of the sea, and a right for the Indigenous Peoples to take part in the project and construction work and the use of it.
  9. Right to demand the States that such laws are passed that will be of benefit to the Indigenous Peoples, particularly for the protection of their right to land ownership, recognizing representative aboriginal organizations and their full involvement in the process of making laws;
  10. Right to secure requisite funds for the Indigenous Peoples from the individual countries to be used for agrarian and natural resources development;

11. Right to acquire a share in the funds accruing from the Member States to the United Nations, either through a project or directly, and right to exchange technical and scientific information between the indigenous populations of different countries;
12. Right to subsidies from governmental or international economic institutions through the granting of long-term credit at low interest;
13. Right to respect our indigenous culture in all its modes of expression, for the protection of which appropriate by-laws should be passed;
14. Right to an appropriate education in accordance with our culture and our traditions, without any foreign elements and within the framework of an educational system which recognizes the values of our culture and acknowledges an official status to our language at all educational levels.

The Second General Assembly of the World Council of Indigenous Peoples addresses itself to all the peoples of the world, to individuals and to nations, to the United Nations and all its agencies, and to other international organizations, with an urgent appeal that all the violent actions and measures against indigenous peoples, as related above, be immediately brought to an end.

The World Council of Indigenous Peoples requests all its members to exert strong pressure wherever possible on the agencies in their respective countries, to make those agencies co-operate with international organizations to ensure that the inhuman conditions of Aborigines is abolished.

The World Council of Indigenous Peoples urges the United Nations to establish a special fund for the support of groups or individual Aborigines, so that they may be able to bring their cases to national or international courts and that they may be able to develop their areas, economy and culture.

The World Council of Indigenous Peoples should also work for the establishment of an international university for Indigenous Peoples having its seat in, for instance, the capital of Colasuyo (Bolivia).

WCIP  
24-27 August 1977  
Kiruna, Samiland, Sweden.

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RESOLUTIONS - A (Appendices)

- A.1 THAT the World Council of Indigenous Peoples should distance itself from all ideological or religious tendencies or movements which are alien to the philosophy of the Indigenous Peoples.  
(Moved by Canada, seconded by Greenland.)
- A.2 THAT an official condemning statement is made against several international pseudo-religious and pseudo-scientific organizations, such as "Instituto Linguístico de Verano" (The Summer Institute of Language Studies), which under the pretext of aid activities blur the character of the peoples and annul our culture only to force upon us foreign patterns of culture which will serve other interests.  
(Moved by Canada, seconded by Nicaragua.)

Further be it resolved that the World Council of Indigenous Peoples give full support to the following Resolutions (appendices):

1. Resolution B.-
  - B.1 ILO Convention No. 107 and Recommendation No. 104
  - B.2 WCIP Status and Influence in the International Community
  - B.3 WCIP - representation at the United Nations.
2. Argentina
3. Australia
4. Bolivia
5. Canada
6. Chile
7. Dominique
8. Nicaragua
9. Peru
10. IUCN Recommendation No. 5 / 1975
11. United Nations Declaration on Human Environment
12. Inuit Whaling Rights



1. RESOLUTIONS - D

The Second Annual Assembly of the World Council of Indigenous Peoples having been convened at Kiruna, Samiland, Sweden, on 24-27 August 1977, and

Having discussed common concerns of Indigenous Peoples and

Having studied certain United Nations non-government organizations' agreements pertinent to protection of Indigenous Peoples' right to life, liberty and land, and

Having studied international and national organizations' agreements on the protection of Indigenous Peoples' right to their land, and

Having decided upon this adoption of certain resolutions with regard to basic human rights of Indigenous Peoples, the Conference recommends the following resolutions:

- B.1 The WCIP totally rejects the International Labour Organisation's Convention No. 107 and Recommendation No. 104, noting that said agreements did not involve Indigenous Peoples and in fact would continue oppression of Indigenous Peoples wherever concerned.
- B.2 The WCIP be totally involved at all levels when international instruments are to be drafted, agreements to be made or studies to be conducted.
- B.3 The WCIP get representation at the United Nations and that any representatives be appointed by the Indigenous Peoples themselves without any governmental or official interference (directly or indirectly).

2. ARGENTINA

The World Council of Indigenous Peoples declares that Indigenous Peoples are such population groups as we are, who from age-old time have inhabited the lands where we live, who are aware of having a character of our own, with social traditions and means of expression that are linked to the country inherited from our ancestors, with a language of our own, and having certain essential and unique characteristics which confer upon us the strong conviction of belonging to a people, who have an identity in ourselves and should be thus regarded by others.

3. AUSTRALIA

A. H.Q. Land Council

1. Recognition of the North Queensland Land Council in terms of the Woodward report and funding by the Federal Government to the level that land councils in the territory have been.
2. The Federal Government should appoint a Commission of enquiry into how aboriginal land rights could be granted in Queensland. This Commission set up under Mr. Justice Woodward in the Northern Territory.
3. The Federal Government should appoint an interim Land Commissioner to hear claims for aboriginal land. This Commissioner should have powers similar to those that Mr. Justice Woodward originally had in the Northern Territory.
4. Federal Government assistance for the setting up of land councils in Southern and Central Queensland.

5. Non-recognition of the Aboriginal and Islander Commission set up in Queensland by Djellin-Peterson and the take-over of Aboriginal and Island Affairs in Queensland by the Federal Government in accordance with the 1967 Referendum. (The Aboriginal and Islander Commission as set up in June 1977 is not a true independent Commission but a form of advisory council without statutory body status. The Commissioners were appointed and will use staff of the D.I.A. - Department of Aboriginal and Island Affairs. They will be responsible to the Minister and not to the Parliament.) This body is a ploy by the State Government to use up powers which should be in the hands of land councils and land trusts in Queensland.

B. Land rights

1. Immediate ownership of tribal land by respective tribal groups.
2. That all aboriginal reserves be handed over to the respective aboriginal groups, and that the land be effectively controlled and owned by the Aboriginals in that area under their law and customs.
3. That aboriginal lands include total right to all natural resources, and that present mining and prospecting be suspended until negotiations are held with Aboriginals.
4. That land ownership and control be legally protected and regarded as inviolable.
5. That Aboriginal people be compensated for the loss of all aboriginal designated reserves, tribal lands and other lands revoked by the Commonwealth and State Governments.
6. That before compensation is decided negotiations be held to acquire those lands plus any other lands deemed necessary by the respective aboriginal groups and tribal groups for their survival and benefits.
7. That any "Crown land" which is of traditional or sacred significance to Aboriginals be ceded to them in perpetuity.
8. That all sites of an anthropological or traditional significance to Aboriginals other than those on reserves or Crown land be opened to the use of Aboriginals without fees or constraints.
9. Substantial money should be allocated to the Aboriginals Land Fund Commission to enable land to be purchased for aboriginal communities.
10. Legislation should be enacted for all States of Australia granting land rights. Legislation should be such that the rights of land councils should be protected from encroachment by State Governments and the powers of the Northern Territory Legislative Assembly should be reduced accordingly.

C. The Queensland Aborigines and Torres Strait Islanders Act 1971

1. The Queensland Aborigines and Torres Strait Islanders Acts and their regulations and by-laws should be abolished immediately.
2. The State Department of Aboriginal and Island Advancement, Queensland should be abolished and absorbed into the Federal Department of Aboriginal Affairs. Senior officials such as Mr. P. Killoran, who have been responsible for initiating State Government policy, should be retired or placed in another Department.
3. Aboriginal and Island Affairs in Queensland should be the responsibility of the Federal Government under powers given by the Australian people in the referendum of 1967. Queensland is the only State not to hand over this responsibility.
4. Aboriginal and Island Reserves in Queensland should be self-governed by their respective councils. The councils should be able to hire and fire whatever white expertise they may want. The Federal Government should make finance available to train Aborigines and Islanders to progressively take over responsible positions on reserves.
5. Provisions of the Aborigines and Torres Strait Islanders (Queensland Discriminatory Laws) Act and the Racial Discrimination Act should be enforced.

D. National Aboriginal Congress

1. The National Aboriginal Congress should be made a statutory body immediately the ALP gains office. Its policy making power should be recognized.

E. Self-determination

1. Self-determination in all aspects of life, education, employment, health, housing and culture.
2. Aboriginal control of federal funds for aboriginal affairs.
3. A substantial increase in funding for housing, medical and legal services, education and training programmes, cultural and sporting activities.

4. BOLIVIA

The World Council of Indigenous Peoples at the Second General Assembly decides that it submit to the United Nations, and through the good offices of this organization, to the Governments of countries, having an indigenous majority, a demand that the indigenous populations, with or without ownership title, should be accorded an absolute right to the lands in order to establish, thus, legally organized communities.

5. CANADA

Whereas, "land claims" and "aboriginal rights" are the common threads which bind the Indigenous Peoples movements of the world, and

Whereas, any settlement must preserve these rights, which are ours because of our ancestry, our occupancy and use of the land, these constituting our "Aboriginal Rights", therefore

Be it resolved, that five main principles must guide our actions, those principles being

1. that the United Nations recognize that Indigenous Peoples are a distinct nation within a political State and not be referred to as "tribes" in the colonialist interpretation of the word, meaning primitive;
2. that under no circumstances should we or can we extinguish our aboriginal title to the land;
3. that the right to define what is an indigenous person be reserved for the indigenous people themselves. Under no circumstances should we let artificial definitions such as the Indian Act in Canada, the Queensland Aboriginal Act 1971 in Australia, etc. tell us who we are;
4. that under no circumstances should indigenous people be subjected to policies of integration and assimilation into the dominant group, but be guaranteed the fundamental right to pursue our own cultural, linguistic, social, political, religious and economic modes of expression;
5. that since all States are multi-ethnic in composition, we pursue a policy that is genuinely multicultural in nature to ensure that no one culture dominates the others or becomes the official culture of that State.

6. CHILE

The World Council of Indigenous Peoples wants to express, by way of this official declaration, its full solidarity with the Mapuche people in Chile. On account of the violations to and the lack of respect for their basic rights, we join with the Mapuche people in their struggle to regain those democratic freedoms which today are so widely encroached upon. It is our sincere hope that this appeal from the World Council of Indigenous Peoples shall reach the Chilean Government.

7. DOMINICA

1. The Carib Reserve Lands to be vested in the Carib Reserve Government Council.
2. The Carib chief to be the representative in the House of Parliament.
3. The Carib Reserve Land must be originated from the 1764 arrangement made by Queen Charlotte (Aboriginal Title).
4. The Carib Reserve to be a constituency by itself.

8. MICARAGUA

1. That the Government of Nicaragua should acknowledge the status of APRGHISU as a corporate body, enabling the Aborigines to work for the development of the Miskitos and Sumus peoples without being discriminated.
2. That IIFCIAC - the Institute of Industrial Forestry of Nicaragua - should respect the lands of the aborigine communities, and

that trees within the area of these communities will be used in the best interest of the aborigine population.

3. That the Miskitos and Sumus peoples should have the hunting and fishing rights within their reservation, enabling them to preserve their culture.

4. That each community which has no title to any land be given a land area with title right for its generation.

9. PERU

1. Respect of the territorial integrity, due to the different nationalities in the jungle and mountain range of Peru.

2. Respect of the political, economic and cultural rights of these nationalities.

3. That the leaders of said communities be guaranteed possibilities to pursue their political and cultural activities.

4. To issue guarantees for those commissions that investigate the crimes committed by certain Civil Service officers against the physical and cultural integrity of the indigenous populations of the jungle and mountain areas.

5. To expel the various religious "missions", such as Institute Linguístico de Verano (The Summer Institute of Language Studies), which has systematically been committing cultural genocide on the indigenous populations of the jungle, in order to complete the overriding task of imperialism to suppress our peoples.

6. That the members of the indigenous populations of the jungle be exempted from the mandatory military service.

7. That laws are passed through which the indigenous populations of the jungle and mountain areas are granted political, economic and religious autonomy.

8. Restoration of civil and syndicalistic rights throughout the country.

9. Share in the revenues emanating from the concessions on the natural resources, such as oil, timber, ore deposits etc.

10. Immediate release of peasants, workers, students and intellectuals who have been imprisoned for their political activity under the pretence of having committed common crimes.

For the successful development of the indigenous populations;

for the unity of agricultural labourers,

for the liberation of the oppressed peoples.

12. INUIT WHALING RIGHTS

WHEREAS the International Whaling Commission has attempted to enforce a subsistence whaling moratorium;

AND WHEREAS this moratorium, if enforced, would violate Inuit whaling rights in the Arctic;

AND WHEREAS the first Inuit Circumpolar Conference held in Barrow, Alaska, 15-17 June 1977 passed the resolution # 77 - 15 calling upon the International Whaling Commission to defend Inuit whaling rights to hunt whales;

AND WHEREAS the Inuit Circumpolar Conference as a member of the World Council of Indigenous Peoples requests the support of the delegates of this assembly in their struggle to retain their aboriginal whaling rights in the Arctic;

NOW THEREFORE BE IT RESOLVED THAT the World Council of Indigenous Peoples call upon the International Whaling Commission to protect and defend Inuit subsistence whaling rights;

AND THEREFORE BE IT FURTHER RESOLVED THAT the World Council of Indigenous Peoples call upon the United States Government to object to the bowhead subsistence whaling moratorium on the grounds that such a moratorium has no scientific justification and would violate an aboriginal subsistence hunting right of the Inuit;

AND BE IT FURTHER RESOLVED THAT the United States Government is called upon to enter into a co-operative bowhead stock management with the Inuit whale hunters of the Alaskan Arctic.

#### RESOLUTIONS - C

- C.1 THAT the World Council of Indigenous Peoples seek funds for a minimum time of operation of five years to include administrative costs, cost of meetings and Executive Council fund-raising purposes, and any programmes and projects the WCIP wishes to undertake.
- C.2 THAT the World Council of Indigenous Peoples leave the door open to all States and organizations for the purposes of obtaining funds.
- C.3 THAT the World Council of Indigenous Peoples requests the United Nations to develop a special budget for establishing a general headquarters and other headquarters for WCIP members.
- C.4 THAT the World Council of Indigenous Peoples continue to be headquartered in Canada, and initially in Lethbridge, Alberta; and that headquarters be moved to Ottawa, Canada, at the direction of the Executive Council of the WCIP to be located there at least until the end of the five-year funding period; and that any further move be a permanent location on indigenous land.
- C.5.1 THAT the Executive and Administrative (Secretariat) functions of the WCIP be clearly defined and reflected in the Charter, and that the Executive Council of the WCIP is the policy-making body and the Secretariat, including the office of the Chief Administrative Officer, is the administrative body which carries out the policies of the Executive Council, and that the political and administrative functions of the Executive Council and Secretariat be clearly defined.
- C.5.2 THAT the Secretariat shall assume all functions as directed by the Executive Council and shall call special General Assemblies upon receiving a petition from five (5) members.

C.6 To set up a permanent committee for the purposes of representing and defending indigenous prisoners and refugees on an individual or family basis. The members of the committee could be any member of the WCIP.

This special committee carry out the necessary study to see in what way exiles or refugees may be represented in the WCIP and that their conclusions be submitted to the Executive Council of the WCIP.

C.7 THAT the World Council of Indigenous Peoples participate in the Non-Governmental Organization conference in Geneva in September and that the WCIP appoint at least one official representative to participate and speak on behalf of the WCIP and to clarify the role and objectives of the WCIP in the international community, and that those members of regional councils who have been invited to participate, participate as members of the World Council of Indigenous Peoples to show solidarity.





Annex IV

INTERNATIONAL NGO CONFERENCE ON DISCRIMINATION AGAINST INDIGENOUS  
POPULATIONS - 1977 - IN THE AMERICAS: PROPOSALS MADE BY THE  
INDIGENOUS PARTICIPANTS

A. Draft Declaration of Principles for the Defence of the  
Indigenous Nations and Peoples of the Western Hemisphere

PREAMBLE

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Noting that the Universal Declaration of Human Rights and related international covenants have the individual as their primary concern, and

Recognizing that individuals are the foundation of cultures, societies, and nations, and

Whereas, it is a fundamental right of any individual to practise and perpetuate the cultures, societies and nations into which they are born, and

Recognizing that conditions are imposed upon peoples that suppress, deny, or destroy the cultures, societies, or nations in which they believe or of which they are members,

Be it affirmed, that,

1. RECOGNITION OF INDIGENOUS NATIONS

Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely:

- (a) Having a permanent population
- (b) Having a defined territory
- (c) Having a government
- (d) Having the ability to enter into relations with other States.

2. SUBJECTS OF INTERNATIONAL LAW

Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity.

3. GUARANTEE OF RIGHTS

No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reason that the nation or group has not entered into recorded treaties or agreements with any State.

4. ACCORDANCE OF INDEPENDENCE

Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law.

5. TREATIES AND AGREEMENTS

Treaties and other agreements entered into by indigenous nations or groups with other States, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other States.

6. ABROGATION OF TREATIES AND OTHER RIGHTS

Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal law of any State serve as a defence to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any State refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the State asserting that such change has occurred.

7. JURISDICTION

No State shall assert or claim or exercise any right of jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely made with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any State which derogate from the indigenous nations' or groups' right to exercise self-determination shall be the proper concern of existing international bodies.

8. CLAIMS TO TERRITORY

No State shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cession freely made.

9. SETTLEMENT OF DISPUTES

All States in the Western Hemisphere shall establish through negotiation or other appropriate means a procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned, shall be ended, and new procedures shall be instituted consistent with this Declaration.

10. NATIONAL AND CULTURAL INTEGRITY

It shall be unlawful for any State to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to, the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries.

## 11. ENVIRONMENTAL PROTECTION

It shall be unlawful for any State to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resource or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group.

## 12. INDIGENOUS MEMBERSHIP

No State, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership.

## 13. CONCLUSION

All of the rights and obligations declared herein shall be in addition to all rights and obligations existing under international law.

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### B. Recommendations of the Representatives of the Six Nations

The following recommendations are submitted to the Legal Commission by the representatives of the Hau de no sau nee. (The Six Nations Iroquois Confederacy) on behalf of our people and the future generations:

1. The assistance of the NGO's to have our voice heard and our case stated in the international community. This assistance can be provided in the form of individual NGO's committing themselves to aid us in attaining full and formal recognition in the United Nations as the true nations of the Western Hemisphere.
2. The assistance in the recovery of our aboriginal land bases for the purpose of securing sufficient territories for the continuance of our cultures, societies and nations.
3. Positive action on the part of all NGO's to assist us in promoting the protection and continuance of all things in the natural world.
4. NGO assistance in bringing about clear and true understanding about the real nature of our continuing sovereignty and world view.
5. Finally, in respect to the messages delivered here by all of the indigenous peoples on behalf of their peoples, their struggles, and their homelands, we wish to strongly emphasize that the oppressors occupying our lands will be awaiting our return. For many of us, return to our lands and the future awaiting us is very unclear. We feel that some may be imprisoned, others assassinated, still others may be forced into exile. We call upon you, as fellow human beings, to continue the concern and sincerity you have expressed in the past few days. We call upon you to carry this concern to our various lands, to help ensure that the leaders or the participants (people) are not molested or caused any harm or hardships because we have come here to speak the truth about the realities of our lives.

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C. Recommendations of the Representatives of the Lakota Nation

The Lakota Nation recommends the following actions for non-governmental organizations and the international community on behalf of the Indigenous Peoples of the Americas:-

1. A hearing before the Committee on Decolonization on:-
  - (a) Legal Status of American Indians under international law.
  - (b) Violations of United Nations covenants and agreements.
  - (c) Treaty recognition by the United Nations.
  - (d) Land reform, autonomy and increased land base.
2. Censure by the non-governmental organizations for violations of the 1948 Genocide Convention by member nations of the United Nations. Pressure to be brought upon the United States of America to ratify the 1948 Genocide Convention.
3. Recognition by individual nations of the multi-national 1868 Fort Laramie Treaty with the United States of America as a valid international document.
4. This Conference has proved to the world the need for the United Nations to convene an international convention on the same issues in the year 1978.

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D. Proposals submitted by the Liberation Front of Tahuantinsuyo

1. Support should be given to the struggle of the indigenous peoples of South America to rebuild the nation of Tahuantinsuyo, with its own territory, population and government.
2. The United Nations should admit a representative of Tahuantinsuyo to submit this question to the United Nations Organization.
3. There should be an international agreement for the establishment of an international university for the Indian peoples, with its main centre at Kollasuyo (Bolivia).
4. The continent of the Western Hemisphere should be correctly named ABYA-YAIA, instead of receiving through the invaders the false name of America.
5. The invasion of racist white men from Rhodesia and other countries should be condemned and terminated in the territory of Kollasuyo (Bolivia).
6. 12 October should be recognized as a day of international mourning commemorating the exhumations, robberies and slave trading practised over a period of 500 years, for which compensation is demanded.
7. 15 November should be recognized as the "International Day of the Indian Peoples", commemorating the sadistic and ferocious quartering by 4 horses of Julian Apaza Tupae Kotari.

Annex V

First Congress of India Movements of South America

Resolutions

COMMISSION ON INDIANIST IDEOLOGY AND PHILOSOPHY

CONSIDERING THAT:

the cosmic thought of life and of the world that surrounds us is the very basis to understanding the INDIANIST IDEOLOGY, which means: order in constant movement and the harmonious succession of opposites that complement one another;

the INDIANIST IDEOLOGY as the thought of the Indian himself, of nature and of the universe, is the search, the encounter and the identification with our glorious past as the basis for taking the decision of the destiny of the Indian peoples into our hands;

INDIANISM nourishes itself in the collectivist or communalistic conception of our Tawantinsuyana civilization based on the philosophy of equalitarian social welfare;

the Indian scientific conception defines Man as an integral part of the cosmos and the balancing factor between nature and the universe since the development of a creative life on earth depends on Man;

WE THEREFORE DEFINE OURSELVES AS FOLLOWS:

1. We, the autochtone peoples of this continent, call ourselves "Indians" because for centuries we were subjugated under this name and it is with this name that we will liberate ourselves. TO BE INDIAN IS OUR PRIDE and INDIANISM protects the Indian as author and protagonist of his own destiny. For this reason it is our flag of struggle and our slogan of continental liberation.
2. We the INDIAN PEOPLES are descendants of the first populations of this continent: we have a common history, an ethnic personality of our own, a cosmic conception of life, and as inheritors of a thousand year old culture, after almost 500 years of separation, we are newly united in order to be the vanguard of our total liberation from western colonialism.
3. We reaffirm INDIANISM as the central position of our ideology, as its vitalistic philosophy advocates the self-determination, autonomy and socio-economic-political self management of our peoples and because it is the only living alternative for today's world in its total state of moral, economic, social and political crisis.
4. We reject INDIGENISM because it corresponds to the ideology of oppression, since from its very origin it has served the racist interests of the governing (the State), the missions (religion) and anthropology (the social sciences).

5. We claim COMMUNALISM, the guiding principle of our ancestors, which is expressed in the "ayni", the "mink'a" and the "camayaji", the "yanapacu" and other collectivist forms which were practiced on the entire continent and expressed in the principles of justice of "ama suwa, ama llulla and ama qhella". These rules of conduct are completely different from and came before the capitalism and socialism of the West.

6. We refuse the POLITICAL TENDENCIES copied from Europe, as none of them have the intention of liberating us. The RIGHT WING in its different expressions is the oppressor of the Indian, and the LEFT WING in its different factions divides our peoples into antagonistic SOCIAL CLASSES. Both are a creation of the same dominating caste which hates the Indian.

7. We reject RACISM because its theory of the biological and permanent superiority of one human race over another is not proven and was the pretext used by the European invaders, and is still used by their descendants today, for exterminating us physically and as a people. WE ARE NOT RACISTS because we have never claimed TO BE SUPERIOR and we have never accepted TO BE INFERIOR to any people on earth.

8. We stand up, in memory of our Indian martyrs, to TAKE THE OATH

to restore our cities of stone,

to take back our political destiny,

to revindicate our historical personality,

to revive our centuries-old culture.

We proclaim our pride to be INDIAN PEOPLE.

Ollantaytambo, 2 March 1980

POLITICAL AND ECONOMIC COMMISSION

I. INDIANIST AND WESTERN POLITICS

CONSIDERING THAT:

politics is the science and art of governing people and administering their institutions and natural resources for the benefit of those governed;

our grandfathers, experts in political science, governed the confederations of brother nations fairly and administered vast territories where no one robbed (exploited), no one lied, no one was lazy, everyone worked, no one begged and no one died of hunger;

the West (Europe) and the Europeanized Governments of these South American republics have tried and failed all the political strategies, but in spite of their incapacity to find concrete solutions, they still have the shamelessness to claim the right to command the destiny of the people;

Europe imposed on this Indian continent the system of private property, a religion of metaphysical values, social and racial discrimination, and a horrible anarchic society of antagonistic classes; in other words, committed a crime injurious to the physical integrity of our peoples;

WE RESOLVE:

1. To mobilize all the Indian nations in order to take a stand in the struggle against the West.
2. To reject the inhuman domination of the West, which since the European invasion of 1492 has imposed the cross and the sword and has only practiced robbery and treason, sown poverty, hunger and death besides the other wrongs committed against our peoples.
3. To proclaim before the world that the time has come to completely recuperate our territories, to re-establish on them our Indian councils and governments, to revindicate the memory of our heroes, to revitalize the Ayullu, the Calpulli and our own other forms of organization; that is to say the time of the Indian has come and it is the beginning of the end for the West in these lands.

II. TACTICS AND STRATEGIES

CONSIDERING THAT:

the war of political liberation, the recuperation of our historical personality and the revival of the values of our ancestral cultures will be a long and difficult process;

many peoples in the world who were put down by the European colonialists have freed themselves and are now masters of their own destiny; these are moving acts that justify the struggle for our own liberation;

the Indian people will win with their own tactics and strategies, and not by formulas dictated by Europe;

WE RESOLVE:

1. To allow each Indian nation to adopt its own tactics and strategies, allowing for two possibilities in accordance with the social, economic and political imperatives of the different countries:

(a) When the Indian population is in the majority in any country, their immediate goal will be the takeover of political power,

(b) When the Indian population is in the minority it will reserve for itself the right to decide its immediate action together with the leadership of other popular movements in that country, without however compromising its political autonomy and its ethno-cultural identity.

2. To urge our brothers and sisters - peasants, miners, factory workers, domestic servants, "zafreros" construction workers, students, university professors and professionals to become aware of and to join the organizations which are first and last for Indianism.

3. To denounce the paradoxical control of the Indian birth rate and the immigration plan of racist South Africans to form imperialist enclaves all over the continent; in other words, through foods and sterilizing vaccines the racist governments try to "avoid the birth of more Indians" and to release the "vital space" for their counterparts who are being expelled from Africa.

4. To demand the expulsion of evangelic sects, Catholic missions and lay groups who have been called "educators and civilizers" and serve as a spearhead for imperialist penetration into our communities.

III. GRASS ROOTS BODIES AND SUPPORT COMMISSIONS

CONSIDERING THAT:

our peoples vigorously maintain their deep ancestral roots in spite of five centuries of oppression, poverty, hunger and systematic death imposed on our lands by the West;

WE RESOLVE:

1. To once again employ the Ayullu base of social organizations with their own forms of struggle.

2. To create an International Juridic Consultant for the defence of the rights and guarantees of the autochtone peoples.

3. To re-evaluate the importance of and promote Indian medicine among our peoples.

IV. ECONOMY

CONSIDERING THAT:

our peoples practiced a scientifically planned economy, i.e. all the members of the community participated in the different sectors of production and by right



everyone received their fair portion, no one took more because no one had to have less, no one exploited, no one begged and no one died of malnutrition within our territories;

today in many areas on Earth as in ours, an unequal distribution of wealth is imposed and proportionally 15 per cent of the population monopolizes selfishly 85 per cent of the resources while 85 per cent of the population has 15 per cent of the remaining riches;

due to capitalist exploitation meant to satisfy the monstrous consumer society, some unrenewable natural resources are being exhausted;

the Earth is the Mother who provides the daily food and by means of an appropriate technology can provide sufficiently for an overpopulated and hungry world;

WE RESOLVE:

1. To let the natural right of ancestral property of the Land prevail in our favour, as we the Indians are its true heirs.
2. To promote appropriate economic activities which would allow the standard of living in our communities to be raised.
3. To demand a percental share in the income which States obtain through TOURISM, considering that its affluence results from the desire to know Indian characteristics, from the commercialization of Indian art and from visits to the archeological sites that belong to our ancestors.
4. To require that the exploitation of natural resources located on communal lands be carried out by the Indian owners themselves, be it by right of occupation or by ancestral inheritance. This also requires the revision of the laws on adjudication priorities, which for the moment only benefit the non-Indians and the transnationals.
5. To establish, on the basis of international law, the legality of a reimbursement for the damages caused by 300 years of direct exploitation and 150 years of wrongs and prejudices by Europe and the United States of America to the socio-economic-cultural interests of the Indian people.

Ollantaytambo, 2 March 1980

## CULTURAL COMMISSION

### I. INDIAN CULTURE

#### CONSIDERING THAT:

the Indian peoples of all times and in all places developed, maintained and practiced their own socio-cultural forms;

within the Indian cultural plurality, no culture was superior or inferior but on the contrary all were harmonious and complementary, given that our peoples had been organized in societies taking into account the universal harmony;

our cultures were not antagonistic or destructive, nor did they practice genocide or exclusion, as is the case for Western culture;

the European invasion and all forms of colonization have had and have an ethno-genocidal character of classic barbarism, of individualism and dehumanization;

simultaneous to the process of colonial domination imposed by the Western world, a process of resistance by the Indian cultures struggling for their full self-determination is taking place;

all of the above implies a dynamic opposition between Western model systems - in which exploiters and exploited, colonizers and colonized, discriminator and the discriminated against, etc., confront one another - and on the other hand the Indian cultures which are capable of an organization of life through authentic communities, alien to the contradictions of the first system;

#### WE RESOLVE:

1. To reject the colonialist-influenced academic classification which places the Indian people at a cultural level of barbarism whereas in Europe itself, while medieval barbarism was raging, our civilizations were flourishing in the entire American continent.

2. To urge all Indian peoples to revitalize, revive and consciously practice their own cultural values in their different forms.

### II. INDIAN VISION OF THE UNIVERSE

#### CONSIDERING THAT:

we the Indian peoples have our own vision of the universe which expresses itself in an harmonious and dialectic conception of reality; this is far from the proselytizing and oppressing forms which characterize the Western world;

we the Indians have been aggressed and forced to give up our cosmic conception, endeavouring to deprive us of our relationship with the universe and to separate us from the reality to which we belong;

WE RESOLVE:

1. To reject the aggressive intrusion of foreign religious sects in our communities, as they are meant to impose theist and metaphysical beliefs to exploit materially with the promise of future compensation after death, to alienate us and to destroy our historical, social and human personality as well as our ecology.

2. To demand that the Governments of our continent expel a number of sects and religious missions which have served as spearheads of imperialist North American penetration of our communities, for instance.

(a) The Summer Institute of Linguistics for being an instrument of Yankee imperialist penetration of the Amazon region.

(b) The evangelist missions which instead of sincerely helping, divide communities into opposing groups.

(c) The Catholic missions and other sects that operate with veiled intentions.

(d) Lay groups and volunteers of the imperialist penetration such as the Peace Corps, Friends of the Americas, etc.

III. INDIAN EDUCATION

CONSIDERING THAT:

if by education one understands the whole training of the man and the woman for the service of the community, the education imposed by the official Ministries of Education does not correspond to the character of our Indian being, nor does it take into account the basic needs of the population in general of the different countries;

official education is an instrument of domestication and depersonalization of Indian pupils, who are drawn away from the oppressive reality in which our people have to struggle;

official education serves Western models, which under the denomination of "civilization" lead to the systematic alienation of our Indian being;

the complex education system imposed in the different countries is subsidized by the scarce means of our brothers, through taxes and other contributions, while its alienating character promotes costly elements, foreign to and enemies of the Indian tax-payer himself;

WE RESOLVE:

1. To urge the heads of families to take the responsibility of the earliest part of the education of their own children, with clear consciousness of the discriminative reality in which destiny has placed them.

2. To require that elementary teaching be given in the mother-tongue, by bilingual Indian teachers, in order to avoid a psychological shock to the children. Little by little, the Indian languages will become the fundamental ones while Spanish will become a second language.
3. To denounce the fact that official education, be it public or private, is an agent of cultural alienation and domestication with a view to economic exploitation.
4. To condemn the attainment of millions in outside funding by governments and other groups engaged in education with the pretexts of "literacy, education civilization" for the Indians, even though this has never produced results.

#### IV. NATIVE LANGUAGES

##### CONSIDERING THAT:

before the European invasion in 1492, our peoples had their own languages, technically and scientifically structured, whose idomatic forms maintained the relationship with the Indian vision of the universe;

the European invasions banished our languages from their true social-political importance by the official imposition of imported neo-latin dialects;

today in the different countries of the continent a discriminatory intent towards our languages persists with serious prejudice for those who speak them; they become non-verbal simpletons vis-à-vis the self-conceit of the heirs of the colonial invaders;

despite systematic aggressions directed against them by the invaders, native languages - even though they had no written rules of grammar and are not taught in academies, have persisted as a full system of communication and transmission of culture through time and space;

##### WE RESOLVE:

1. To reject every form of ethnic aggression directed towards the destruction or distortion of the idiomatic riches of our own systems of communication.
2. To revitalize and dignify the intensive and extensive use of our languages as the natural means of communication of our thoughts and sentiments and the transmission of cultural values from one generation to the next.
3. To suggest that Indian linguists of every nationality objectively structure the writing, the phonetics, the syntax and the semantics of the languages with which our peoples communicate.
4. To require the official recognition of our native languages in order that their use gains respect and consideration on the part of the society which is discriminating against Indian culture.

V. ANTHROPONYMS, TOPONYMS AND INDIAN MONUMENTS

CONSIDERING THAT:

before the European invasion in 1492, within the lexical richness of our languages the concepts of microcosm (man) as well as macrocosm (the universe) had their own denominations;

Pizarro (the conqueror) and Valverde (the priest), prototypes of the European invasion, offered the Inca Atawallpa pardon if he would adopt the Christian name of John; having done so, he was still accused of treason;

in the name of "Christians and the civilized" the dominant caste has come imposing on us a quantity of names of "saints and tyrants" of medieval Europe, which for us have no other significance than depersonalization and unconditional submission in times of peace; this garland of European names has no real meaning for us, whereas our names spring from nature and are meant to describe the characteristics of the object or the person;

foreign names of mountains, villages, cities, rivers, squares, streets have been introduced and have completely replaced the original ones, or by the more subtle addition of "saintly" names to the Indian names. Wayrapata, for example, which in Aymara means "the heights of the soft wind", becomes "Santa Maria de los Angeles de Wayrapata" (Our Mother of the Angels of Wayrapata);

the oppressor caste of our peoples in the South American countries never cease, in their Eurocentric effort to baptize everything they find in their path with names of their so-called heroes. They do not spare efforts to build costly statues in the cities, such as the equestrian monument to Francisco Pizarro, destroyer of the Tawantinsuyo, in the Plaza de Armas in Lima, Peru;

WE RESOLVE:

1. To convince our peoples that they have the moral and material obligation to recuperate, restore and give vigor to the anthroponyms (names of persons) and toponyms (names of places), with all the depth of their meanings.
2. To stimulate our Indian historians to take the dust off the heroic actions of our peoples and discover the human values that this heroism makes evident, to liberate their people from European oppression.
3. To urge the Governments to find the means necessary to know our true history, considering that a systematic and permanent aggression can be observed against our great Indian ancestors, distorting history and intentionally minimizing the heroic emancipatory acts of our greatest men.
4. To call on the Indian painters and sculptors of different autochton nationalities of the continent to represent, on canvas or in stone, the expression of the thought and the everyday life of our peoples, as well as the spirit of the heroic resistance of five centuries to the brutal European

invasion, under the leadership of our own heroes; their monuments should be placed in important passage places. For example, TUPAK AMARU should have his monument in Cuzco (Peru), TUPAK KATARI in the Collasuyo (Bolivia), LAUTARO in Arauco (Chile), CALFUCURA in Patagonia (Argentina), etc.

#### VI. ETHNO-GENOCIDE AGAINST THE INDIAN

##### CONSIDERING THAT:

before 1492, from pole to pole and coast to coast, our continent had been populated by a Confederation of brother nations, who were physically exterminated in the mines, the Ranches and the workshops;

currently the republican Governments of the dominating caste continue with brutal forms of systematic extermination of the Indian peoples;

the racist Governments, in agreement with North American imperialism, use the most sophisticated methods of extermination of the Indian, such as poverty, malnutrition and death in inter-nation wars, massive sterilization by means of food and vaccinations provided by Caritas and other organizations, and planned immigration of South African racist settlers on Indian territories;

this aggression extends to the cultural values of our ancestors, such as the prohibition to use our languages, the alienation and sense of shame about our Indian person and place names, the prohibition of the practice of our religion and our medicine, etc.;

##### WE RESOLVE:

1. To condemn all the Governments involved in different acts against the Indian people, and specifically for genocide in the following countries:

(a) Bolivia - for the 1 November 1979 massacre of the Indians living in the marginal dwellings of different cities in the country.

(b) Brazil - for "Far West" practices in the Amazon and for treating Indians as legal minors, which diminishes their human dignity, through organisms like the FUNAI (National Foundation of the Indian).

(c) Chile - For decreeing the legal death of the Mapuche nation through Law No. 2568 of 1979, which destroys their communal life.

(d) Paraguay - for having allowed the extermination of Indian nationalities in the Chaco and particularly in the east, and for exploiting - through tourism - the Maca Indian people, intentionally placed in a reservation (anthropological park) which is next to the zoological park of the city of Asuncion.

(e) Others, like Guatemala and El Salvador in Central America, where the Human Rights and the guarantees of our peoples are constantly violated.

2. To refuse the food supplies from Caritas, the vaccines and other sterilizing drugs which bear the inscription "Aid from the People of the United States of North America", distributed by the racist South American Governments who are trying to "avoid the birth of more Indians". "Aid" from imperialists cannot be anything other than poison for the poor peoples not of their race.

## VII. RELATIONSHIP BETWEEN THE COUNTRY AND CITY

### CONSIDERING THAT:

before the arrival of the Europeans, the cities accomplished a social function of administration, exchange of products, ceremonies;

a rational policy of popular distribution was applied, avoiding deplorable marginalization;

a form of social, familiar and ecological balance was practiced between every and all geographical regions;

today, on the contrary, cities are centres of corruption for man and woman, of social and racial discrimination against the Indian, and pollution of the atmosphere harmful to the health and the ecological system;

### WE RESOLVE:

1. To ask the Governments to elaborate a rational policy for the people and to provide the necessary infrastructure, in order to guarantee the autonomous and self-managed survival of our communities, and in order to avoid the migratory wave from the country to the city.
2. To demand the Governments to respect the life and health of our people and to avoid the alteration of the ecological system caused especially by an irrational cutting of forestland, unlimited hunting of animals, by the use and abuse of chemical fertilizers in agriculture and by air contamination; the construction of the pesticide plant which stands on the Aymara Highlands (Peru/Bolivia) is a specific example.
3. To demand that the Governments decide the ways to become aware of our true history, because one can observe a systematic aggression against our Indian heroes, deforming history and intentionally minimizing the heroic actions of our ancestors.

Ollantaytambo, 2 March 1980

CONSTITUTIONAL ACT OF THE INDIAN COUNCIL OF SOUTH AMERICA

In the village of Ollantaytambo, under the jurisdiction of Cuzco, Peru, seat of the First Congress of Indian Movements of South America, at eight in the evening, on 3 March 1980, after the plenary sessions were over and the resolutions of the different commissions had been heard, it was decided that the central aim of the Congress was the creation of an INDIAN COUNCIL OF SOUTH AMERICA, whose headquarters was to be changed every two years, by rotation between the different countries.

The first Council is to have its headquarters in La Paz, Bolivia, the capital of the Aymara nation Chukiyawu-Kollasuyo, from 1980 to 1982.

It will be composed of two representatives of each member country, one regular and one alternate, whose functions will last two years.

In a room set apart exclusively for this use, the full delegation of each country met to deliberate and designate their representatives to the new Council.

The Council shall be the official voice of all the Indian people of South America, their guide and their defender.

It was authorized to draw up the statutes, taking into consideration the suggestions presented and to programme immediate and long term work activities.

Argentina provisionally designates its regular and alternate delegates until the Indigenous Association of the Argentinian Republic officially announces its decision.

The delegates from Paraguay (Severo Flores and Alberto Escobar) abstain from participating in the Council until their organizations have pronounced themselves.

Upon suggestion of the members of the Council, it was proposed to the Assembly of Delegates that their brother Nilo Cayuqueo Mapuche from Argentina, who has resigned from his post as General Co-Ordinator for South America of the World Council of Indigenous Peoples, be elected as General Assessor of the newly formed Council, this motion being unanimously approved except for the abstention of the delegation of the IARA of Argentina.

The Council shall be integrated with the World Council of Indigenous People.

The Council is formed by the following delegates in charge and alternates:

...

After entering into their functions, the delegates met in order to designate the following Executive Council of the Indian Council of South America.

...

A solemn ceremony took place, during which oath was taken, and the posts of the new Directive of the EXECUTIVE COUNCIL were confirmed by signature of the representatives of the different nations present.



THE ICSA IN THE INTERNATIONAL BODIES AND THE UNITED NATIONS

RESOLUTION

1. Considering that the participation of our organizations in international forums is of major importance in order to obtain economic and political support for our cause through the diffusion and the exchange of information with the world, and in relation to the international legislation which refers to our peoples, we refer, in the present RESOLUTION, to Convention No. 107, CONCERNING THE PROTECTION AND INTEGRATION OF INDIGENOUS AND OTHER TRIBAL AND SEMI-TRIBAL POPULATIONS IN INDEPENDENT COUNTRIES. (International Labour Conference Acts, 40th Session, Geneva, 1958).

2. We believe that this Convention, elaborated by oppressive governments, was meant to legalize the colonial oppression of the Indian peoples, given the following facts:

(a) It was made by Governments without the participation of representatives of the Indian peoples,

(b) It does not consider in its articles the right to self-determination,

(c) It seeks integration and assimilation, with total lack of respect for the dignity of every people and its right to freedom,

(d) Its aim is the destruction of our culture, of our traditions and of our languages,

(e) The mentioned Convention is contradictory in its different articles, allowing for wide interpretations and vague definitions.

3. We would like to make a few comments concerning this Convention, through the following examples:

(a) Article 2, paragraph 3 states that "The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative". The article pretends to encourage dignity, as if the Indian people were lacking in dignity; it pretends to promote social usefulness, as if our people had no social organization to dignify them; and finally it seeks to promote the individual, which is contrary to the communal spirit of our peoples.

(b) Article 4, paragraph (b) speaks of, "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;" This article seems to us extremely contradictory, in the sense that on the one hand it speaks about the danger of interfering with the values of our peoples, but on the other it allows their replacement by other values which correspond to the culture of the oppressor.

(c) Article 7, paragraph 2 states, "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".

We feel that this article clarifies perfectly the spirit of Convention 107, because the legislation imposed by the colonizers does not contemplate the right to maintain one's customs and institutions and the objectives of the integration programmes are the destruction and the death of the Indian peoples.

(d) Article 23, paragraph 2 states, "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". This article is a death sentence for our languages, fostering forced acculturation by imposing the language of the colonizer as another form of domination.

(e) Article 24, paragraph 1 states, "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".

This article, as all the others, shows the evident intention of bringing about, at all costs, the disappearance of our peoples, by destroying the minds of our children, by disuniting our families and thereby the total community.

4. The articles quoted show clearly the objectives of this Convention, and we therefore reject it and consider it to be anti-Indian. We call upon the United Nations to elaborate a new law which takes into account our legitimate rights, with the full participation of our representatives.

Annex VI

SEMINAR ON HUMAN RIGHTS IN THE RURAL AREAS OF THE  
ANDEAN REGION

CONCLUSIONS AND RECOMMENDATIONS REGARDING THE  
RIGHTS OF INDIGENOUS PEOPLE /

22. In all the countries of the region, most of the universally declared human rights are not observed in practice. This is no accident since in every case state policies, which reflect the pattern of internal domination, are shaped according to the strategic policy of foreign interests. Some powers proclaim their unreserved support for human rights but, in practice encourage at best the ambiguous, selective and contradictory implementation of the recommended policy.

23. Further, there is evidence of the existence of programmes of integration aimed at the more or less rapid disintegration of the aboriginal cultures.

24. The findings set out below emerge from concrete examination of the situations existing in the countries of the Andean region:

(a) The right of the indigenous peoples to the inviolability both of the lands they have been farming since time immemorial and of the historically generated forms of tenure is neither duly guaranteed nor properly observed. In some countries, the theft of the land is accomplished by means of legal instruments furnished by governments, in which the land-owners still have considerable influence.

(b) Freedom of association and the right to form trade unions, which are guaranteed by various international instruments on human rights, do not exist in practice. The harassment and repression to which leaders and representatives are subjected, the administrative barriers that exist in law or in practice in our countries, the spurious politico-legal refusal to recognize indigenous organizations and communities which question in practice the agrarian policy of the States constitute, together with many other facts, the clearest proof of this statement.

(c) The right to education is not duly guaranteed. States frequently ignore the indigenous educational processes and try, in many cases deliberately, to subordinate them and to replace them by alien and alienating cultural patterns. The educational infrastructure is weak and inadequate and the general direction of educational policies does not reflect a correct understanding of the true interests and needs of the indigenous peoples.

(d) The right to health and social security is likewise not effectively enjoyed by the indigenous and rural peoples in our countries. Health policies suffer from the hazards of insufficient physical resources and even more from the institutional and moral weaknesses of the bureaucracies responsible for putting them into effect. The social security systems set up or recognized by the States

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/ Text taken from Derechos Humanos en las Zonas Rurales - Reforma agraria - campesinos. Seminar organized by the International Commission of Jurists and the Consejo Latinoamericano de Derecho y Desarrollo, Bogotá, Colombia, September 1979. December 1979, pages 288-295.

in the majority of our countries provide scant coverage and the dynamics of their machinery inevitably encourages manipulation by the social and political sectors with access to power. Moreover, state health policies, guided by the pharmaceutical industry, not only refuse to recognize but also attach the therapeutic and medicinal methods developed by the indigenous peoples themselves.

(e) There has been a tendency to confuse the full and complete enjoyment of political rights with what is a single aspect: votes for the illiterate. Thus, political spokesmen in countries which give the vote to the illiterate cite it as an example of full political rights, whereas it is well-known, notorious and historically demonstrable that this political right too can provide a suitable background for the political and group manipulation practised in some Andean countries.

(f) It has also been found that in most Andean nations the cultural forms of the indigenous peoples are not fully respected, constant efforts being made to bring about their forced cultural and ideological integration in keeping with so-called "national" or "Western" cultural patterns. In some cases, laws officially recognizing a particular indigenous language have even been repealed. In addition, efforts are made to integrate the indigenous and rural peoples into legal systems and orders historically and culturally alien to them. In very many cases indigenous individuals and groups have been punished under legal rules found only in state legislation, thereby preventing the application of rules known and applied by the indigenous peoples over the centuries.

(g) There can be no question in this day and age of denying the imposition of policies of forced "integration" embodied in strategies for the liquidation of the indigenous peoples, such as colonization policies and so-called "civic" and "communal action". This is attested to not only by the cases in which peasants' action groups are harshly suppressed by state agencies and military forces, acting in complicity with those who have profited from the oppression of the indigenous peoples over the ages, but also by the gradual recovery of the best lands which the indigenous people have been farming since time immemorial, by local magnates and bosses with the support of the government. The same policy is also expressed in the forced and repeated application of birth control methods and strategies that are alien to those historically practised by the indigenous peoples, and which are obviously applied against the will, and without the knowledge of the thousands of women on whom operations are performed for the purpose of inserting contraceptives.

(h) The seminar noted with great concern the growing and negative influence which certain genuinely or apparently religious bodies that seek to involve themselves closely in the indigenous people's way of life exert by reason of the orientation of their activities, their financial resources and the direct or indirect support of the State. Indigenous children are customarily separated from their parents, from their daily life and from the production process, and efforts are made to teach them to despise their own culture and language and to make them lose their cultural identity through the imposition of so-called Western culture.

(i) In most of the Andean countries, the implementation of certain programmes inherent in their agrarian reform policies has entailed increasing and excessive State intervention in the management of the internal affairs of the organizations representing the indigenous peoples, contrary to their wishes.

(j) The programmes being undertaken by transnational and national enterprises to exploit the natural resources of the forest areas of several Andean countries, are being carried out with a total lack of that respect for the ecological balance to which the natural forest dwellers have a right. As a result, the already weakened economies of these peoples are further undermined by the fact that they are increasingly unable to count on a suitable environment for the development of their customary activities. States, in their turn, have shown themselves completely incapable of requiring the enterprises profiting from these operations to make the investment necessary to prevent substantial damage to the indigenous peoples.

(k) The present agrarian policies of States have proved particularly undesirable for the indigenous peoples in the matter of credit and technical assistance. As in the case of other economic facts of life, agricultural credit is of benefit solely to those farmers whose property is large enough to meet the traditional requirements of a "bank guarantee".

## 25. RECOMMENDATIONS

(a) Full and complete enjoyment of human rights depends basically on two factors:

(i) The capacity of the indigenous people themselves to assert their claims. Human rights are the outcome of the conquests made by the oppressed in the face of the oppressors, rather than unilateral concessions.

(ii) The effective participation of the indigenous peoples, through their representatives, in national governments, for which access of the oppressed to the exercise of power is an indispensable requirement. The political rights of the indigenous peoples are basic to the effective enjoyment of other human rights and involve not only concessions of this kind but also direct participation in the political power of the State. It should, however, be noted that the activities of international bodies concerned with the protection of human rights deserve close attention not only because they have demonstrated their practical effectiveness in publicizing violations of human rights but also because they provide suitable channels for the systematic dissemination of universal rights.

(b) Effective measures should be adopted to guarantee the right of association, the right to form trade unions and the right of indigenous peoples to form their own organizations. These guarantees should provide not only for effective recognition of such rights but also for the creation and development of the necessary administrative machinery.

(c) Modifications should be introduced into national educational systems with a view to placing education at the immediate service of the interests and needs of the indigenous peoples, thus rooting out concepts and procedures whose two-fold object is the "integration" of indigenous peoples into Western culture and the extinction of their traditional forms of culture. In this connection, the indigenous peoples should play their proper part in the educational processes as regards both teaching and language, and also the preparation of materials, curricula and syllabuses and the creation and running of educational establishments.

(d) Greater public investment is required with a view to the extension and radical reform of national social security systems as an essential, but not the only, step towards the access of indigenous peoples to these systems. The supervision and management of these systems should, at the same time, be made the responsibility of the beneficiaries themselves rather than of public agencies characterized by frequent political manipulation.

(e) International bodies concerned with the protection and promotion of human rights should provide national governments with documentation establishing the danger of organizations and sects which, using religious missionary work as a pretext, seek in the last analysis to destroy the indigenous peoples' awareness and perception of their concrete and historic needs and interests.

(f) The seminar, having considered the reports of participants from several of the Andean countries, notes with concern that in a number of countries armed repression and accusations of subversion are the response to calls for the satisfaction of the fair and just demands of the rural peoples to them.

Government policies of intervention in the organization and development of indigenous peoples should be abandoned immediately and their autonomy recognized, as well as their capacity to involve themselves in economic processes in such manner as they themselves perceive as appropriate to their interests and needs.

(g) International instruments relating to human rights should be widely disseminated so as to provide the oppressed sectors of society with a weapon with which to confront the dominant sectors and institutions, with methods and procedures that will give real encouragement in the struggles being waged in the Andean countries.

(h) Bearing in mind the coexistence of a national legal order and the informal legal orders that govern the life of the indigenous peoples, it is recommended:

- (i) That the indigenous legal orders should be respected and that the existence of legal pluralism should be accepted;
- (ii) That the limits of such legal pluralism should be defined, that the cultural areas into which the national legal system must not intrude should be defined and that those matters which must inevitably continue to be governed by the national legal order, inasmuch as they refer to the observance of values and human rights deemed to be fundamental and indispensable, should be laid down;
- (iii) That the use by the indigenous peoples of the national legal order and the speedy administration of justice on terms of equality should be facilitated with a view to the protection of their rights and freedoms and without prejudice to respect for their own legal forms. To this end, the principles of the national legal order should be made known, appropriate legal assistance should be provided and economic and procedural measures should be adopted to ensure that the right to use such assistance is real rather than simply formal.

(i) The necessary machinery and procedures should be set up and consolidated with a view to the institutional co-ordination of efforts to implement human rights in our countries, this seminar being a suitable opportunity for taking the first steps. It is also recommended that meetings be held at which representatives of the indigenous peoples should participate directly in formulating general and specific conclusions concerning their respective problems.

(j) Pressure should be brought to bear on the various national governments to encourage them to limit and control the operations of transnational and national enterprises in so far as these affect the cultural, socio-economic and sociological patterns of life of indigenous peoples.

(k) States should invest more, with a view to ensuring wider access to farm credit to improve the standard of living of indigenous peoples and an effective technical assistance contribution appropriate to their interests and needs, since the mere distribution of land (an objective often proclaimed but one that all countries in the region are far from effectively and fully attaining) does not ensure the well-being of the rural and indigenous sectors.

26. These conclusions and recommendations are not addressed solely or mainly to the governments and authorities on which the implementation of concrete human rights policies depends. The greater their impact on the social classes and sectors on whose struggles and achievements social progress and its inevitable corollary, the practical and complete enjoyment of human rights, ultimately depend, the more effective these will be.





Annex VII

FOURTH RUSSELL TRIBUNAL ON THE RIGHTS OF THE INDIANS  
OF THE AMERICAS /

IV. RECOMMENDATIONS

I. The Indian peoples of the Americas must be recognized according to their own understanding of themselves, rather than being defined by the perception of the value-systems of alien dominant societies.

II. The States of the Americas, in any dispute about the infringement or violation of the autonomous and cultural rights of the Indian peoples must engage in good faith negotiation to seek a peaceful settlement of the dispute; must refrain from taking recourse to any procedure which is not mutually agreed upon.

III. "Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may municipal law of any state serve as a defence to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred." (N.G.O. conference on discrimination against indigenous populations, Geneva, 1977).

IV. States must prohibit all action or course of conduct with respect to an indigenous nation or group, or in relation to the territories of an indigenous nation or group, which will result in the destruction, disintegration or deterioration of such nation or group or otherwise threaten the national or cultural integrity of the nation or group.

V. American States must immediately bring a halt to the gross and continuous violations of the rules and principles recognized under international law. States should implement measures to prevent further violations of the basic human rights and fundamental freedoms of the Indian peoples. Those existing national laws which forcefully assimilate indigenous peoples against their will and violate their basic rights as defined by international standards should be annulled.

B. OTHER

I. The Fourth Russell Tribunal on the rights of Indians recommends that the above findings of the gross and continuous violations of Human Rights be transmitted to the Commission of Human Rights of the United Nations, to the Inter-American Commission on Human Rights and in the relevant cases to the International Labour Organisation, and other appropriate bodies.

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/ Text taken from the Report of the Fourth Russell Tribunal on the Rights of the Indians of the Americas, Volume I: Conclusions (Corrected copy), Rotterdam, The Netherlands, November 1980, pages 43 to 46. (English version).

II. The international, multinational and intergovernmental Banks (World Bank, Inter-American Bank of Development), as well as the International Monetary Fund must change their policy in order to avoid the extremely grave consequences caused by the abuse of financial development funds. Projects must be avoided which will cause serious harm to members of the indigenous Indian people. Before funding projects these banks must ascertain whether they are a party to these serious violations of human rights.

III.

(a) All religious groups must recognize the sacred nature of land to Indian people and its necessity for their spiritual and physical survival.

(b) Until native groups are free to determine their own destiny, efforts of religious conversion should be halted in order to avoid becoming a party to ethnocide and the denial of religious freedom.

(c) The Declarations of the Pope, made in Manaus, Brazil, giving full recognition to the nation-status of indigenous peoples, should be put into effect by the Roman Catholic church everywhere.

IV. The ILO should be informed of the constant infringements of the rights of the indigenous peoples of the Americas to work (and for proper payment), to dispose freely of their means of subsistence, to associate - in whatever form they want - and to choose their representatives and leaders without them having to fear for the lives of their families and themselves.

V. The Commission of Human Rights is requested under ECOSOC Resolution 1503 (XLVIII) to investigate the gross and continuous violations of human rights inflicted upon the indigenous peoples of the Americas. The ECOSOC and the International Court of Justice should provide remedies for the indigenous people that are not provided for in the courts of national states.

C.

I. Members of the Organization of the American States should take immediate action to halt the practices of the governments of Bolivia and Guatemala. The organized massacres and the most flagrant and inhuman treatment of the indigenous people of Guatemala as reported by Amnesty International are fully supported by the evidence that has been presented through the Tribunal.

II. The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities of the Commission of Human Rights is requested to set up a permanent committee for the effective and continuous protection of the rights of indigenous people. Indigenous people should have the right to communicate with this committee and a fund should be established to provide assistance to such groups for the purpose of these communications.

III. Teachers and educators in the Americas are called upon to live up to their professional responsibilities to bring to an end the anti-Indian character of instruction in the schools attended by Indian children.

IV. Sterilization campaigns directed against the indigenous populations must stop. Agencies are to halt involuntary sterilization.

V. The high infant mortality rates found among native people should be corrected by ending enforced poverty and by providing the means for native people to have potable water and other basic essentials of public health.

VI. All American States must ratify the American Convention on Human Rights.

#### V. FINAL STATEMENT

The Fourth Russell Tribunal is not a formal court of law and does not have the power to enforce its decisions. This weakness however at the same time constitutes its strength. Not being able to impose sanctions, it appeals to human conscience and human reason alone.

The Tribunal asserts its moral right to demand that governments and international organizations comply with accepted norms relating to human rights in general as well as to the specific rights of the Native Peoples of the Americas. It also communicates factual information which can contribute to the radical improvement of the juridical means for the protection of these rights.

The Tribunal recognizes that the continuing struggle of the Indian Peoples of the Americas will be the indispensable condition for the achievement of these ends.

The Tribunal regrets that the governments and organizations accused have not responded to the invitation to provide a defense to the charges made. Their silence is eloquent.

< The Tribunal wants to influence world-wide opinion and to destroy the widespread but false image of the Indians, created by racism and hostility. It wishes further to draw public attention to the extreme persecution suffered by the Indians and to the numerous violations of their rights. Moreover, it wishes to give emphasis to the heroic resistance of the Indians to continuous acts of humiliation, exploitation and aggression.

The Tribunal hopes that its recommendations will be put into effect by the relevant governments and international organizations. Finally, we give voice to the hope that this work will constitute a real step forward in the endless struggle to realise human dignity.

